

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING JUDGE,

SCOTT C. DUPONT, NO. 16-377

SC16-2103

_____/

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
RECOMMENDATIONS OF THE HEARING PANEL,
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION**

Pursuant to the Florida Constitution, Art. v, §12(a)(1),(b) and (c), and the Florida Judicial Qualifications Commission ("FJQC") Rules, the FJQC Hearing Panel hereby certifies these "Findings of Fact, Conclusions of Law and Recommendations" to the Florida Supreme Court.

COURSE OF THE PROCEEDINGS

On November 23, 2016, the Investigative Panel of the FJQC filed a Notice of Formal Charges against the Honorable Scott C. DuPont, Circuit Judge for the 7th Judicial Circuit. After further investigative proceedings, an amended notice was filed August 16, 2017.

The amended charges allege that Judge DuPont: (1) recklessly posted false or misleading information about an opponent and his family on a website created by his judicial campaign in a contested 2016 election (Paragraphs 1-2, 6-7); (2) made false or misleading statements at a televised judicial forum that his opponent was ticketed for passing a school bus while it was loading or unloading children, and he

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had cheated during a Volusia County straw poll (Paragraphs 3-4, 6-7); (3) announced at the same judicial forum that it was not the role of a circuit judge to determine the constitutionality of statutes, because this would be “legislating from the bench” (Paragraph 5); (4) made unspecified personal attacks on his opponent at a 2010 judicial campaign (Paragraph 8); (5) presided over a hearing when one side was unavailable due to a traffic accident, and the other side was present in City of Palm Coast, Florida v. The Group Golf of Palm Coast, LLC, Flagler County Case No 2016-CA-000639 (Paragraph 9); (6) held first appearance hearings around his campaign schedule, conducted these earlier than noticed, without counsel present, and significantly increased bonds at such hearings (Paragraph 10); (7) held the victim of a domestic violence case in contempt, ordering her indefinitely incarcerated, unless she and her child underwent psychological evaluations, (Paragraph 11); and (8) ordered a deputy sheriff to search and seize the valuables of a party appearing before him in a domestic matter, when that party asserted an inability to pay support (Paragraph 12). The amended notice charged violations of Canons 1, 2A, 2B, 3A, 3B, 3E, 5A and 7A of the Code of Judicial Conduct and Florida Constitution, Article v, §13.

Judge DuPont’s answer admitted he was “careless” in response to charges set forth in paragraphs 1-5, and that his response regarding the job of a circuit court judge was “given in the wrong context” and was inappropriate. He added that:

I am truly remorseful and apologetic for my behavior. I recognize and understand that I must exercise the utmost discipline in connection with my judicial activities, including the activities of my campaign. I am deeply aware of the need for judges and judicial candidates to set an example of the utmost propriety, judicial demeanor and restraint when required to run in a contested election. The public that I serve should not, and cannot, expect anything less. I have learned a great lesson from this and have grown accordingly.

I regret having placed the Judicial Qualifications Commission and, ultimately, the Florida Supreme Court, in the position of having to address my actions. In taking full responsibility for my actions, I understand that I will be subjected to sanctions for my conduct. This behavior will never happen again. (Response, 12/19/16).

Judge DuPont's motion to strike paragraph 8 of the Amended notice (relating to an earlier judicial campaign) was granted.

Judge DuPont's response to the Amended Charges, as supplemented, defended the actions alleged in paragraphs 1-5, on the basis "he acted in good faith, with the belief that the information was accurate." (Response, September 5, 2017; Supplemental Response, November 6, 2017). He "denied as framed" the remaining allegations in paragraphs 6-7 and 9-12 (Supplemental Response).

The FJQC Hearing Panel conducted a final hearing on December 11-12, 2017. The Hearing Panel was chaired by Eugene Pettis, Esq., and included the Honorable Steven P. DeLuca, the Honorable Robert Morris, John Cardillo, Esq. (ad hoc), Harry Duncanson (lay member) and Walter H. ("Rickey") Ricks (lay member/ad hoc).

Henry M. Coxe, III, Esq. and Brian Coughlin, Esq. represented the FJQC Investigative Panel. Rutledge T. Liles, Esq. and Pamela H. Klavon, Esq. represented Judge DuPont. Lauri Waldman Ross, Esq. served as counsel to the FJQC Hearing Panel.

FINDINGS OF FACT¹

Scott C. DuPont was admitted to The Florida Bar in 2004 (FJQC Ex. 6A, p. 4). After a stint as a certified legal intern and assistant state attorney for the Seventh Judicial Circuit, he entered private practice. (Id. at pp. 6-8). He was elected to the circuit bench in 2010. (Id. at pp. 9-10). At the time of his election, Judge Dupont was 38 years old and had six years of legal experience. (T.188-89,597).

The Seventh Judicial Circuit is very large, about the size of Delaware and Rhode Island, comprised of four counties: St. Johns, Volusia, Putnam and Flagler. (T.471). Judge DuPont was initially assigned to the family division, in St. Johns County (where he was mentored by Judge John Alexander), and then to Putnam County. (T.458-60). He currently handles two civil divisions, in Flagler and Putnam counties. He has been assigned to every division except criminal felony. (T.239-41, 260, 457).

¹ References are to the transcript of final hearing (T.____), and the parties' respective exhibits admitted into evidence by agreement (FJQC Ex. ____; Resp. Ex. ____). Most of the facts are detailed chronologically to place Judge DuPont's knowledge and experience into perspective, as events arose.

A. 2011 Family Court Hearing

In Putnam County, Judge DuPont was assigned to a case involving custody/visitation with a minor child. Child support had already been ordered in a separate case pursued by the Department of Revenue (a fact noted in the custody file). (T.175-76).

In April 2011, approximately four months into his first term, Judge DuPont presided over a hearing attended by both parties. When Judge DuPont questioned the absence of a certificate for successful completion of a parenting class, the husband responded that he didn't take the class because he lacked funds.

