

**BEFORE THE FLORIDA  
JUDICIAL QUALIFICATIONS COMMISSION**

INQUIRY CONCERNING A JUDGE,  
THE HONORABLE STEPHEN MILLAN  
JQC NO. 2017-570

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SC18- \_\_\_\_\_

**NOTICE OF FORMAL CHARGES**

TO: Hon. Stephen Millan  
Circuit Judge, 11th Judicial Circuit  
Miami-Dade Children's Courthouse  
155 N.W. 3rd Street  
Miami, FL 33128

The Investigative Panel of the Florida Judicial Qualifications Commission ("JQC" or "the Commission"), at its meeting on April 26, 2018, 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.

The specific allegations for which the Commission has found probable cause are that:

1. On two occasions, between 2016 and 2017, you used inappropriate, racially demeaning language in off-the-record conversations with attorneys representing litigants appearing before your court.

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- a. In approximately October of 2016, an attorney was present in your office reviewing the hearing calendar. When the attorney inquired about scheduling a hearing for his client, an African-American defendant, you expressed indifference about scheduling, and in doing so, referred to the defendant as a “moolie.” “Moolie” is the shortened version of “mulignan,” which is a Sicilian slur used to refer to individuals who are African-American or have a dark complexion.<sup>1</sup> Judge Millan was advised about this accusation approximately one year later. The attorney reported this to his supervisor, however no official complaint was made out of a concern for potential ramifications to the client’s case.

At the time of the Commission’s inquiry, you stated that you could not specifically recall this incident, however, you “do not deny the allegation,” and “have no reason to believe the allegation is false.” You claimed that you were familiar with this particular slur, and that you had used it intermittently as a “youngster” growing up in New York.

- b. Approximately one year later, in October 2017, during an in-chambers discussion between yourself, the State Attorney, and the same attorney (who was representing a different African-American defendant charged with murder), you used racially demeaning language to describe the defendant, as well as the family and friends and potential witnesses for

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<sup>1</sup> “Mulignan” literally translates as “eggplant.”

the defendant. During a break in a lengthy evidentiary hearing you invited the attorneys for both parties into your chambers. Once in your chambers you instructed your bailiff to go retrieve your wallet from the courtroom because, "I don't trust it in there with those thugs."

The defendant's attorney, who believed that your remark was directed at the defendant's family and friends, protested your remark by telling you that the defendant's family and friends were good people. You made no response to the attorney's protest. At the time you made this statement, the only people present in the courtroom were court personnel, corrections officers, the defendant, and the defendant's family and friends.

2. Within in a few days after the "thugs" comment, you repeatedly attempted to contact the defense attorney using your cell phone. You finally made telephone contact with the attorney, and conducted a protracted ex-parte phone conversation, during which you discussed six (6) pending criminal cases. You continued the ex-parte discussion despite the defense attorney's protest to you that he was not comfortable speaking about the cases without the prosecution present. At one point during the conversation, you offered to "help out" the defense attorney, by setting the cases for a plea hearing. You testified to the Commission that although the defense attorney objected to discussing the cases without the prosecution, you thought the communications were permissible because you were discussing "scheduling matters." You then failed to disclose the ex-parte communication to the

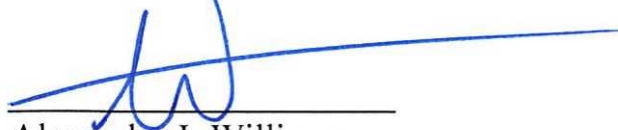
prosecution. Moreover, you did actually set two of the six cases for a hearing date. The defense attorney filed motions to disqualify you in all of these cases based, in part, on the inappropriate conversation. You initially denied those motions as legally insufficient.

Your actions constitute inappropriate conduct in violation of Canons 1, 2, 3B(3), 3B(4), 3B(5), and 3B(7) of the Code of Judicial Conduct.

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 Counsel for the Judicial Qualifications Commission, and the General Counsel of the Commission.

Dated: this 21<sup>st</sup> day of May, 2018.

**THE FLORIDA JUDICIAL  
QUALIFICATIONS COMMISSION**

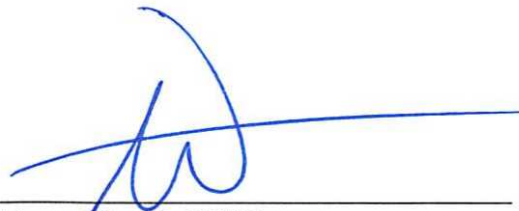


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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Formal Charges has been furnished by electronic service, on this the 21<sup>st</sup> day of May, 2018, to the following:

Hon. Stephen Millan  
Circuit Judge, 11th Judicial Circuit  
Miami-Dade Children's Courthouse  
155 N.W. 3rd Street  
Miami, FL 33128



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Alexander J. Williams  
ASSISTANT GENERAL COUNSEL