

SUPREME COURT OF FLORIDA

Inquiry Concerning a Judge, re Angel

867 So. 2d 379 (Fla. 2004) · Decided February 19, 2004

SUMMARY

The Supreme Court of Florida approved the Judicial Qualifications Commission’s recommendation that Judge Carven D. Angel receive a public reprimand for misconduct during his 2002 judicial election campaign. The court held that his participation in partisan political activities and representation of himself as a member of a political party violated section 105.071, Florida Statutes, and Canon 7 of the Code of Judicial Conduct, and ordered him to appear for administration of the reprimand.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Anstead, C.J.; Wells, J.; Pariente, J.; Lewis, J.; Quince, J.; Cantero, J.; Bell, J.
JURISDICTION	Florida
DECIDED	February 19, 2004
DISPOSITION	approved
PROCEDURAL POSTURE	The Florida Judicial Qualifications Commission and Judge Angel submitted a stipulation concerning judicial-election misconduct and the JQC recommended that Judge Angel receive a public reprimand. The Supreme Court of Florida reviewed and approved the recommendation.
STANDARD OF REVIEW	The Court gives the JQC's findings and recommendations great weight, but retains ultimate authority and responsibility for discipline. It reviews the findings for clear and convincing evidence supporting the alleged ethical violations.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Florida approving a public reprimand in a judicial-discipline proceeding.
PARTIES	Florida Judicial Qualifications Commission v. Judge Carven D. Angel

TOPICS

- election law
- constitutional law

PRACTICE AREAS

judicial discipline

judicial ethics

election law

professional responsibility

QUESTIONS PRESENTED

1. Whether the stipulated facts established by clear and convincing evidence that Judge Angel violated section 105.071 of the Florida Statutes and Canon 7 of the Florida Code of Judicial Conduct.
2. Whether the JQC's recommendation of a public reprimand was an appropriate sanction for Judge Angel's judicial-election misconduct.

HOLDINGS

1. The stipulated facts and Judge Angel's admissions established by clear and convincing evidence that his conduct relating to partisan political functions violated both the spirit and the letter of section 105.071 of the Florida Statutes and Canon 7 of the Code of Judicial Conduct.
2. A public reprimand was the appropriate sanction for Judge Angel's admitted partisan political activity during his judicial election campaign.

KEY QUOTATIONS

"However, "the ultimate power and responsibility in making a determination rests with this Court." (at 382)

"A review of the stipulation entered into by Judge Angel and the JQC, as well as the JQC's findings, demonstrates by clear and convincing evidence that Judge Angel's conduct relating to partisan political functions violated both the spirit and the letter of section 105.071 of the Florida Statutes and Canon 7 of the Code of Judicial Conduct." (at 383)

FACTUAL BACKGROUND

During his 2002 campaign for judicial office, Judge Carven D. Angel attended and participated in partisan political gatherings, including Republican and Democratic party functions. He and members of his family campaigned on his behalf at some events, and he spoke at a partisan gathering seeking votes. He also held himself out as a member of a partisan political party. Angel admitted seven of the thirteen charged violations and admitted the impropriety of that conduct.

PROCEDURAL HISTORY

The JQC filed formal charges alleging thirteen ethical violations arising from Judge Angel's 2002 judicial election campaign. Judge Angel answered the charges and later stipulated to seven violations and the impropriety of the admitted conduct. The JQC recommended a public reprimand, which the Supreme Court approved.

DISPOSITION

approved

CASES CITED

- In re Kinsey, 842 So. 2d 77, 85 (Fla. 2003)
- In re Davey, 645 So. 2d 398, 404 (Fla. 1994)
- In re Rodriguez, 829 So. 2d 857, 860 (Fla. 2002)
- In re McMillan, 797 So. 2d 560, 566 (Fla. 2001)
- In re Alley, 699 So. 2d 1369, 1370 (Fla. 1997)
- In re Glickstein, 620 So. 2d 1000, 1002-03 (Fla. 1993)
- In re Turner, 573 So. 2d 1, 2 (Fla. 1990)
- In re Kay, 508 So. 2d 329, 330 (Fla. 1987)
- In re Pratt, 508 So. 2d 8, 9-10 (Fla. 1987)
- In re Kinsey, 842 So. 2d 77, 92 (Fla. 2003)
- In re McMillan, 797 So. 2d 560, 572 (Fla. 2001)
- In re Frank, 753 So. 2d 1228, 1242 (Fla. 2000)