Donald Goodman, a deputy sheriff with the Putnam County Sheriff's office for over ten years was assigned to Judge DuPont's courtroom as a bailiff. (T.136-39). He was armed and wearing his sheriff's uniform. (T.512). Judge DuPont ordered his bailiff to search the husband for money. The husband "immediately got up... leaned against the wall with his hands and spread his legs as if [the bailiff] was going to pat him down for weapons." (T.139). The bailiff spotted a wallet in the man's back pocket. Judge DuPont then ordered the bailiff to remove the wallet, open it to determine if it held money, pull money out, and count it. The wallet held \$180, which the man claimed he was holding for someone else. Judge DuPont immediately turned the \$180 over to the Wife, ordering it credited to outstanding

child support. (T.137-44). Officer Goodman had never previously performed such a search at a judge's direction. (T.141).

Katie Barnard, a case manager for family court, who had previously worked with many judges in many family courtrooms, alerted her supervisor. Ms. Barnard, (who is now a schoolteacher) testified she had never previously seen such tactic, which was contrary to protocol and procedure for collecting child support, and that Judge DuPont was very disrespectful to litigants. (T.166-68, 180-81).

The court-ordered search was reported by law enforcement officers (who were visibly angry) to Judge Terrell J. LaRue, administrative judge for the Seventh judicial circuit. (T.184-88, 191). Judge LaRue thought that Judge DuPont had simply made a rookie mistake. He tried to explain to Judge DuPont that he had employed a "very poor procedure" which should not be used again. Judge LaRue was taken aback when Judge DuPont insisted that "I can do that" and "We do that all the time in St. Johns County." (T.189-90, 194-95).

Judge DuPont testified that he was acting in the best interest of children, who needed child support. He directed such a search 3-5 times, but never did so again after this incident. (T.512). Judge DuPont didn't know why his action precipitated the complaint or response that it did. (T.527-28).

Disposition: Guilty.

B. The 2012 Domestic Violence Hearing

On September 5, 2016, Judge DuPont conducted an evidentiary hearing on cross-petitions for domestic violence in Touchet (on behalf of a minor child) v. Jones, Putnam County Case No. 2012-854 FD and Jones v. Touchet, Putnam County Case No. 2012-889 FD (Resp. Ex.42, p.3).

Touchet, a divorced woman with two young children, was involved in a relationship with Jones for approximately one year. During that time, she was threatened and beaten multiple times, the pattern of violence escalated, and she landed in the hospital with a concussion. Touchet professed continuing love and repeatedly returned to her partner, notwithstanding the fact that physical violence was ongoing and occurred in the presence of her six year old. (Resp. Ex.42, pp.10-12, 16-25, 33-34, 38). Judge DuPont denied Jones' petition for injunction (Case No. 889) and granted the petition filed by Touchet, finding overwhelming evidence to support it. (Case No. 854)(Resp. Ex.42, p.53).

At the conclusion of the hearing, Judge DuPont ordered Touchet "to obtain a psychological evaluation that focuses on your domestic violence issues," follow recommended treatment, and obtain a psychological evaluation of her son to address the violence observed first hand. He also advised the parties "if either one of you do not comply with my order, I will put you in jail. So make sure you understand." (Resp. Ex.42, pp.54-55). He issued a written order the same day granting an

injunction protecting Touchet, and giving her thirty days “to obtain a psychological evaluation focusing on why she repeatedly, continually, and systematically, return[ed] to her abusers” as well as “a psychological evaluation on [her] child who has observed incidents of domestic violence too numerous to count.” (FJQC Ex.33).

On November 12, 2012, Judge DuPont held the victim in contempt for failing to secure these evaluations. His order specified that failure to comply “will result in a Writ of Bodily Attachment being issued for the immediate seizure of the Petitioner for an indefinite period of incarceration, with her purge being scheduling the evaluations.” (FJQC Ex.33).

In Touchet v. Jones, 135 So.3d 323, 326 (Fla. 5th DCA 2013), the Fifth District reversed that part of the order requiring Touchet to secure psychological evaluations. It reasoned that the judge “might have been well-intentioned” but the impact of his order ran contrary to goals and purposes of the domestic violence statute, which was designed to protect victims. Orders such as this “impose a substantial financial and emotional burden on the victim and would have a chilling effect on victims of domestic violence seeking the protection of the courts.” Id. at 325). It concluded that:

The psychological issues underlying the cycle of domestic violence have been explored in depth by many social scientists. *See, e.g.,* Lenore E. Walker, *The Battered Woman* (1979). These issues are complicated, and the courts are ill-suited to address them. The best the courts can do is offer protection to those victims of abuse without

placing hurdles in their way and without threatening to incarcerate them. (FJQC Ex.35; 135 So.3d at 325).

Judge DuPont testified that he imposed such conditions out of fear for the safety of mother and child, and hasn't done it since. (T.567-70).

Disposition: Not Guilty.

C. The 2016 Judicial Campaign

In 2015, Judge DuPont qualified for a second judicial term. He filed early because of the “very large” size of the Seventh Judicial Circuit, and the fact that only a few months separate the last day of qualifying from the primary. Thus, if you wait until you have an opponent, “it’s too late.” (T.471).

On March 3, 2015, Judge DuPont certified that he had “received, read and unders[tood] the requirements of the Florida Code of Judicial Conduct.” (FJQC Ex. 44).

The Judicial Ethics Advisory Committee (“JEAC”) established by the Florida Supreme Court conducts election forums throughout the state, which candidates for judicial office are strongly urged to attend. Members of the JEAC make presentations on Canon 7 and election practices, alert candidates to the type of conduct that may get them into trouble, and available resources which they may call upon, (including contacting members and obtaining Advisory Opinions). (T.45-57). Such forums also serve as refresher courses for existing judges, reminding them of

obligations imposed by the Code of Judicial Conduct, and bringing them current on case law. (T.50).

On May 12, 2016, the JEAC conducted a candidate election forum in Jacksonville, attended by Judge DuPont, his declared opponent Malcom Anthony (“Anthony”), and other members of the bench and bar. (FJQC Ex. 22; T.49-51).

Judges James Edwards and Roberto Arias co-chaired this program, which included a PowerPoint presentation. It reminded candidates to “Play by the Rules...or else...,” that compliance with Florida’s Code of Judicial Conduct and Florida Statutes was the candidate’s responsibility, and that candidates could **not** rely on campaign managers or others for compliance. (FJQC Ex.23, pp.1-2). Another slide warned that unclean hands (subtitled “Don’t look at me!!! Look at Them,”) was not a defense. (T.48, 52-60; FJQC Ex. 23, p.3). The JEAC presentation highlighted pertinent provisions of Canon 7, and potential consequences for violations, illustrated by specific cases. (FJQC Ex. 23, pp.3-17). Judge DuPont reviewed Canon 7 and listened to the presentation. (T.551-52).

