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FILED
SID J. WHITE
JUL 19 1993
CLERK, SUPREME COURT.
By _____
Chief Deputy Clerk

THE COUNTY COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ELIZABETH T. MAASS
COUNTY JUDGE

July 14, 1993

COUNTY COURTHOUSE
WEST PALM BEACH, FLORIDA 33401
407/355-1505

The Supreme Court of Florida
Attention: Sid J. White, clerk
Supreme Court Building
Tallahassee, FL 32399-1927

Re: Case No. 81,685
Proposed Amendments, code of Judicial Conduct

Dear Chief Justice Barkett and Members of the Court:

I have recently reviewed the proposed amendments to the Code of Judicial Conduct printed in the June 1, 1993, Florida Bar News. I apologize for submitting these comments after the July 1, 1993, deadline.

The Committee proposes that the Compliance with the Code of Judicial Conduct section of the Code, immediately following Canon 7, be amended. The proposed amendment eliminates the reference to "part time judge" and substitutes "traffic magistrate" in its place and provides:

(a) traffic magistrate ... should not practice law in the court on which the traffic magistrate serves or in any court subject to the appellate jurisdiction of the court on which the traffic magistrate serves, or act as a lawyer in a proceeding in which the traffic magistrate has served as a judge or in any other proceeding relating thereto.

Rule 6.630(i), Rules of Traffic Court, requires traffic magistrates to be treated as part-time judges under the Code of Judicial Conduct, with certain exceptions not relevant here. That rule further provides that:

traffic magistrates shall be prohibited from representing clients or practicing before any official in any county court traffic matter and from representing any client appealing any county court traffic decision.

Re: Case No. 81,685

Proposed Amendments, Code of Judicial Conduct

The Committee on Standards of Conduct for Judges has opined that Rule 6.630(i) prohibits a magistrate from representing a party in criminal, as well as civil, traffic proceedings in county court.

There is a tension between a strict reading of the Compliance section of the Code of Judicial Conduct, which would prohibit magistrates from appearing in any court in the State, and Traffic Court Rule 6.630(i), which prohibits magistrates from representing parties in civil and criminal traffic matters pending in county court or on appeal.

The 15th Judicial Circuit is fortunate to have a traffic magistrate program staffed entirely by volunteers. The program in this circuit, and certainly in every other circuit that uses part-time magistrates, would be gutted if magistrates were prohibited from appearing in court on non-traffic matters. Further, such a broad restriction is not needed to protect the integrity of the judicial process.

I respectfully request that you consider amending the proposed Application of the Code of Judicial Conduct provision, then, to make it consistent with Traffic Court Rule 6.630(i) by prohibiting traffic magistrates from representing clients or practicing before any official in any county court traffic matter and from representing any client appealing any county court traffic decision.

Respectfully submitted,



Elizabeth T. Maass

Chairperson, Magistrate Oversight Committee
15th Judicial Circuit

cc: Traffic Magistrates

67/20-21