

SUPREME COURT OF FLORIDA

Media General Convergence, Inc. v. Chief Judge of the Thirteenth
Judicial Circuit; Charles J. Crist, Jr. v. Chief Judge of the Thirteenth
Judicial Circuit

840 So. 2d 1008 (Fla. 2003) · No. Nos. SC01-1396, SC01-1398 · Decided February 13, 2003

SUMMARY

The Supreme Court of Florida held that records received or created by a chief judge concerning complaints of sexual harassment or sexually inappropriate behavior by a judge constituted judicial public records. The court further held that those records were exempt from disclosure under Florida Rule of Judicial Administration 2.051(c)(3)(A) until the Judicial Qualifications Commission established probable cause, after which disclosure was required. The court quashed the Second District Court of Appeal’s decision and remanded.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Wells, J.; Pariente, J.; Quince, J.; Harding, Senior Justice; Anstead, C.J.; Lewis, J.; Shaw, Senior Justice
JURISDICTION	Florida
DECIDED	February 13, 2003
DOCKET	Nos. SC01-1396, SC01-1398
DISPOSITION	quashed
PROCEDURAL POSTURE	Petition for review of a decision of the Second District Court of Appeal denying a petition for writ of mandamus and certifying a question of great public importance concerning access to judicial records.
STANDARD OF REVIEW	De novo review applies to the legal determination whether documents constitute public records.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; binding precedent in Florida.
PARTIES	Media General Convergence, Inc., Media General Operations, Inc., Charles J. Crist, Jr. v. Chief Judge of the Thirteenth Judicial Circuit

TOPICS

constitutional law appellate procedure appellate jurisdiction civil procedure standard of review

PRACTICE AREAS

constitutional law civil procedure appellate procedure public records

QUESTIONS PRESENTED

1. Whether documents received or made by a chief judge concerning complaints of sexual harassment or sexually inappropriate behavior by a judge constitute public records or judicial records subject to public disclosure.
2. Whether those records are exempt from disclosure until the Judicial Qualifications Commission determines that probable cause exists.
3. Whether the Court should adopt new procedures for appellate review and in-camera inspection of denials of access to judicial records.

HOLDINGS

1. Records received or made by a chief judge in connection with complaints of sexual harassment or sexually inappropriate behavior by a judge constitute judicial records and public records because they are connected with the transaction of official court business.
2. Records associated with complaints alleging misconduct against a judge are exempt from public disclosure until the Judicial Qualifications Commission determines that probable cause exists, regardless of whether the complaint is formal or informal.
3. The Court would not decide whether the broadly worded fraternization-records request sought public records or exempt records because the petitioners conceded that the request was overbroad and no records were submitted for in-camera inspection.
4. The Court declined to adopt new procedures sua sponte and referred the issue to the Rules of Judicial Administration Committee for study and recommendation.

KEY QUOTATIONS

“All we hold today is that when an individual complains to a chief judge about judicial misconduct involving sexual harassment or sexually inappropriate behavior, any records made or received by the chief judge constitute public records.” (840 So. 2d at 1021)

“However, when that complaint is sent to the JQC, the complaint and the records associated with the complaint are confidential until the JQC finds probable cause.” (840 So. 2d at 1021)

“Once the JQC finds probable cause, the records in the possession of the chief judge are no longer exempt and become fully available to the public.” (840 So. 2d at 1021)

FACTUAL BACKGROUND

Media General Convergence, Media General Operations, WFLA-TV, and The Tampa Tribune requested records held or generated by Chief Judge F. Dennis Alvarez concerning complaints that Hillsborough Circuit Judge Edward Ward engaged in sexual harassment or sexually inappropriate behavior toward judicial assistants and other judges. The records included affidavits, emails, and memoranda documenting the complaints and the chief judge's response. The Judicial Qualifications Commission later found probable cause and filed formal charges against Judge Ward on March 1, 2000, but the chief judge had not released the records before that determination.

PROCEDURAL HISTORY

Media General petitioners sought access from the chief judge of the Thirteenth Judicial Circuit to records concerning complaints of sexual harassment or sexually inappropriate conduct by a circuit judge. After the chief judge denied access, petitioners filed a mandamus action in the circuit court, which dismissed it for lack of jurisdiction, and then filed in the Second District Court of Appeal. The Second District denied relief but certified a question of great public importance. The Supreme Court of Florida rephrased and divided the question, quashed the Second District's decision, and remanded.

DISPOSITION

quashed

REMAND INSTRUCTIONS

Remand to the Second District Court of Appeal for further proceedings consistent with the opinion, including disclosure of the Judge Ward records after the Judicial Qualifications Commission's probable-cause determination. The Court declined to decide the fraternization-records issue without prejudice to further pursuit.

CASES CITED

- Media Gen. Convergence, Inc. v. Chief Judge of the Thirteenth Judicial Circuit, 794 So. 2d 631 (Fla. 2d DCA 2001)
- Hill v. Prudential Ins. Co., 701 So. 2d 1218, 1219 (Fla. 1st DCA 1997)
- Amos v. Gunn, 84 Fla. 285, 94 So. 615, 634 (1922)
- In re Amendments to the Fla. Rules of Jud. Admin.—Public Access to Jud. Records, 608 So. 2d 472 (Fla. 1992)
- Shevin v. Byron, Harless, Schaffer, Reid & Associates, Inc., 379 So. 2d 633, 640 (Fla. 1980)
- Michel v. Douglas, 464 So. 2d 545, 547 (Fla. 1985)
- Mills v. Doyle, 407 So. 2d 348, 350 (Fla. 4th DCA 1981)
- In re Removal of a Chief Judge, 592 So. 2d 671, 672 (Fla. 1992)
- In re Certificate of Judicial Manpower, 503 So. 2d 323, 325 (Fla. 1987)
- Report of the Supreme Court Workgroup on Public Records, 825 So. 2d 889, 896 (Fla. 2002)