Judge DuPont hired the same campaign manager who had previously run his 2010 campaign, but in May 2016, turned to Maureen France, after they had a falling out. Ms. France was an experienced campaign consultant, already in the midst of handling multiple campaigns for other judicial candidates. (T.64-66, 470-72).

The parties discussed potential services at an initial meeting over lunch. According to Ms. France, Judge DuPont emphasized his record but sought “opposition research” on his opponent. He told Ms. France that he “knew of some issues that were out there” and wanted to make sure that they knew everything (T. 66-68). Ms. France responded that it was “too late in the game” for her to get involved performing such research. Ms. France recommended Bill Tavernier, a researcher with whom she was acquainted, indicating he could research any issues the judge wished to explore, and she would pass it on, but it would be up to the judge to determine its validity. (T.67-68, 74-75, 97-98, 106-107). Judge DuPont conducted “opposition research” in his 2010 campaign, but claimed France raised this subject and listed it as a service she was available to provide. (T.473-74). Judge DuPont did not know or meet Bill Tavernier, and they had nominal contact at best. (T.117, 121, 475).

Judge DuPont suspected that Anthony changed his name for meretricious reasons, and was running from financial problems. (T.103). He sought research on Anthony’s name change and “different legal problems he may have had...” (T.69-70). Ms. France retained Tavernier at an hourly rate, to be paid from her fee (at no greater charge to the judge). She emailed Tavernier a list of topics that the judge wanted researched. (T.103).

Tavernier performed two hours of research (for which he was paid \$250-260 dollars) pulling information off various websites. (T.119-21, 127). Among these was Instant Checkmate.com, a subscription service “originally created as a resource for online daters.” (T.119; FJQC Ex.5, FJQC Ex.43). Tavernier pulled up “case-history-type” reports from clerk of court websites. (T.123-25). Tavernier located Anthony’s name change, but didn’t notice that the petition for name change was filed by Mr. and Mrs. Neundorfer, a couple: now Anthony. (T.125-26; FJQC Ex.28). He searched Sunbiz.org, an official State website established by the Florida Division of Corporations for Malcolm Anthony’s name, and found him listed as the manager of a Florida Limited Liability Company, known as “Hideyourpast.com llc.” This company was administratively dissolved in 2013, three years prior to the election. (T.125-26; FJQC Ex.21). Tavernier looked at the name of the company, but didn’t determine what it did. (T.125-26).

On June 4, 2016, Tavernier emailed documents regarding Anthony’s name change to Ms. France, who forwarded them on to Judge DuPont. (FJQC Comp. Ex. 29). On June 7, 2016, Tavernier emailed additional documents to Ms. France with the note that “other violations were all in Duval. St. Johns consists of speeding, school bus and again driving with an expired tag.” (FJQC Ex.7).² Ms. France

² This email from Tavernier contains the only reference to a “school bus” in any document anywhere. (T.127-28).

forwarded the documents to Judge DuPont minutes later. (FJQC Ex. 7; T.530).

Tavernier's "research" was cursory at best, and wasn't vetted. He wasn't requested to, and didn't pull underlying documentation. (T.123-25). His reference to a school bus may have been "meant for someone else..." since he was working on several projects simultaneously. (T.127-28). The 1990 petition for name change filed by Malcolm Anthony Neundorfer, was joined in by his wife Andrea Lynette Neundorfer (FJQC Pet.28; T.153-54). Evidence adduced from Andrea Anthony (Anthony's now former wife) reflects there was nothing nefarious about this name change, which dropped the difficult to pronounce Neundorfer, in favor of Anthony's existing middle name. (T.149, 153-55). Hideyourpast.com was an internet business created as part of Anthony's law practice, which processed information for eligible persons to have criminal records sealed or expunged. (T.153-57).

Judge DuPont did absolutely nothing to verify the information provided. (T.558). He testified that he relied on France (and Tavernier) to determine its accuracy, and France confirmed its accuracy multiple times. (T.533, 535). France attested to the opposite; she made it clear to the judge when she was hired that she "wasn't really going to be involved," and would simply pass on research for the judge's review and decision. (T.74-75, 97-99, 106-07). Judge DuPont never questioned, and she never confirmed, its accuracy. (T.84-85).

On June 9, 2016, the Volusia County Bar Association conducted a “straw poll.” Ms. France and others observed Bob Smith moving straws between buckets. Mr. Smith was wearing an Anthony t-shirt, and was a volunteer associated with Anthony’s campaign. (T.92-94; Resp. Ex.11-12). She reported this to Judge DuPont. (T.94). The next day the Volusia County Bar e-mailed all “Candidates and Incumbents” indicating witnesses had complained about cheating, and suggested that poll results not be used to gauge success. Since poll organizers did not observe any cheating first-hand, they refused to name names. (Resp. Ex.8).

In July, 2016, Judge DuPont filled out a League of Women Voters Questionnaire, and asked Ms. France to review the following proposed response:

Character, Honesty, Integrity, Common Sense, and Experience distinguishes me from my opponent, Malcolm Anthony. I have brought to the bench and maintained the highest morals, values, and ethical standards. My opponent, Malcolm Anthony, has been ticketed twice for parking in handicapped parking without a permit, he has been ticketed once for speeding in a school zone, and he has been ticketed once for passing a school bus while it was loading children. He is a current member of www.hideyourpast.com, which is a website that you join to hide our personal history, he has changed his legal name, and his campaign was caught cheating by at least 5 witnesses at a recent straw poll sponsored by the League of Women Voters and Volusia Bar Association. (FJQC Ex. 45, ¶10C).

Ms. France responded, questioning *inter alia* “are you sure you want to name specifics?,” since “I don’t know that we know the specifics for example if the school

bus had children on it, etc.” (FJQC Ex. 45). While Judge DuPont claims he relied on France for accuracy, he disregarded this response. (T.610-12).

