

SUPREME COURT OF FLORIDA

Inquiry Concerning a Judge, No. 03-98 re Andrews

875 So. 2d 441 (Fla. 2004) · No. No. 03-98 · Decided May 13, 2004

SUMMARY

The Florida Supreme Court approved the Judicial Qualifications Commission’s recommendation that Judge Robert Lance Andrews receive a public reprimand for making inappropriate statements to a reporter about Novartis Pharmaceuticals while presiding over discovery proceedings. The Court found that the admitted conduct evidenced bias and violated Canons 1, 2, and 3 of the Code of Judicial Conduct, and ordered Judge Andrews to appear for administration of the reprimand.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Anstead, C.J.; Wells, J.; Pariente, J.; Lewis, J.; Quince, J.; Cantero, J.; Bell, J.
JURISDICTION	Florida
DECIDED	May 13, 2004
DOCKET	No. 03-98
DISPOSITION	approved
PROCEDURAL POSTURE	The Supreme Court of Florida reviewed the Investigative Panel of the Judicial Qualifications Commission's recommendation that Judge Robert Lance Andrews receive a public reprimand for judicial misconduct. Judge Andrews stipulated to the findings of guilt and recommended discipline.
STANDARD OF REVIEW	The Court reviews JQC findings to determine whether they are supported by clear and convincing evidence and reviews the recommended discipline to determine whether it should be approved. The Court gives the JQC's findings and recommendations great weight, but retains ultimate responsibility for the determination.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; precedential regarding review of JQC findings and judicial discipline.
PARTIES	Florida Judicial Qualifications Commission v. Judge Robert Lance Andrews

TOPICS

discovery dispute commercial litigation civil procedure

PRACTICE AREAS

judicial discipline judicial ethics professional responsibility discovery

QUESTIONS PRESENTED

1. Whether the JQC's findings that Judge Andrews violated the Code of Judicial Conduct were supported by clear and convincing evidence.
2. Whether a public reprimand was the appropriate discipline for Judge Andrews's judicial misconduct.

HOLDINGS

1. The JQC's findings that Judge Andrews's statements evidenced bias against Novartis and violated canons 1, 2, and 3 of the Code of Judicial Conduct were supported by clear and convincing evidence.
2. A public reprimand was an appropriate sanction for Judge Andrews's misconduct.

KEY QUOTATIONS

“While this Court gives the findings and recommendations of the JQC great weight, ‘the ultimate power and responsibility in making a determination rests with this Court.’” (875 So. 2d at 442)

“Accordingly, we review the findings to ensure that there is “clear and convincing evidence” to support the alleged ethical violations—a standard of proof which has been described as “more than a ‘preponderance of the evidence,’ but the proof need not be ‘beyond and to the exclusion of a reasonable doubt.’ ”” (875 So. 2d at 442)

FACTUAL BACKGROUND

While presiding over *Carnato v. Novartis Pharmaceuticals Corp.*, Judge Andrews made statements to a reporter characterizing Novartis's discovery conduct and litigation strategy, including that Novartis was trying to bury plaintiffs in documents and that its strategy had backfired. Novartis had produced more than one million documents, claimed privilege, and sought an in-camera inspection, leading Judge Andrews to appoint a special master at Novartis's expense. The JQC alleged that the statements evidenced bias against Novartis, and Judge Andrews admitted the conduct.

PROCEDURAL HISTORY

The JQC charged Judge Andrews with making inappropriate statements to a reporter about Novartis Pharmaceuticals while presiding over litigation involving discovery of more than one million documents. Judge Andrews admitted the alleged conduct and stipulated that the Investigative Panel could enter findings and recommend a reprimand without further proceedings before the Hearing Panel. The Supreme Court reviewed and approved the recommendation.

DISPOSITION

approved

REMAND INSTRUCTIONS

Judge Andrews was commanded to appear before the Supreme Court of Florida for administration of a public reprimand at a time established by the clerk.

CASES CITED

- In re Kinsey, 842 So. 2d 77, 85 (Fla. 2003)
- In re Davey, 645 So. 2d 398, 404 (Fla. 1994)
- In re Hayes, 541 So. 2d 105 (Fla. 1989)
- In re Frank, 753 So. 2d 1228, 1242 (Fla. 2000)

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