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FILED
SID J. WHITE
JUN 28 1993
CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

IN RE: PROPOSED AMENDMENTS
TO THE CODE OF JUDICIAL CONDUCT

Case No. 81,685

RESPONSE OF JIMMY HATCHER

COMES NOW, JIMMY HATCHER, as a pro se litigant,
as a constitutional lawyer and as a friend of our
judicial system and hereby responds to the Proposed
Amendments To The Code Of Judicial Conduct as filed
herein and shows this Honorable Court the following:

1. The undersigned fully supports all the said
proposed amendments to The Code Of Judicial Conduct
as drafted, except Canon 3(D)(2) and Canon 3(E)(1).

CANON 3(D)(2)

2. As proposed, Canon 3(D)(2) would be amended
to read as follows:

" A judge who receives information or has
actual knowledge that substantial likeli-
hood exists that a lawyer has committed a
violation of the Rules Regulating The
Florida Bar "**SHOULD**" take appropriate action."
(emphasis added to "**SHOULD**")

The use of the word "SHOULD" leaves a judge a loophole whereby a judge can wiggle and squirm around reporting or taking proper action in a case wherein a lawyer has committed a violation of the Rules Regulating The Florida Bar or against a lawyer involved in criminal activity. This loophole certainly does not promote justice and righteousness within our judicial system. In fact, judges will compromise their own integrity and the integrity of our judicial system by using this loophole to protect corrupt lawyers that may have an overriding influence with a particular judge. During the nineteen (19) years that the undersigned has appeared in the Florida courts, the undersigned has seen judges in a number of cases fail to report or take any action whatsoever against Florida Bar lawyers who had committed both unethical and criminal conduct. Pursuant to 18 U.S.C. §4 it constitutes a felony on the part of a judge who has knowledge of the violation of federal law if the judge does not report the violation. It is not in the best interest of justice to adopt a Code Of Judicial Conduct that leaves to the discretion of a judge whether the judge will or whether the judge will not report and take proper action against a lawyer who has violated the Rules Regulating The Florida Bar or against a lawyer involved in criminal conduct. It should be mandatory that a judge reports and takes proper action

against a lawyer who has violated the Rules Regulating The Florida Bar or against a lawyer who has violated the laws of the State of Florida or against a lawyer who has violated the laws of the United States. Therefore, with a view to eliminating the corruption that exists in the courts of Florida as of today, Canon 3(D) (2) of The Code Of Judicial Conduct should be amended to read as follows:

" 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 State Attorney or to the U.S. Attorney as appropriate."

CANON 3(E)(1)

3. As proposed, Canon 3(E)(1) would be amended to read as follows:

" A judge "SHOULD"**disqualify** himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances ~~where~~;"
(emphasis added to "SHOULD")

The integrity, in fact, the continued existence of our present system of justice requires that the judge or justice who presides in a case within our courts be impartial and honest. It is mandatory that a judge whose impartiality might reasonably be questioned in a case be disqualified. It is mandatory that a judge be disqualified in a case where the judge has a personal bias or prejudice

concerning a party or a party's lawyer. It is mandatory that a judge be disqualified in a case where the judge has personal knowledge of disputed evidentiary facts concerning the proceeding. It is mandatory that a judge be disqualified in a case where the judge served as a lawyer or was the lower court judge in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge has been a material witness concerning the matter in controversy. It is also mandatory that a judge be disqualified in a case wherein a lawyer that is appearing in the case before the judge has an overriding influence with the judge.

The use of the word "SHOULD" as proposed in Canon 3(E)(1) leaves a judge a loophole whereby a judge can wiggle and squirm around disqualification in a case wherein the judge should disqualify himself or herself sponte without the necessity of a motion for disqualification being filed by a party in the case. It is not in the best interest of justice to adopt a Code Of Judicial Conduct that leaves to the discretion of a judge whether the judge will or whether the judge will not disqualify himself or herself in the circumstances as set out herein above. In each and every one of the above stated circumstances, the disqualification of the judge is mandatory sua sponte if our present system of justice is to maintain integrity and honesty. Therefore, with a view to

eliminating the corruption that exists in the courts of Florida today, integrity demands that Canon 3(E)(1) of the Code Of Judicial Conduct be amended to read as follows:

" A judge SHALL disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:"

The undersigned recommends that Canon 3(E)(1)(a) and Canon 3(E)(1)(b) be adopted as drafted and that a Canon 3(E)(1)(c) be added to read as follows:

" (c) a lawyer that is appearing in the case before the judge has an overriding influence with the judge."

4. Further, the undersigned recommends that the following words be adopted as part of the "PREAMBLE" to the Code of Judicial Conduct:

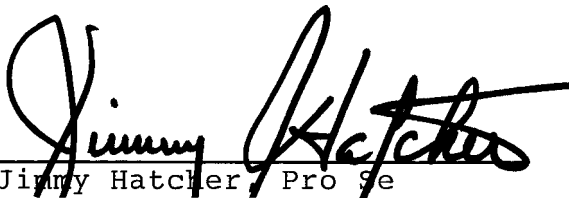
" You must not pervert judgment. You must not be partial or accept a bribe, for the bribe blinds the eyes of wise ones and distorts the words of righteous ones. Justice - justice you should pursue ----."

The above quoted words contain a perfect job description for judges and justices. The said words are quoted from the New World Translation of The Book Of Perfect Law, commonly called The Holy Bible, which words are recorded in the book of Deuteronomy, Chapter 16, Verses 19 and 20. Please see Exhibit A attached hereto.

If all our judges and justices would daily read, daily follow and daily implement the above quoted words,

corruption within our system of justice and corruption within our present society would be greatly reduced which would in turn earn the respect of "We The People" for our judges and justices. "We The People" appreciate very, very much our Judges and Justices who are Honest and Honorable. "We The People" are pained when we read accounts regarding judges such as appeared in the Tallahassee Democrat on June 10, 1993 and June 25, 1993, true copies of which are attached hereto and marked Exhibit B and Exhibit C. The proposed amendments to our Code Of Judicial Conduct is of utmost importance to "We The People."

Respectfully submitted this 28th day of June, 1993.


Jimmy Hatcher, Pro Se