Judge DuPont also sought to post materials forwarded by Tavernier on a campaign website. Ms. France tried to talk him out of it, concerned that use of unvetted materials could get everyone in trouble. (T.75-77, 105). She tried to dissuade Judge DuPont “many times,” believing he had a record to stand on, didn’t need to use negative information, and that judges are held to a higher standard. (T.108-110, 579). After discussions with David Vandervoort (the web designer or engineer), Ms. France took the unprecedented step of requesting that Judge DuPont execute a “hold harmless” agreement protecting them. (T.75-76, 101-02). The agreement provided that, in exchange for valuable consideration, the DuPont campaign “shall fully defend, indemnify, and hold harmless David Vandervoort, Daytona Agency, Maureen France, France & Company from any and all claims, lawsuits, demands, causes of action, liability, loss, damages and/or injury, of any kind whatsoever....” (FJQC Ex.42).

Judge DuPont insisted that the information be posted, but refused to sign the “hold harmless” agreement. (T.79, 108, 579, 584-86). Ms. France testified that the Judge told her, in conjunction with his refusal, that “if we were to get into any trouble, any attorney in the circuit would represent us for free.” (T.79, 104-05). Judge DuPont claims he refused to sign because he had “no idea” why France’s name

appeared on the hold harmless agreement, and she was unable to explain. (T.566-67).

Judge DuPont also discussed negative information about Anthony with two other judges in advance of posting it. (T.270-71, 281-83). Howard McGillin was appointed to the bench following a distinguished military career. Among other things, he taught ethics at the Army law school, and was in charge of investigating general officers, a very high profile area. (T.271). Judges McGillen and DuPont were friends. (T.628). Judge McGillen cautioned DuPont that “you need to be very, very sure of the information that you have before you use it.” (T.271, 557).

Matthew Foxman became friends with DuPont in 2010 during a campaign cycle which saw them both elected. (T.280-81). DuPont informed Judge Foxman that he possessed information reflecting his opponent had numerous traffic issues including “citations for parking in a handicapped zone, something to do with a school bus moving violation,” that his opponent had changed his name and was “somehow affiliated with a website that would conceal your identity or your past.” (T.281-82). Judge Foxman also advised Judge DuPont that such materials were “unnecessary;” in his opinion, Judge DuPont was winning handily. When it became readily apparent there was “no talking [Judge DuPont] out of” its use, Judge Foxman warned him to make sure “it was both true and accurate.” Judge DuPont responded that “his campaign people... were experienced at this...” (T.282-83).

Judge DuPont testified that during several conversations they had about the campaign, Judge Foxman “never told me not to use it” and “There came a time [after the straw poll] where he indicated that he doesn’t see how I can’t use it.” (FJQC Ex.6A, p.91; T.563). Judge Foxman indicated this was “not true,” and he said nothing remotely close during their discussions. (T.284).

In late July 2016, the website went up with a picture of Anthony under the caption “About Judge DuPont’s Opponent.”³ (FJQC Ex.5). To the right of the photograph, appeared three statements:

- HideYourPast.com Managing Member 2013 with an asterisk noting “All information obtained from public records and websites,”
- Changed his legal Name SCROLL TO PAGE 4 BELOW
- Campaign Caught by 5 witnesses in June (Click to SEE memo).

To the right of the picture, immediately below these statements, bold print queried **“Do You Trust Malcolm Anthony to be Your Circuit Court Judge?”**

Judge DuPont’s campaign website listed “imposter information,” suggesting Anthony was using “aliases.” It connected Anthony’s name change to “HideYourPast.com” insinuating that Anthony had secrets in his past that he sought to hide. Judge’s DuPont’s campaign website indicated Anthony had received three parking tickets for parking in a handicapped zone, with associated “booking dates”

³ The title page is attached as Ex.A.

suggesting arrests (when there were no arrests). (T.550-51). As “Possible Matching Arrest Records for Family/Known Associate,” the website listed three arrest records for Andrea Anthony and 21 arrest records for Elizabeth Anthony. (FJQC Ex. 5). Andrea Anthony was the candidate’s wife; Elizabeth Anthony was his then-21-year-old daughter. Neither have ever been arrested. (T.148-53, 162-63). Elizabeth is a second lieutenant serving with the Army Corp Reserves, and, at the time the information was posted on Judge DuPont’s campaign website, was enrolled in veterinary school in Gainesville, Florida. (T.161).

Judge DuPont admits only to “mistakes” and “carelessness.” (T.491-92, 502, 504, 545-46, 559-60, 572, 600-01). He denies violating the judicial canons, including Canon 7, on the basis he didn’t “knowingly” or intentionally disseminate false information. (T.561-62, 565, 572-73, 580, 600-02). He relied on his campaign manager (France) and her researcher (Tavernier) for accuracy. (T.600-02).

It is impossible to reconcile Judge DuPont’s testimony with the testimony of other witnesses, documentary evidence and his own admissions. This panel finds that Judge DuPont felt threatened by a candidate with substantially more legal experience; he requested France to conduct “opposition research” on Anthony, because he was familiar with this type of research from his prior successful campaign for judicial office. The timing and content of emails between them support Ms.

France's account that the judge knew she was not going to be vetting any of the research provided, that it lacked detail, and should not be used.

Judge DuPont's explanation of the "hold harmless" agreement defies logic and common sense. At the time the agreement was conveyed to him, it was dated July 22, 2016, and already bore time-stamped, electronic signatures of Maureen France and David Vandervoort. Judge DuPont clearly knew that these parties requested the agreement's execution to protect them from the repercussions of his decision to publish.

Judge DuPont also ignored the warnings of Judges McGillen and Foxman, who were not only trusted colleagues but friends. (T.271, 282-84). Judge DuPont decided to post unvetted information impugning Anthony, his wife, and daughter despite certifying that he understood the Judicial Canons, his attendance at the JEAC seminar (which explained the canons and potential ramifications for their violation), and separate warnings from his own campaign manager and two judicial colleagues. There was simply no talking Judge DuPont out of publishing this information. (T.104, 108, 283-84).

Disposition: Guilty.

D. The Televised Candidate Forum July 26, 2016

On July 26, 2016, a televised "Seventh Judicial Circuit candidate forum" was hosted by several civic groups to educate the public. The President of the St. Johns

Bar Association introduced judicial candidates in four groups, advising the audience about the “most important” distinction between judicial and other elections. Judges don’t campaign on platforms and “judicial candidates are prohibited from making predictions and promises about issues that could arise once they’re in Court, because their job is to make impartial decisions that relate to the law on the cases before them.” Thus, none of the questions would ask candidates to stand on a platform or to weigh in on certain issues “because they’re prohibited from doing so.” The forum was turned over to Nicholas Martino, a lawyer/law professor, who served as moderator, and posed questions to the candidates. (Forum Video; T.299; FJQC Ex.41).

