

SUPREME COURT OF FLORIDA

Inquiry Concerning a Judge No. 00-319 re Baker

813 So. 2d 36 (Fla. 2002) · No. No. 00-319 · Decided February 14, 2002

SUMMARY

The Florida Supreme Court approves the Judicial Qualifications Commission’s finding that Judge Joseph P. Baker violated Canon 3 B(7) of the Florida Code of Judicial Conduct by soliciting communications from computer consultants and experts about technical damages issues in a pending trial without the parties or their attorneys present. The court admonishes Judge Baker as the recommended sanction.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Wells, C.J.; Shaw, J.; Harding, J.; Anstead, J.; Pariente, J.; Lewis, J.; Quince, J.
JURISDICTION	Florida
DECIDED	February 14, 2002
DOCKET	No. 00-319
DISPOSITION	approved
PROCEDURAL POSTURE	The Supreme Court of Florida reviewed the Judicial Qualifications Commission's finding that Judge Joseph P. Baker violated Canon 3 B(7) of the Florida Code of Judicial Conduct and its recommendation that he receive an admonishment.
PRECEDENTIAL VALUE	Published opinion; precedential as to the interpretation and application of Canon 3 B(7) in the judicial-discipline context.

TOPICS

- civil procedure
- commercial litigation

PRACTICE AREAS

- judicial discipline
- judicial ethics
- legal ethics

QUESTIONS PRESENTED

1. Whether Judge Baker's communications with outside computer consultants and experts concerning technical issues in a pending case violated Canon 3 B(7) of the Florida Code of Judicial Conduct.
2. Whether the Supreme Court of Florida should approve the JQC's recommended sanction of admonishment.

HOLDINGS

1. A judge violates Canon 3 B(7) by soliciting communications from outside computer consultants or experts concerning substantive technical issues in a pending proceeding without the involvement or consent of the parties or their attorneys, unless a stated exception applies.
2. The court approved the JQC's finding and admonished Judge Baker to comply with his judicial oath and the Code of Judicial Conduct, specifically Canon 3 B(7).

KEY QUOTATIONS

“Canon 3 B(7) of the Florida Code of Judicial Conduct expressly prohibits “ex parte communications, or [consideration of] other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding.”” (813 So. 2d at 36)

“Accordingly, we agree with the JQC that Judge Baker violated the express language of Canon 3 B(7).” (813 So. 2d at 38)

FACTUAL BACKGROUND

During a May 1999 trial between Universal Business Systems, Inc. and Disney Vacation Club Management Corporation, Judge Joseph P. Baker solicited communications from computer consultants and experts concerning technical issues related to damages. He did so without the involvement of the litigants or their attorneys. Judge Baker admitted to the JQC that he made inquiries, although he could not identify all of the people contacted or recall everything they said.

PROCEDURAL HISTORY

While presiding over a trial, Judge Baker sought information from unnamed computer consultants and experts about technical damages issues without involving the parties or their attorneys. The JQC found that this conduct violated Canon 3 B(7) and recommended admonishment as a lesser sanction than public reprimand. The Supreme Court of Florida approved the JQC's finding and admonished Judge Baker.

DISPOSITION

approved