

North Country Gazette

[Florida's Judicial Protection Society](#)

Posted on Monday, 22 of February , 2010 at 9:45 pm

Share

0

[Tweet](#)

COMMENTARY

By June Maxam

ALL RIGHTS RESERVED

No Reprints Allowed

Can you believe that the 764 judges in Florida are so ethical that there are disciplinary complaints pending against only three of them?

In fact, since 2001, the Florida Judicial Qualifications Commission has accepted only 38 cases for judicial disciplinary action, less than half of 1% of the state's judges.

Only one of the three cases still awaiting final disposition involves alleged judicial misconduct on the bench and that judge had been arrested for possession of cocaine and driving under the influence. The other two cases concern improper political activity during the judges' election campaigns.

It's almost as if the JQC only disciplines judges whose egregious conduct they can't hide or those who aren't part of the good ole boy network.

One of the most controversial cases of judicial discipline in the state concerned Judge Michael Allen of the First District Court of Appeals. In an unprecedented move that egregiously raped the First Amendment and effectively served to stifle dissent within the judiciary to the public detriment, the Florida Supreme Court voted to discipline Allen for criticizing a fellow judge in a written opinion and in essence, calling that judge corrupt.

But instead of opening an inquiry into the alleged corrupt judge, the JQC and Florida Supreme Court went after Allen.

The so-called oversight system of judges in Florida, as well as in many states, has been and is a farce. In looking at the docket of disciplinary cases currently open by the JQC, one would think that the state's judges are among the most ethical in the entire country.

With Pinellas County judges the likes of George W. Greer, Jack Helinger and Pamela A.M. Campbell, is the public to believe that only three judges in the entire state have violated the Code of Judicial Conduct? Do Florida officials really believe that the people are that gullible?



Schiavo death judge George Greer has been protected and insulated from accountability at all levels. He's defied the President, Congress, the Vatican, the Department of Children and Families and the Governor.

He's violated the Constitution, the Bill of Rights, state statutes, the Code of Judicial Conduct and Code of Professional Responsibility. He didn't even legally qualify for office.

Greer, the probate court judge in Pinellas County who issued the death verdict for Terri Schiavo, the severely brain damaged woman who was injured 15 years prior to her court ordered dehydration death in March, 2005, was ethically and statutorily prohibited from acting in the dual role of judge and guardian that he gave himself.

Canon 5(E) 1 and 2 of the Florida judicial code specifically prohibit a judge, all judges including Greer, from serving as a guardian except for a member of his family. He was statutorily prohibited from being the guardian of Terri Schiavo.

Section 744.309(b) of Florida statutes specifically states "no judge shall act as guardian after this law becomes effective, except when he or she is related to the ward by blood, marriage or adoption or has maintained a close relationship with the ward or the ward's family and serves without compensation.

The Florida Supreme Court has routinely upheld Canon 5(E) that a judge cannot serve in the capacity of a trustee, executor or guardian except for a member of the judge's family.

So how did George Greer escape accountability for flagrantly and intentionally violating judicial canons? Could he have been protected by his friends and associates serving as members of the JQC? Would the JQC ever discipline Greer and admit that he acted unethically and unlawfully? http://www.northcountrygazette.org/2008/12/19/corrupt_judge/

How can the JQC pick and choose who they're going to discipline and who they aren't?

The Second District Court Of Appeals was as much responsible, if not more, for the dehydration death of brain injured Terri Schiavo in March 2005 and in addition, DCA judge Morris Silberman is a member of the Florida Judicial Qualifications Commission, the same commission which refused to sanction Greer despite his blatant and egregious violations of judicial ethics rules.



Gov. Jeb Bush appointed Silberman to the 2nd DCA in November 2000, just in time for the Schiavo appeals to be heard at the 2nd DCA. Prior to going into private practice with his wife, Silberman was a senior litigation associate with the law firm of Richards, Gilkey, Fite, Slaughter, Pratesi & Ward.

