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**FILED**

SID J. WHITE

JUL 1 1993

CLERK, SUPREME COURT

June 25, 1993

By \_\_\_\_\_  
Chief Deputy Clerk

Sid J. White, Clerk  
Supreme Court of Florida  
Tallahassee, FL 32399-1927

Re: Case No. 81,685

Dear Mr. White:

COMMENTS TO PROPOSED AMENDMENT TO THE  
CODE OF JUDICIAL CONDUCT - "COMPLIANCE WITH  
CODE AND JUDICIAL CONDUCT"

I am Traffic Magistrate currently sitting in Palm Beach County, South County Courthouse, Delray Beach, Florida. I, along, with more than a dozen colleagues, have been participating in the Magistrate program on a voluntary basis - that is, we receive no compensation; we participate pro bono publico. Each of us are in private practice as single practitioners or in small firms. We depend on our law practices for your livelihood.

The proposal to amend Code of Judicial Conduct to preclude a Traffic Magistrate from appearing in "the Court on which the traffic magistrate serves or in any court subject to an appellate, jurisdiction of the Court on which the traffic magistrate serves, will, in essence, prevent us from practicing law and will require us to withdraw from the Magistrate program. In short, we will no longer be able to serve as Magistrates.

I believe this would be regrettable. The Palm Beach County Magistrate program, by all accounts, has been highly successful. Those serving enjoy the privilege. The county and court system have benefited from our presence.

Sid White, Clerk  
Supreme Court of Florida  
Re: Case No. 81,685

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Please note that when we first volunteered we were advised that we would be prohibited from handling **only** those matters over which we directly presided - traffic infraction hearings. Each of us understood that limitation and believed it to be reasonable and sensible. The present proposed extension is not. I have not encountered any problem, favoritism or other advantage as a Magistrate by any County Court or Circuit Court Judge on account of my Magistrate position.

It is respectfully submitted that the rule be changed to simply state that Traffic Magistrates should not practice law in any matter for which they have jurisdiction - traffic infraction matters. Apparently, this was the view of the Supreme Court (See, In Re: Florida Rules of Practical Proc. 559 So.2nd 1101, 1102 (Fla. 1990))

On behalf of myself and the other South County Magistrates, please let me thank you for consideration of these comments.

Sincerely yours,



Charles Wender

CW:mbe