

FILED

SID J. WHITE

AUG 17 1995

CLERK, SUPREME COURT

IN THE SUPREME COURT OF FLORIDA

Original

IN RE: PROPOSED AMENDMENTS TO
THE CODE OF JUDICIAL CONDUCT

CASE NO. 81,685

AMENDED RESPONSE TO AMENDMENT TO COMMENTARY

COMES NOW the undersigned Florida Citizen and files these comments pursuant to the order of this Honorable Supreme Court as rendered herein on June 15, 1995.

The undersigned objects to the proposed amended Commentary because the said Commentary as drafted will not promote integrity, righteousness and justice within our judicial system. The Commentary as proposed for amendment will leave judges a loop-hole for corrupt judges to cover for their fellow corrupt judge or a corrupt lawyer.

THEREFORE, the undersigned hereby moves this Honorable Court to adopt the following language as Cannon 3D. (1)(2)(3) and its Commentary:

D. Disciplinary Responsibilities:

(1) A judge who receives information or has actual knowledge that substantial likelihood exists that another judge has committed a violation of this Code shall take appropriate action which action shall include reporting the violation to the Florida Judicial Qualifications Commission, to the appropriate State Attorney and to the appropriate United States Attorney.

(2) A judge who receives information or has actual knowledge that substantial likelihood exists that a lawyer has committed a violation of the Rules Regulating The Florida Bar shall take appropriate action which action shall include reporting the violation to The Florida Bar, to the appropriate State Attorney and to the appropriate United States Attorney.

(3) Acts of a judge in the discharge of disciplinary responsibilities, required or permitted by Sections **3D(1)** and **3D(2)** are part of a judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

Commentary

The appropriate action, which action is mandatory, is not left to the discretion of the judge. The judge should not investigate the apparent violation. In Canon **3D.(1)** the judge is to report the violation to the Florida Judicial Qualifications Commission, to the appropriate State Attorney and to the appropriate United States Attorney for their investigation and prosecution if warranted. In Canon **3D.(2)** the judge is to report the violation to The Florida Bar, to the appropriate State Attorney and to the appropriate United States Attorney for their investigation and prosecution if warranted. The judge should have no fear of reporting violations committed by other judges or lawyers because a judge is given absolute immunity from civil actions in Canon **3D.(3)**. A judge should promptly and courageously report all violations of The Code Of Judicial Conduct by another judge and report all violations of the Rules Regulating The Florida Bar by a lawyer.

Concluding Comments

The amended Commentary as proposed by The Florida Supreme Court will not adequately protect “The Public”. the common men and women who are citizens of Florida.

The “Conspiracy Of Silence”, which has existed and still exists within the judicial system of the State of Florida should be stopped. It should **not** be left to judges as to whether a judge will or will not report ethical and criminal violations of brother judges and lawyers. It should **not** be left to judges to choose who the “appropriate authority” to report to is. The authorities to whom judges “shall” report **all** ethical and criminal violations should be clearly named as in the proposed Canon **3D.(1)(2)(3)** and Commentary as moved for herein above.

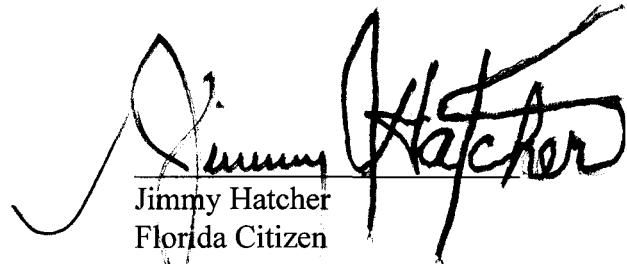
The corruption “that ran rampant”, in Cook County, Illinois, as exposed by “Operation Greylord” could never have happened without a “Conspiracy Of Silence” among the judges and lawyers. Corruption is able to grow and prosper in Florida because of the unwillingness of judges and lawyers to report wrongdoing. Please see the article “Conspiracy Of Silence”, attached hereto as Exhibit A, which article appeared in the National Law Journal of January 16,1989.

Many Florida citizens, members of “The Public”, perceive the Justices of this Honorable Supreme Court to be men who are unwilling to take proper actions

against the wrongdoing of their corrupt brother judges, prime examples being this court's protection of Judge P. Kevin Davey and Judge W. Fred Turner.

The men who are Justices of this Honorable Court can help to protect **"The Public"** from corrupt judges and lawyers by approving **Canon 3D.(1)(2)(3)** **and Commentary** as proposed herein above by the undersigned Florida Citizen.

Respectfully submitted this 15th day of August, 1995.

A handwritten signature in black ink that reads "Jimmy Hatcher". The signature is written in a cursive style with a large, sweeping initial "J".

Jimmy Hatcher
Florida Citizen
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Certificate Of Service

I HEREBY CERTIFY that a true and accurate copy of this document has been served by regular U.S. Mail upon:

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on this 15th day of August, 1995.


Jimmy Hatcher

Conspiracy of Silence

FIVE YEARS AGO, the Chicago legal community was rocked with some of the most serious allegations ever made about an American court system. Investigators charged that corruption ran rampant in the court corridors; justice was just another commodity to be bought and sold in the city.

But the city's legal community responded well. While the criminal investigations took their own successful routes, the city's top judge appointed a special commission composed of 43 lawyers and business leaders to look at two issues: what factors allowed Greylord to happen and how such widespread corruption could be prevented in the future, and how to speed up court efficiency in general. As Jenner & Block's Jerold S. Solovy, the commission's chairman, reported recently, the panel had "to strike a balance between reforming the court system but at the same time not destroying it."

The commission came up with 195 recommendations. Many of them have been put into effect, and others require further action. But, at least, there is a sense that the city's judicial system is well on its way to being a better place for those drawn into it.

However, there is one unsettling aspect of the Greylord investigation from which other judicial systems can learn: One of the key reasons corruption was able to grow and prosper in the city, according to Mr. Solovy, "was a conspiracy of silence — the unwillingness of judges and lawyers alike to report wrongdoing."

Lawyers and judges are accountable for many of the actions of their peers. Those who report corruption in the system should not be described in derogatory terms such as "whistle-blower." Instead, as Mr. Solovy noted, "It is the highest tenet of a lawyer's professional responsibility to report wrongdoing." And, as one judge said in sentencing a Greylord defendant, it is nothing short of cowardly to turn one's head when wrongdoing is committed in his or her presence.

National Law Journal January 16, 1989

Exhibit A