Anthony, Judge DuPont (Group 10) and Judge Howard McGillen, Jr. (Group 17) all attended, and participated in the forum.

The moderator first questioned the candidates regarding “Why should voters support you rather than your opponent?” (Forum Video; FJQC Ex.41). Several cited their background, experience and what they would bring to the position. Anthony responded by recounting 33 years of practice “in every conceivable field,” teaching law at two universities and police academies, experience as a prosecutor and special prosecutor, and his “AV preeminent” rating by Martindale Hubbell for legal ability and ethics. He invited the public to compare his resume with Judge DuPont’s

(Forum Video). Judge DuPont took the microphone immediately thereafter, responding:

“Thank you very much. Let’s talk about the facts.”

“Fact one: I’ve presided over 30,000 cases since I’ve been serving as your circuit court judge, my opponent has presided over zero.”

“Fact number two: I have maintained the highest ethical, moral, and value standards on the bench as I have been serving as your circuit court judge.”

“Fact number three: My opponent has been ticketed twice for parking in handicapped parking without a permit.”

“Fact number four: My opponent has been ticketed once for speeding in a school zone.”

“Fact number five: My opponent has been ticketed for passing a school bus while it was stopped and loading children.”

“Fact number six: My opponent has changed his legal name. Fact number seven: My opponent is a current member of www.hideyourpast.com. That’s H-I-D-E-Y-O-U-R-P-O-S-T dot com. And for those of you who don’t know what that is, it’s a website you join to hide your personal history.”

“Fact number... I can’t even count, now... Ah the last fact, uh my opponent’s campaign was actually caught cheating in a straw poll at the Volusia County Bar Associations candidate forum two months ago. They actually sent out an email to that effect. Five witnesses came forward – indicated that they personally observed it, and then they sent out an email nullifying and voiding all of the results from all of the races because his campaign took straws from other judicial candidate’s buckets.”

“Those are the facts ladies and gentlemen. Thank you.”

Mr. Anthony was permitted to, and gave a spirited rebuttal, responding that:

“I’m talking about experience, reputation, diligence, ability and wisdom. This is not a carnival show. This is a circuit court judge race.”

“And to hear these – I’m extremely surprised to hear these vacuous accusations without substantive proof. It... it... it’s appalling to me that we’re in a judicial race and I’m going to stay above that. I... you’re going to have to look at the individuals – look at their record.”

“Hide-your-past dot com is a website to help people seal and expunge criminal records. It is a legitimate business. It just has a good name that attracts customers.”

“And to sit here and listen to this – is exactly why I’m running. We need judges who will stay above the fray and judge instances and cases based on what they are, rather than personal attacks.” (Forum Video; FJQC Ex.41).

Later in the same program, the moderator asked each candidate to describe their judicial philosophy substantively. Candidates discussed their general approach and analysis of legal issues. (Forum Video; T.304-08; FJQC Ex.41). Judge DuPont responded:

“Thank you very much. I know that this sounds cliché, but-uh, my philosophy is to not legislate from the bench.”

“I don’t believe that the Constitution is living and breathing. And I don’t believe that it evolves on its own. I believe that our founders knew exactly what they were doing when they created it – and that they created a mechanism whereby it can be changed.”

“And to be quite honest with you, uh, there have been numerous (sic) where I have actually been asked by attorneys to find that the statute is unconstitutional. I have refused to do that, because my thought process is there’s another way to do that.”

“If they don’t like the decision they can appeal it, and it can start going up the food chain to do it that way.”

“But even though I’ve been asked to find a statute unconstitutional as a sitting judge, I have refused to do so. Because again, it’s not my job to legislate from the bench.” (T. 308; FJQC Ex.41, emphasis added).

During closing argument, Mr. Anthony emphasized his practice and experience. (T.315). Judge DuPont returned to:

[T]he question that you have to walk away from tonight is this: Who do you trust? Do you trust me? Or do you trust my opponent, who again, has received two tickets for parking in handicapped without a permit, he’s been ticketed for speeding in a school zone, he’s been ticketed for passing a school bus without-while it was loading the children, he’s also a current member of HideYourPast.com(.)

And walk away with this: Please remember what he said. HideYourPast.com is a website you go to erase your criminal history. He’s a member.

He’s also been caught cheating – his campaign has been caught cheating down in the Volusia County Bar.

My name is Scott DuPont. You can trust me to be your circuit court judge. And I’m asking that you keep me your circuit court judge. Thank you. (Forum Video; T.316-17).

At no time did Judge DuPont have a single public record reflecting that Anthony was “ticketed for speeding in a school zone” or for “passing a school bus while it was loading children,” accusations featured prominently in his response to the League of Womens Voter questionnaire, and questions posed at the televised judicial candidate forum. (T.531-33). He later attributed this charge to information provided by France **via phone**, but “didn’t remember” France’s emailed warning against using such “unknown” specifics. (T.536-38).

After the televised judicial forum, Judge McGillin became concerned that “there was something terribly wrong,” and he might have just witnessed ethics violations. Judge McGillin ran Anthony’s name through Duval County Clerk’s CORE record system (at “attorney access” level). Multiple violations of parking in handicapped spaces popped up at the top level, but the underlying documents revealed ordinary parking tickets. It took only “a click of the mouse” to determine that the data-base search used to obtain information about Anthony “hadn’t gotten into the details.” (T.274-77).⁴

Two well-credentialed experts in judicial ethics testified that Judge DuPont’s statement about his “judicial philosophy” violated Canon 7. Major Harding, Esq., a former Florida Supreme Court Justice, and William Van Nortwick, Jr., a former First

⁴ “Attorney access” is greater than access granted the general public, but less than “judicial access” afforded to judges. (T.276-77).

District Court of Appeal, explained the violations. (T.287-95, 318-22). All judges swear an oath to uphold the United States and Florida Constitutions. By definition, Judge DuPont's oath of office required his determination of a statute's constitutionality when the issue came before him in a proper case. However, he had publicly pledged to hold no statute unconstitutional, and require litigants to appeal. (T.295, 319-20). This diminished public confidence in the judiciary because "if you say as a judge you're not going to do something regardless of what the facts are or what the law is, you have prejudged, and nobody appearing before you on that issue can expect you to be impartial." (T.295). Judge DuPont disagreed with the experts over whether his statements violated Canon 7 because "they're insinuating that I meant something I never said." (T.554-55). When asked "how any living human being" could interpret his words differently, he refused to speculate. (T.556).

