

J.A. 1-31-94

287



CHAMBERS OF
CIRCUIT JUDGE

13TH JUDICIAL CIRCUIT OF FLORIDA
TAMPA, FLORIDA 33602

FILED

SID J. WHITE

JAN 28 1994

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

F. Dennis Alvarez
CHIEF JUDGE

January 25, 1994

801 EAST TWIGGS STREET
(813)272-5022

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
F. Dennis Alvarez
Chief Judge