

Michael Schneider
General Counsel – Florida Judicial Qualifications Commission

Alex Williams
Assistant General Counsel – Florida Judicial Qualifications Commission

Post Office Box 14106
Tallahassee, Florida 32317

Dear Mr. Schneider & Mr. Williams:

As you know – VolusiaExposed.Com has recently developed an interest in the functionality of the Judicial Qualifications Commission (JQC).

We (VolusiaExposed.Com) anticipate publishing an article challenging the veracity and transparency of the current JQC investigative process.

Our focus will be on the current “confidentiality” of JQC complaints - that never rise to the level of a “formal” complaint / charges being filed to the Florida Supreme Court.

We do fully understand that the Florida State Constitution (Article V Section 12 – see below reference) states that no complaint against a judge will be open to the public’s inspection absent formal charges being filed by the JQC.

Our concern is the appearance that the JQC has in the past - taken “corrective actions” against judicial misconduct – without the filing of formal charges – thus insulating the offending judge’s misconduct from the public record – and the watchful eye of public opinion.

We allege that such manipulates both the JQC process - and the intent of the Florida State Constitution – leaving the validity of the JQC to be called into question.

Last year (2016) the citizens of the State of Georgia lost their faith in the validity of their JQC – and voted last November (2016) to replace the constitutional JQC. The measure passed.
[https://ballotpedia.org/Georgia Replacement of the Judicial Qualifications Commission, Amendment 3 \(2016\)](https://ballotpedia.org/Georgia_Replacement_of_the_Judicial_Qualifications_Commission,_Amendment_3_(2016))

<http://www.gajqc.com>

The following question appeared on the Georgia ballot:

“Shall the Constitution of Georgia be amended so as to abolish the existing Judicial Qualifications Commission; require the General Assembly to create and provide by general law for the composition, manner of appointment, and governance of a new Judicial Qualifications Commission, with such commission having the power to discipline, remove, and cause involuntary retirement of judges; require the Judicial Qualifications Commission to have procedures that provide for due process of law and review by the Supreme Court of its advisory opinions; and allow the Judicial Qualifications Commission to be open to the public in some manner?”

We too - STRONGLY believe - that Florida's JQC needs to be "open to the public". Frankly - we have NO problem with JQC complaints being confidential while they are under investigation. However, we also believe that like in Georgia (see attached pdf page from Georgia JQC) a JQC complaint should become public information - upon the filing of formal charges OR - and here is the difference between Florida and Georgia - when "the complaint in question is otherwise resolved or closed".

Florida's JQC should not be able to assist in the hiding of judicial misconduct simply by not filing "formal" charges - while taking solace in the fact - that they (JQC) some how corrected the misconduct under the cloak of confidentiality and informal corrective action.

Should our understanding of the Florida JQC process be incorrect - we welcome any clarifications your office can provide.

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Florida Constitution - ARTICLE V Section 12

(4) The commission shall adopt rules regulating its proceedings, the filling of vacancies by the appointing authorities, the disqualification of members, the rotation of members between the panels, and the temporary replacement of disqualified or incapacitated members. The commission's rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. The commission shall have power to issue subpoenas. **Until formal charges against a justice or judge are filed by the investigative panel with the clerk of the supreme court of Florida all proceedings by or before the commission shall be confidential; provided, however, upon a finding of probable cause and the filing by the investigative panel with said clerk of such formal charges against a justice or judge such charges and all further proceedings before the commission shall be public.**

Regards,

VolusiaExposed.Com
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the Judicial Qualifications Commission

State of Georgia



JQC Interim Rules Order

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Important Notice:

Confidentiality

By Court rules, all complaints filed with the Commission are required to be kept confidential until the Commission gives notice of Formal Proceedings or until the complaint in question is otherwise resolved or closed.

Confidentiality encompasses all proceedings of the Commission, including the filing of a complaint, and all information and materials, written, recorded or oral, received or developed by the Commission in the course of its work. Pursuant to this Rule, all Commission investigations are confidential and the Commission cannot confirm or deny that a complaint has been filed or that an investigation is underway. Any violation of this rule may result in a citation for contempt by the Supreme Court.

Welcome to The Judicial Qualifications Commission State of Georgia

The Judicial Qualifications Commission was created by Constitutional Amendment in 1972 to conduct investigations and hearings with respect to complaints of ethical misconduct by Georgia judges and is also authorized to issue Advisory Opinions regarding appropriate judicial conduct.

Appointment Authority of the Judicial Qualifications Commission

The seven members of the commission's investigative panel shall be appointed as follows:

1. One attorney member shall be appointed by the Governor and shall serve a term of four years; provided, however that the initial appointment shall be for two years, and thereafter, successors to such members shall serve terms of four years.
2. Two judge members shall be appointed by the Supreme Court and each shall serve a term of four years; provided, however, that the initial appointments be for two and four years, respectively, as designated by the Supreme Court for each appointment, and thereafter, successors to such members shall serve terms of four years.
3. Two members, consisting of one attorney and one citizen, shall be appointed by the President of the Senate and each shall serve terms of four years; provided, however, that the initial appointment of the attorney member shall be for four years and the initial appointment of the citizen member shall be for one year, and thereafter, successors to such members shall serve terms of four years and,
4. Two members, consisting of one attorney and one citizen, shall be appointed by the Speaker of the House of Representatives and each shall serve terms of four years; provided, however, that the initial appointment of the attorney member shall be for three years and the initial appointment of the citizen member shall be for two years, and thereafter, successors to such members shall serve terms of four years.

The three members of the commission's hearing panel shall be appointed as follows:

1. One citizen member shall be appointed by the Governor for a term of four years and his or her successors shall serve terms of four years; and
2. One judge member and one attorney member shall be appointed by the Supreme Court and each shall serve terms of four years; provided, however that the initial appointment of the judge member shall be for three years and the initial appointment of the attorney member shall be for one year, and thereafter, successors to such members shall serve terms of four years.

Documents

[Complaint Form](#)

Note: The Complaint Form