Disposition: Guilty, with one exception. Not Guilty of accusing his "opponent" of cheating during the Volusia County straw poll.

E. First Appearances Memorial Day Weekend May 28-30, 2016

Following arrest, parties have the right to be seen by a judge within 24 hours, to be heard on charges and have bond set, at hearings known as a "First Appearances." At such hearings, a judge determinates the right to counsel, and entitlement to and conditions of pretrial release. Attorneys from the state attorney and public defender's offices must attend. Fla. R. Crim. P. 9.130(a). (T.198-200).

On May 25, 2016, Judge DuPont's judicial assistant notified counsel, the sheriff's office, and other necessary personnel, that Judge DuPont would be handling first appearances during Memorial Day weekend. These were initially scheduled to take place Saturday, May 28, 2016 at 9:00 a.m., Sunday, May 29, 2016 at 9:00 a.m., and Monday, May 30, 2016 at 6:30 a.m. The next day, at Judge DuPont's direction, his judicial assistant notified the same people that the time of first appearances on Saturday and Sunday had been moved up to 7:00 a.m. She relayed that "Judge apologizes for scheduling the early times to handle First appearances, but he has 27 places to be in 4 counties over three (3) days or the early times would not be necessary." (FJQC Ex. 9; T.200-01, 203, 520-22). Judge DuPont had "27 places to be in" over Memorial Day weekend for his judicial campaign. (T.203, 522-23).

With no notice to anyone, Judge DuPont moved first appearance hearings up to 6:45 a.m. on Saturday, May 28, and conducted them without attorneys in attendance. (T.237-38). Tyler Williams, an assistant public defender for the 7th judicial circuit, was assigned to handle first appearances that Saturday. (T. 196-98). He arrived at the Putnam County jail shortly before 7:00 a.m., only to be advised that Judge DuPont had already conducted the hearings and left. (T.201-02, 211).

The Public Defender for Putnam County complained to the Chief Judge about the fact that assistant state attorneys and public defenders made special arrangements to accommodate Judge DuPont's campaign schedule, only to have him hold first

appearances without their presence. (T.237-38).

An audio recording of the May 28, 2016 hearings indicated that the entire calendar lasted only 10 minutes. (FJQC Ex. 4; T. 228). Judge DuPont appointed the public defender's office to represent all of the defendants. He increased one bond from \$10,000 to \$100,000 (Tracy Marks) with the explanation that Judge Wolf "forgot to put a zero on that," and a second bond from \$2,500 to \$75,000 (Matthew Wolbee). (FJQC Ex. 4; T.212-18).

Judge DuPont admittedly ignored the requirements of Rule 9.130(a), Fla.R.Crim.P. He was unable to explain why he started so early in the absence of counsel. (T.524-26).

Disposition: Guilty.

F. The City of Palm Coast Hearing, May 31, 2017

Group Golf of Palm Coast, Llc. ("Group Golf") purchased a 277 acre parcel in Flagler County for use as a golf course. (T.333-34). In March 2016, it sued the City of Palm Coast ("City") challenging its code enforcement system. Group Golf of Palm Coast, Inc. v. City of Palm Coast, Flagler County Case No. 2016-CA 126. (FJQC Ex.14). In October 2016, the City filed a separate suit to foreclose code enforcement liens against Group Golf. City of Palm Coast v. Group Golf of Palm Coast, Flagler County Case No. 2016-CA 639 (FJQC Ex.17).

The City scheduled two back – to – back hearings before Judge DuPont on

May 31, 2017. The first, scheduled to commence at 11:00 a.m. and last 15 minutes, was on its “motion to strike affirmative defenses” in foreclosure case (“639”)(FJQC Ex.18). The second, scheduled to commence at 11:15 a.m., and last 15 minutes, was on its motion to dismiss Group Golf’s complaint for failure to serve process in the “126” case. (FJQC Ex.15).

Both hearings were scheduled with advance notice. (FJQC Ex.6B, p.27; FJQC Exs. 15 & 18). The City’s attorney traveled from Orlando to attend. (FJQC Ex.6B, p.27). On their way to the hearing from Jacksonville, Group Golf’s counsel encountered unexpected traffic due to an accident. They phoned their office to alert the judge. (T.337). Their paralegal phoned and emailed Judge DuPont’s judicial assistant that “Mr. Wickersham is running about 10 minutes late...” (T.338-40; FJQC Ex.8). Group Golf’s counsel never revised their estimated arrival or asked the judge to appear telephonically. (T.355-56). Judge DuPont waited until 11:17 a.m. (FJQC Ex. 6B, pp.28-29, 48). He then heard argument from the City and ruled in its favor on both motions. (Id. at 29-32; T.353; FJQC Exs.16 & 19). A video showed Group Golf’s counsel arriving somewhere between 11:20 and 11:22 a.m., after Judge DuPont and the City’s counsel left the courtroom. (FJQC Ex.20; T.353-55).

Group Golf did not file a motion to extend the service deadline in the “126” case or a response to the motion to strike in the “639” case. (T.375; FJQC Ex. 6B, p.43). It subsequently filed a motion to disqualify Judge DuPont which he denied

as legally insufficient; after the Investigative Panel found “probable cause,” he disqualified himself. (T.349-50). Litigation between Group Golf and the City was subsequently resolved in mediation. (T.349).

Disposition: Not Guilty.

G. Character and Fitness

By all accounts, Judge DuPont is a hard-working judge, who gave willingly of his time, and was extraordinarily efficient. He was interested in children, established the first truancy court in Putnam County, and created a series of forms in different legal areas to help *pro se* litigants navigate the legal system. (T.456-69).

At the time he directed his bailiff to search the litigant in his courtroom, Judge DuPont had only been on the bench a few months. His conduct is attributable to youth and inexperience. His reaction to the advice of Judge Larue, the administrative judge trying to help him, is not. (T.189-92). When Judge Larue cautioned that this was a bad practice, which should not be followed, Judge DuPont insisted that “I can do that” and “that was that.” (T.195).

