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FILED

SID J. WHITE

JUN 30 1993

CASE NO. 81-685
CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

IN RE PROPOSED AMENDMENTS
TO THE CODE OF JUDICIAL CONDUCT 81,685

RESPONSE OF CHERYL A. TESHER

COMES NOW, CHERYL A. TESHER, as a friend of our judicial system, and hereby responds to the "Proposed Amendments to The Code of Judicial Conduct," as filed herein, and shows this Honorable Court the following.

1. The undersigned supports the proposed amendments to The Code of Judicial Conduct as drafted, except for the modifications proposed herein.

2. Canon 3D(2), Disciplinary Responsibilities. The undersigned respectfully requests Canon 3D(2) of the Code be amended by replacing the use of the word "should" with the word "shall" and adding the following:

(2) A judge who receives information or has actual knowledge that substantial likelihood exist that a lawyer has committed a violation of The Rules Regulating The Florida Bar ~~should~~ *shall* take appropriate action *which action shall include reporting the violation to The Florida Bar, to the State Attorney, or to the U.S. Attorney, as appropriate.*

The use of the word "should" suggests a discretionary power when it should be a duty.

3. Canon 3E(1), Disqualification. The undersigned respectfully requests Canon 3E(1) of the Code be amended by replacing the use of the word "should" with the word "shall."

(1) A judge ~~should~~ shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

The use of the word "should" suggests a discretionary power when it should be a duty.

4. Canon 3E(1)(c), Disqualification. The undersigned respectfully requests Canon 3E(1) of the Code be amended by inserting the following after 3E(1)(b):

(c) a lawyer who is appearing before the judge has an overriding influence with the judge.

Note: Inserting the above requires changing 3E(1)(c) to 3E(1)d and 3E(1)d to 3E(1)e.

5. Canon 3E(2), Disqualification. The undersigned respectfully requests Canon 3E(2) of the Code be amended by replacing the use of the word "should" with the word "shall."

(2) A judge ~~should~~ shall keep informed about the judge's personal and fiduciary economic interests ...

The use of the ward "should" suggests a discretionary power when it should be a duty.

6. Canon 5. The undersigned respectfully requests Canon 5 of the Code be amended by replacing the use of the word "should" with the word "shall."

A Judge ~~Should~~ Shall Regulate Extrajudicial Activities to Minimize the Risk of Conflict with Judicial Duties.

The use of the word "should" suggests a discretionary power when it should be a duty.

7. Canon 6. The undersigned respectfully requests Canon 6 of the Code be amended by replacing the use of the word "should" with the word "shall."

Fiscal Matters of a Judge ~~Should~~ Shall be conducted in a Manner That Does Not give the Appearance of Influence or Impropriety; **A Judge ~~Should~~ Shall Regularly File Public Reports as Required by Article II, Section 8, of the Constitution of Florida, and ~~Should~~ Shall Publicly report Gifts; Additional Financial Information Shall Be Filed With the Judicial Qualifications Commission to Ensure Full Financial Disclosure.**

The use of the word "should" suggests a discretionary power when it should be a duty.

Respectfully submitted this 29th day of June, 1993.



Cheryl A. Teshler
2000 Towerside Terrace, #303
Miami, FL 33138
305-893-8037

IN THE SUPREME COURT OF FLORIDA

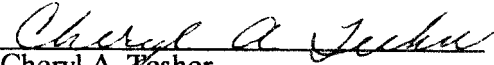
IN RE: PROPOSED AMENDMENTS
TO THE CODE OF JUDICIAL CONDUCT

CASE NO. 81,685

REQUEST FOR ORAL ARGUMENT

COMES NOW, CHERYL A. TESHHER, pursuant to Rule 9.320 of the Rules of Appellate Procedure, and respectfully requests that this Honorable Court permit oral argument in this instant case.

Respectfully submitted this 29th day of June, 1993.


Cheryl A. Teshher
2000 Towerside Terrace, #303
Miami, FL 33138
305-893-8037