According to the records of the Florida Division of Elections, Silberman's former law firm contributed the maximum in campaign contributions to Greer and firm principals Slaughter, Richards and Gilkey also made individual contributions to Greer.

Silberman's wife, Nelly Khouzam, who was a judge in the Sixth Judicial Circuit with Greer from 1994 until she was appointed to the District Court of Appeals in June by Gov. Charlie Crist, was briefly assigned to the Schiavo case in 2003 with Judge Douglas Baird.

In January, 2004, Baird who ultimately declared Terri's Law unconstitutional, the law enacted by the Florida Legislature at the behest of Gov. Jeb Bush to reinsert the feeding tube which had been removed from Terri Schiavo in October, 2003, was rotated from Pinellas County's civil bench to its criminal bench. His caseload was transferred to Judge Khouzam.

Although Judge Khouzam's assistant initially confirmed that the Schiavo case had been transferred to Khouzam, Baird retained the case and ultimately declared Terri's Law unconstitutional, setting the stage for Greer's third and final death order.

Charlie Crist as Florida's attorney general during the Schiavo case failed to protect the civil rights of the vulnerable Terri Schiavo and allowed a Medicaid fraud to occur, refusing to investigate the matter.

Silberman, along with his compatriots on the bench, witnessed and allowed disabled Terri Schindler Schiavo to be murdered in Florida before the eyes of the world, a capital punishment that civil libertarians would have decried long and loud as being cruel and unusual punishment had a death penalty by dehydration and starvation been imposed by the courts upon a convicted killer rather than a disabled 41-year-old woman.

Anyone who starves and dehydrates an animal would be arrested for animal cruelty, not lauded by members of the bar.

In May, 2005, less than 10 weeks after Terri Schiavo's death, members of the West Pasco Bar Association honored Greer, in part for his handling of the Schiavo case, awarding him the "Special Justice Award", one of many awards bestowed upon Greer in the efforts trying to justify his act of judicial homicide.

The guest speaker for the evening was none other than Silberman, lauding Greer for his decision and order to kill Terri Schiavo.

If Silberman sees no ethical problems with Greer touring with Michael Schiavo and his clique in advocating euthanasia as he did after Terri's death, no wonder the Judicial Qualifications Commission has failed to hold Greer and many other judges in the state accountable.

Silberman lauded Greer for his "selfless devotion and service" during the Terri Schiavo case and his career on the bench, never mind his violations of guardianship laws, ignoring federal subpoenas, failure to enforce orders except for his death order and other violations.

He didn't follow the rule of the law, he followed "Greer's Law". No wonder the JQC refused to open any disciplinary hearing against Greer. No wonder there's only three pending cases of judicial misconduct in Florida.

It's hard to have confidence in the judiciary, in the court system, in the agencies which are supposed to be providing oversight when they're all protecting each other, all stroking each other such as Silberman and his fellow members of the JQC did with Greer and continue to do with other jurists.

The JQC is authorized to investigate allegations of misconduct by any state court judge, from the county court up through the Supreme Court. If the judges are held accountable, they are subject to suspension and removal.

The JQC appears to be little more than an agency designed to make it appear that there is oversight of the state's judiciary, just more smoke and mirrors, and Silberman is just one of the puppets. Although acknowledging that they receive an average of over 500 complaints a year, indicating that the public perceives a serious existing in Florida's judiciary, since its formation in 1970, in 36 years only 80 judges have been disciplined and less than 15 removed from the bench, according to The Florida Bar. <http://www.weblocator.com/attorney/fl/law/fllegal.html>

The 2008 Judicial Accountability Report Card issued by HALT (Help Abolish Legal Tyranny—an Organization of Americans for Legal Reform Inc.) ranked Florida's system for holding judges accountable as 17th in the nation overall, giving them an overall grade of C.