Judge Terrence Perkins served as the Chief Judge of the Seventh Judicial Circuit from June 2013 through June 2017, and was called as a prosecution witness. Judge Perkins testified that the number of complaints he received about Judge DuPont was “not even close” to those received complaining about other judges; most related to “heavy handedness.” (T.242, 244, 253). During his four year tenure, Chief

Judge Perkins refused to assign Judge DuPont to a felony criminal division, fearing such heavy-handedness might lead to excessive or inappropriate incarcerations. (T.239). He transferred Judge DuPont to the civil division to take him “out of the firing line” and place him in a position where “he wasn’t putting people in jail all the time.” (T.242, 244)

Chief Judge Perkins initially attempted to address problems directly with Judge DuPont. This proved ineffective; “Scott would say the right things; it just didn’t seem to change the behavior.” He then reached out for assistance from other judges, notably Judge Alexander, Judge DuPont’s mentor. (T.254-55).

Judge DuPont called numerous live character witnesses, and offered letters and affidavits from others attesting to his fitness. (Resp. Ex.A).

Judge Wendy Berger, a St. Johns County Circuit Judge elevated to the Fifth District Court of Appeal in 2012, met Judge DuPont after his election; they are colleagues and friends. (T.224-25). Judge Berger rendered a qualified opinion that Judge DuPont was fit to serve, but not without some sanctions, if allegations regarding the election were proven. (T.226-27). Judge Berger also didn’t like the fact that Judge DuPont moved up first appearance hearings and conducted them without counsel present. (T.228-30).

Judge Carlos Mendoza was appointed to the federal bench, following service as a judge advocate in the Navy, an assistant state attorney, and a circuit court judge

for the Seventh Judicial Circuit. (T.377-79). In 2011, when Putnam County's criminal docket dwarfed other dockets and its jail was overflowing, Judge Mendoza was tasked with finding solutions. (T.379-80). He was assigned a criminal felony docket, split a civil docket with another judge, and became the administrative judge for Putnam County (in lieu of Judge DuPont, who had seniority). (T.379-80, 401). Judge Mendoza served as a circuit court judge in Putnam County from 2011-2014, and values Judge DuPont as both a friend and colleague. (T.412). Judge Mendoza credits Judge DuPont's willingness to work and availability for reducing the felony docket. (T.379-83). Judge Mendoza never saw any evidence of "heavy handedness." (T.384).

Judge Mendoza testified that a lot of people, including his judicial colleagues, didn't like Judge DuPont. (T.383-84, 395). Judge Mendoza didn't observe Judge DuPont being disrespectful to litigants or lawyers, but he was in Judge DuPont's courtroom infrequently. (T.382, 390-91). But Judge Mendoza researched every complaint made against Judge DuPont in Putnam County and found "very few of them had any merit." (T.389).

Similar to Judge Berger, Judge Mendoza offered a qualified opinion regarding Judge DuPont's fitness. He was disappointed about Judge DuPont's conduct in posting negative information on his website because DuPont "didn't need to do this," and there was no way to justify it. (T.396, 411). Judge Mendoza learned about this

after the fact and was unaware of the warnings Judge DuPont had received from his campaign manager and two other judges. (T.411). Directing the bailiff to remove a litigant's wallet was also "a bad way to do business," and didn't represent the judiciary well. (T.409-10). Admitting he was "a little biased" because he liked DuPont and thought he had "a good heart," Judge Mendoza urged sanctions short of removal. (T.412-13).

Hubert Grimes, Esq., a retired 7th judicial circuit judge currently serving as the interim President of Bethane-Cookman University, testified that Judge DuPont is "a good man." He worked with Judge DuPont for a considerable period of time and knew him to have an "excellent reputation" for truth and veracity. (T.416-23).

Mr. Grimes relayed a specific instance where he ordered his bailiff to search a litigant, who denied having funds for child support. However, the litigant had already been taken into custody. (T.421, 427). Funds were turned over to the clerk to be deposited into the Court registry for child support. (T.421). Mr. Grimes had "done it before" with others not in custody, but couldn't recall specifics. (T.421, 434-35).

James Alexander, Esq. has practiced law in St. Johns County for 39 years, including four years as the elected State Attorney. He met Scott DuPont during the 2010 election when DuPont ran against Dan Holmes, the candidate Mr. Alexander supported. (T.618-21). Mr. Alexander's knowledge about Judge DuPont was based

on his experience appearing before Judge DuPont in court. (T.623).

Mr. Alexander described Judge DuPont's first year as "kind of shaky." DuPont was "pretty tough," "rough around the edges," "heavy-handed," overbearing, and over-reacted on occasion. He didn't appear to know what he was doing, and failed to listen to lawyers and litigants. (T.621-23).

Mr. Alexander opined that Judge DuPont "grew into the job," improved, and became more receptive after a period of 12-18 months. He didn't know what precipitated the improvement, and assumed it came from mentoring by his cousin (Judge John Alexander). Mr. Alexander opined that DuPont has gone from a "D-" to an "A+" judge. (T.623-24, 632). Mr. Alexander gave the same A+ grade to Judges McGillen and Larue, indicating that all three had "sterling" reputations for truth and veracity. (T.625, 633-34).⁵

Judge John Alexander serves as administrative judge for the Seventh Judicial Circuit and the family division for St. Johns County. He was elected to the circuit bench in 1996, and has the most seniority of any judge in the Seventh Judicial Circuit. (T.640-41). Judge Alexander met DuPont after he was elected, and was his assigned mentor. (T.643-44). Judge Alexander described DuPont as a "very eager"

⁵Judge DuPont didn't seek Mr. Alexander's advice during the 2016 campaign, but Mr. Alexander helped escort the judge to campaign events and raise money for re-election. (T.634-35).

student, who fought an uphill battle for acceptance because everyone expected his opponent to win. (T.646). Judge DuPont had a “tendency to shake things up,” but is the hardest working judge in the Seventh Judicial Circuit; he brought current two Putnam County divisions which were backlogged for years. (T.648). Judge Alexander characterized Judge DuPont as “efficient, dedicated...diligent,” and a “straight shooter” who was doing an “excellent job.” (T.648, 659).

Judge Alexander didn’t remain in touch with Judge DuPont when he ran for re-election, and was unfamiliar with his website. (T.667-68). When he learned of Judge DuPont’s statement (i.e. the pledge) made at the televised forum, he asked DuPont if he had “lost his mind.” DuPont was apologetic, said he “screwed up” and the words did not come out as intended. (T.650).

