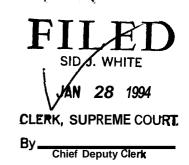
D.A. 1-31-94



## CHAMBERS OF CIRCUIT JUDGE

13TH JUDICIAL CIRCUIT OF FLORIDA
TAMPA, FLORIDA 33602



801 EAST TWIGGS STREET (813)272-5022

F. Dennis Alvarez
CHIEF JUDGE

January **25**, **1994** 

Sid J. White, Clerk Supreme Court of Florida 500 South Duval Street Tallahassee, FL 32399-1927

Re: Traffic magistrates and the Code of Judicial Conduct

Case No. 81,685

Dear Mr. White:

According to the above-referenced amendment to the Code of Judicial Conduct, "a traffic magistrate should not practice law in traffic court or act as a lawyer in a proceeding in which the traffic magistrate has served as a traffic magistrate or in any other proceeding relating thereto." To the extent that such amendment does not prohibit traffic magistrates from practicing law in the county **criminal** division, please accept my support for the proposed revision.

This amendment seems to be receding from Opinion 92-48 of the Committee on Standards of Conduct Governing Judges ("Committee"), wherein the Committee advised that it would be improper for a traffic magistrate to represent defendants in the criminal traffic division of the county court. In this opinion, the Committee unanimously believed that a "DUI case is a county court traffic matter even though it is criminal and not a civil infraction." While I believe that the revision to the Code of Conduct makes a distinction between civil traffic infractions and criminal traffic cases, it is not clear.

Therefore, in an effort to clarify the intent of the above-referenced revision, I suggest that the revision be reworded to state that: "a traffic magistrate should not practice law in civil traffic court..." This additional revision will allow traffic magistrates in circuits with separate civil and criminal county divisions to represent defendants charged with DUI in the county criminal division.

Thank you for your consideration of these comments.

Sincerely,

F. Dennis Alvarez Chief Judge