While the system was given an A for consumer friendliness, they flunked with a D in public participation. The state code contains no gift restrictions, rating them an F and the system rated a C for transparency, availability of meaningful sanctions, online outreach and financial disclosure. http://www.halt.org/jip/2008_jarc/pdf/FL_RC.pdf

Ordinary citizens have only a token role in the decision making process. Judges and attorneys outnumber public members on the JQC by a two to one ratio and there is no availability to the public of the names of the 15 commission members. The names of the members aren't published except in court filings.

The commission's "website" is obscure at best. The site is difficult to navigate.

Florida law requires judges to annually report their financial holdings but some the information, such as the judge's business interests, is concealed from the public. The state's Code of Judicial Conduct does not place meaningful limitations on the reimbursements and compensation that judges may accept in connection with corporate and special interest funded trips.

Of the three cases currently pending before the JQC, the cases against Leon County Circuit Court Judge Angela Dempsey and Seminole County Judge Ralph E. Eriksson are in their final stages as the Florida Supreme Court has upheld the determinations of misconduct by the JQC and recommended that both be publicly reprimanded.

Angela Dempsey	09-1747	Docket	Leon	02-04-10
Ralph E. Eriksson	07-1648	Docket	Seminole	02-11-10
N. James Turner	09-1182	Docket	Osceola	02-08-10

Formal charges against Osceola County Judge N. James Turner were brought last July and the matter is in the motions and hearing stage.

The JQC claims its autonomous, that it is a body answerable only to itself, saying that the Supreme Court cannot supervise it, investigate it, fire or select its members or order it to perform any official act.

The JQC claims that because the agency was established in the Florida Constitution as a body independent of the courts or other branches of government, the only way anyone can stop it would be for state legislators to impeach the judges who are members and the governor to suspend members who are not judges.

There are 15 members of the JQC. Two must be district court of appeal judges chosen by all the judges of the five district courts. Two must be circuit court judges chosen by all the judges of the 20 judicial circuits. Two must be county court judges chosen by all the judges of the 67 county courts. Four must be registered voters who also are lawyers, chosen by the Board of Governors of The Florida Bar. The final five must be non-lawyers who are registered voters, chosen by the Governor.

As the saying goes, the more things change, the more they remain the same and the Good Ole Boys Club is still at work in Florida—in particular, Pinellas County. F. Wallace Pope Jr. and Jennifer Reh of the law firm Johnson, Pope, Bokor, Ruppel & Burns of Clearwater served as the special counsel for the JQC against Allen while Silberman served as chairman of the JQC in their vendetta against Allen.

A partner in Pope's firm, Timothy A. Johnson Jr., is Greer's former campaign aide in Greer's 1984 campaign for Pinellas County commissioner.

In May 2005, after Greer had killed Terri Schiavo, the Clearwater Bar Association, chaired by Pope, created the George W. Greer Judicial Independence Award, lauding Greer and celebrating "Greer's resolve" to murder an innocent disabled woman.

In mid 2004, Pope had bestowed the John U. Bird award upon Greer, the Clearwater bar's highest honor a judge. In Greer's 2004 reelection campaign, the attorneys in Pope's law firm led the way in contributions with nearly half of the 38 attorneys in the firm contributing to Greer, most of the contributors giving the maximum \$500 donation for a total of more than \$7,250 to ensure Greer's reelection.

With Pope and Silberman leading the JQC, is it any wonder that the agency is a judicial protection agency, targeting only individuals who aren't part of their clique or those with real independence such as Michael Allen who calls a corrupt judge a corrupt judge.

<http://www.northcountrygazette.org/articles/022006GoodOleBoys.html>

<http://www.northcountrygazette.org/2007/05/09/commentary-scarlet-letter-of-shame/>

In the Florida judicial system, they most all hang together or most assuredly, they will all hang separately. Until there's a long overdue restructuring of the Florida JQC, there will never be any meaningful judicial disciplinary system in the state and the unethical judges now will just become more unethical. 2-22-10

ALL RIGHTS RESERVED. Copyright 2010 by June Maxam. This article may not be reprinted or republished in its entirety in ANY medium without the express written permission of The North