

**BEFORE THE INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA**

FILED
THOMAS D. HALL

2008 JUL -7 P 4:40

INQUIRY CONCERNING A JUDGE, NO. 07-540
RE: GEORGE W. MAXWELL III

SC08-1285
CLERK, SUPREME COURT

BY _____

NOTICE OF FORMAL CHARGES

TO: Honorable George W. Maxwell III
Moore Justice Center
2825 Judge Fran Jamieson Way
Viera, Florida 32940-8006

YOU ARE HEREBY NOTIFIED that the Investigative Panel of the Florida Judicial Qualifications Commission, by a vote of the majority of its members, pursuant to Rule 6(f) of the Rules of the Florida Judicial Qualifications Commission and Article V, Section 12(b) of the Constitution of the State of Florida, finds that probable cause exists for formal proceedings to be instituted against you. Probable cause exists on the following formal charges:

1. On October 28, 2007 at 11:08 a.m. the Brevard County Sheriff's Office responded to a Battery complaint at the residence of Paul and Margery Rabensky. It was determined that Margery Rabensky had committed Domestic Violence Battery, and she was charged, arrested, and transported to the Brevard County Jail. State of Florida v. Rebensky, Brevard County Case # 05-2007-MM-63252-A.

2. On that same date an attorney with whom you had previously were affiliated in private practice and with whom you appeared upon the firm's letterhead, called you at your residence and requested your assistance in securing the release of Mrs. Rabensky, who you knew to be his sister. This was done despite the fact that the case was not regularly assigned to you.
3. In response to that request, you contacted the Brevard County Sheriff's Office and authorized Margery Rabensky's release to the Pretrial Release Program without the benefit of a first appearance, notwithstanding the fact that Mrs. Rabensky was serving a sentence of five (5) years probation for the offence of Obtaining Controlled Substances by Fraud, thus making her ineligible for the Pretrial Release Program.

These acts, if they occurred as alleged, violated the Code of Judicial Conduct as follows: Canon 1 (impairing the confidence of the citizens of the state in the integrity of the judicial system and in you as a judge); Canon 2A (respect of and compliance with the law); 3B (4) (patience, dignity and courtesy in dealing with litigants and lawyers in your official capacity); 3B (7) (according all parties the right to be heard).

The foregoing conduct, if proven as alleged, would constitute conduct unbecoming a member of the judiciary; and would warrant discipline, including but not limited to reprimand, fine, suspension with or without pay, lawyer discipline or your removal from your judicial office.

You are hereby notified of your right to file a written answer to these charges within twenty (20) days of service of this notice upon you. The original of your response and all subsequent pleadings must be filed with the Clerk of the Florida Supreme Court, in accordance with the Court's requirements. Copies of your response should be served on the undersigned Associate General Counsel, for the Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, FL 32303 and John R. Beranek, Counsel for the Hearing Panel, Post Office Box 391, Tallahassee, FL 32302.

Respectfully Submitted,



Michael L. Schneider
Associate General Counsel
(850) 488-1581
Judicial Qualifications Commission
Florida Bar No. 525049
1110 Thomasville Road
Tallahassee, Florida 32303

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Amended Notice of Formal Charges has been furnished by U.S. mail to the Honorable George W. Maxwell, III, by service to his Attorney, Richard C. McFarlain, 305 S. Gadsden Street, Tallahassee, Florida 32301-1811, this 21 day of May, 2008.



Michael L. Schneider
Associate General Counsel