

BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE,
THE HONORABLE JOHN PATRICK CONTINI,
No. 15-200

No. SC15-2148

RESPONDENT JUDGE CONTINI'S
ANSWER TO NOTICE OF FORMAL CHARGES

Respondent, the Honorable John Patrick Contini, through undersigned counsel, hereby files his Answer to the Notice of Formal Charges and states as follows:

1. Admitted.
2. Admitted.
3. Admitted as to first two sentences. Without sufficient information to admit or deny last sentence.
4. Admitted in so far as paragraph states that the State filed a timely motion to disqualify, Judge Contini denied motion finding it was legally insufficient and the State timely filed an appeal of the Judge's decision with the Fourth District Court of Appeal. Without sufficient information to admit or deny the remainder of the paragraph.
5. Admitted.
6. Judge Contini admits he made the statements quoted from the transcripts of the proceedings which are attached as Exhibits to the Notice of

Formal Charges and breached the judicial canons by exhibiting discourteous, impatient, and undignified conduct and making insulting and disparaging remarks, often using intemperate language and an aggressive tone.

7. Judge Contini admits that, for a period of approximately four months while the State's appeal to the 4th DCA was pending, he did not request to be transferred from the criminal division. After discussing possible reassignment with the Chief Judge and the Chief of the Criminal Division, Judge Contini remained in the criminal division believing the 4th DCA could issue a decision quickly. Judge Contini did not "refuse" any request from the Chief Judge to step away from the criminal division. Several judges had offered to take change of pleas in Judge Contini's cases until the appeal was decided, but the State refused to proceed on any of the hundreds of cases, claiming they were all on the list of cases pending sentencing, which had been stayed by the 4th DCA. It was not until immediately after the August 12, 2015, in-court exchange with Assistant State Attorney Joel Silvershein, that Judge Contini asked the Chief Judge to transfer him to a different division. In retrospect, given the lengthy delay, Judge Contini admits that the better course of action would have been to request reassignment upon issuance of the stay by the 4th DCA, or shortly thereafter.

8. Admitted. Judge Contini knew Mr. Silvershein and saw him in the Courthouse. He did not know Assistant Attorney General Bettendorf and the

advice of his counsel was to refrain from making contact with her while the matter was pending. Of course he is apologetic and the failure to have sent her a letter based on counsel's advice does not indicate any ill will.

9. Admitted.

10. Admitted.

Judge Contini admits his conduct violates Canons 1, 2(A), 3B(4), 3B(7) and 3B(9) of the Code of Judicial Conduct.

Judge Contini denies he violated Canon 3E(1).

Judge Contini denies he violated Canon 4A, as none of the alleged conduct relates to "quasi-judicial activities."

Judge Contini denies he violated Canon 5A, as none of the alleged conduct relates to "extra-judicial activities."

Affirmative Defense

The Notice of Formal Charges fails on its face to sufficiently plead violations of Canon 3E(1), 4A and 5A.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify this document has been E-filed with the Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, using the E-filing Portal and that a copy has been sent via electronic service on this the 23rd day of December, 2015, to: Michael Schneider, General Counsel Florida Judicial Qualifications Commission, P.O. Box 14106, Tallahassee, FL 32303 (mschneider@floridajgc.com); and Alexander John Williams, Assistant General Counsel, Counsel for the Florida Judicial Qualifications Commission, P.O. Box 14106, Tallahassee, FL 32303 (awilliams@floridajgc.com).

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