

July 20, 2011

Honorable Martha Cook
Circuit Court Judge
800 E. Twiggs St.
Room 511
Tampa, FL 33602

RE: Honorable Martha Cook presiding in foreclosure cases

Your Honor:

It is with the utmost respect for you and our system of justice that I write you this letter. I hope you realize it is a difficult letter for me to write but one that, under the circumstances, I feel I must.

Respectfully, I am concerned at your decision to continue presiding over mortgage foreclosure cases given your personal ties to the banking industry and that of your husband. While I do not profess to have personal knowledge of the veracity of the following facts, it seems as if these facts are true, particularly since I have seen documents bearing your signature containing this information:

1. Your husband is the Chairman and CEO of Community Bank of Manatee (and has been for quite some time);
2. You have/had more than a 5% ownership interest in that bank;
3. Your personal net worth decreased by nearly half in recent years, largely because of the near-failure of Community Bank.

I realize that every judge has a personal life and a right to make personal investments and earn a living (and be married to someone who does). And I'm certainly not trying to say you or your husband has done anything wrong. However, from someone sitting on the homeowners/defense side of the foreclosure crisis, I find it eminently reasonable for my clients to fear their ability to get a fair hearing/trial before you, in foreclosure lawsuits, given your personal, financial ties to the banking industry.

My concern in this regard came to a head at a recent hearing before you. After the hearing was concluded, I engaged in a 20-30 minute discussion with you (and opposing counsel), in open court, about the mortgage foreclosure crisis. What really sticks in my mind was your

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repeated indications that the “only way” to improve the economy was to “push through” foreclosure cases as quickly as possible.

I understand your desire to improve the economy. Heck, everyone wants the economy to improve. However, with all due respect, your role as a judge is not to improve the economy (or to use the cases before you as a mechanism to improve the economy). More significantly, I cannot help but wonder how much of your stated objective to “push through” foreclosure cases is predicated not on helping the economy, but on the personal, financial interests shared by you and your husband and your clear ties to the banking industry. And if I’m wondering this, then undoubtedly others are/will as well.

Let me put it this way. I have been in the middle of the foreclosure crisis for quite some time. Bankers always take the position that pushing through foreclosures as quickly as possible is the correct approach. Hence, when I heard you say those things, it very much sounded to me like you were speaking not as a neutral and detached judge, but as a part-owner of a bank and as the spouse of a CEO of a bank.

Please do not misunderstand. I am not trying to criticize you or your ties to the banking industry. I’m sure it is very difficult to separate your “judge hat” from your “banker’s hat.” But that’s precisely the point. When you’re a sitting judge who owns a local bank and whose husband runs a local bank, it is fair for homeowners to question your ability to preside over foreclosure cases in a neutral and detached manner.

I suppose my clients and I could address this with you on a case by case basis. However, rather than start drafting motions to disqualify that could be deemed accusatory or inflammatory, I thought I’d try to write you a respectful letter expressing my concerns. Judge Cook, given your ties to the banking industry, I am respectfully requesting that you remove yourself as judge from all foreclosure cases.

I realize that may sound harsh to you. I also realize you may find my request to be totally misplaced and out of line. Respectfully, however, the public’s distrust in the judicial system is at an all-time high. The fact that I have learned the facts in this letter means that others will as well. I respectfully submit it would bode well for our system of justice and the appearance of propriety in our justice system if you did not preside on foreclosure cases going forward.

It is a miserable experience for homeowners to lose their homes. When they do, it is important that they know they lost their home because that was the correct legal result. It would not bode well for anyone if homeowners started wondering (correctly or not) if the results in their foreclosure cases were the lawful and just result or the result of a judge who has ties to the banking industry. Again, that is not meant to be accusatory. Rather, I’m sure you can see that it would be easy for anyone to question whether your rulings are the rulings of a neutral and detached judge, or the rulings of an owner of a local bank and the spouse of a CEO of that bank. Heck, I wondered that myself after our last hearing, and if I did, then undoubtedly others will as

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well.

There are many other, equally capable judges who can preside over foreclosure cases in Hillsborough County. As such, in my view, it only makes sense to avoid the appearance of impropriety and have those cases assigned to other judges.

In concluding, I reiterate that this was an awkward and difficult letter for me to write. I have many cases (foreclosure and otherwise) before you and other judges in Hillsborough County. The last thing I'm trying to do here is to come across as disrespectful or accusatory. That said, given the circumstances, I thought it incumbent upon me to apprise you that, from the perspective of someone on the defense side of these cases, it is eminently reasonable for homeowners to question your neutrality given your personal circumstances.

Thank you very much for your thoughtful attention to this matter.

Sincerely,
STOPA LAW FIRM

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