Judge Alexander opined that DuPont was presently fit to serve, but his conduct was “befuddling.” (T.659).

CONCLUSIONS OF LAW

The Amended Notice charged Judge DuPont with violating Canons 1, 2A, 2B, 3A, 3B, 3E, 5A and 7A of the Code of Judicial Conduct, and Florida Constitution, art. V, §13.⁶ The applicable Canons provide:

Canon 1 A Judge Shall Uphold the Integrity and Independence of the Judiciary

⁶ Canons 2B, 5A, and Article V, §13, Fla. Const. are inapplicable.

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary may be preserved. The provision of this code should be construed and applied to further that objective.

* * *

Canon 2 A Judge Shall Avoid Impropriety and the Appearance of Impropriety in all of the Judge's Activities

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

* * *

Canon 3 A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently

A. Judicial Duties in General

The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the specific standards set forth in the following sections apply.

B. Adjudicative Responsibilities

* * *

(2) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.

* * *

**Canon 7 A Judge or Candidate for Judicial Office Shall
Refrain From Inappropriate Political Activity**

A. All judges and Candidates

* * *

(3) A candidate for judicial office:

- (a) shall be faithful to the law and maintain professional competence in it, and shall not be swayed by partisan interest, public clamor, or fear of criticism;
- (b) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the impartiality, integrity, and independence of the judiciary...

* * *

- (e) shall not:
 - (i) with respect to parties or classes of parties, cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office; or
 - (ii) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent.

Judge DuPont violated Judicial Canons 1, 2A, and 7A by publishing false and misleading statements about his opponent, and imputing criminality to his opponent's wife and daughter on his campaign website. He disseminated false and misleading information that Anthony employed aliases, posed as an imposter, and

was “booked” for arrest. He insinuated that Anthony’s legal name change took place for nefarious reasons, and linked it to an unrelated (dissolved) business suggesting that Anthony was trying to hide his secret (and presumably criminal) past. He disseminated false “possible” arrest records of Anthony’s wife and 21 year old daughter. This was not merely a matter of carelessness, but of reckless disregard for the truth. (T.615).

Judge DuPont violated Canons 1, 2A, 3B2, and 7A at the televised judicial forum on July 26, 2016. He falsely accused his opponent of being “ticketed in a school zone” and “for passing a school bus when it was stopped and loading children” (without any supporting evidence) in the face of an email from his campaign manager expressly advising against it. He doubled down after Anthony decried “vacuous accusations without substantive proof.”

Judge DuPont further pledged to find no statute unconstitutional in the hope that such pronouncement would win popular support. His words are susceptible of no other interpretation. See Inquiry Concerning McMillan, 797 So.2d at 560, 566 (Fla.2001).

Judge DuPont violated Canons 1 and 2A when he directed his bailiff to search a litigant appearing before him, confiscated funds, and turned these over to another litigant. See Inquiry Concerning Turner, 76 So.3d 898, 906 (Fla. 2011).

Judge DuPont also violated Canons 1, 2A, and 3A by holding first appearance

hearings earlier than noticed. This gave precedence to his campaign over the obligations of office, deprived litigants of the right to counsel, and created the appearance of impropriety when he increased two bonds before counsel even appeared.

RECOMMENDED DISCIPLINE

The object of disciplinary proceedings is not for the purposes of inflicting punishment, but to gauge a judge's fitness to serve as an impartial judicial officer. Inquiry Concerning McMillan, 797 So.2d at 561. Judges are held to a higher ethical standard than lawyers by virtue of their position, and the impact of their conduct on public confidence in the judiciary. Id.⁷

We examine judicial misconduct for present fitness to hold office from two perspectives: its effect on public trust and confidence in the judiciary as reflected by the judge's standing in the community, and the degree to which past misconduct points to future misconduct "fundamentally inconsistent with the responsibilities of judicial office." Inquiry Concerning Sloop, 946 So.2d 1046, 1055 (Fla.2007); Inquiry Concerning Murphy, 181 So.3d 1169, 1177 (Fla.2016).

After much deliberation, and for the following reasons, this Panel concludes

⁷ "Conduct unbecoming a member of the judiciary may be proved by evidence of specific major incidents, which indicate such conduct, or... by evidence of an accumulation of small and ostensibly innocuous incidents... considered together..." In re Kelly, 238 So.2d 565 (Fla.1970).

that removal is the only discipline appropriate under the circumstances.

Just four months into Judge DuPont's first term, a well-respected administrative judge was fielding complaints about a non-custodial sheriff's search of a litigant directed by the judge. The Chief Judge of the Circuit became so concerned about complaints of Judge DuPont's "heavy handedness" (substantiated by Mr. Alexander) that he refused to assign Judge DuPont to the criminal felony division.

The Florida Supreme Court has now been warning judicial candidates of the consequences of serious campaign violations for over 20 years. See In re Alley, 699 So.2d 1369, 1370 (Fla.1997); Inquiry Concerning McMillan, 797 So.2d at 572-73; Inquiry Concerning Kinsey, 842 So.2d 77, 92 (Fla.2003); Inquiry Concerning Renke, 933 So.2d 482, 495 (Fla.2006); Inquiry Concerning Shepard, 217 So.3d 71, 83 (Fla.2017). As it did recently in Santino, S.Ct. Case No.17-362, this Hearing Panel rejects the notion that Judge DuPont merely made "mistakes" or was "careless" in the course of a heated judicial campaign. Judge DuPont's conduct "was not simply the product of an isolated instance of indiscretion, a momentary lapse of judgment; or the exposure of human frailty from which we all suffer from time to time. The conduct here was repeated, intentional, direct action with a designed purpose which cast aspersions and doubt onto the heart of the judicial system and the elected judicial office sought by [the] Judge..." Inquiry Concerning Kinsey, 842

So.2d at 97 (Lewis, J, concurring in part and dissenting in part).

Time and again, Judge DuPont was warned not to publish the woefully deficient “opposition research” gathered, both verbally and in writing, by his campaign manager and judicial colleagues. There can be no greater showing of “knowledge,” and reckless disregard of the truth, than the hitherto unheard-of request from his own campaign manager for a “hold harmless” agreement, which Judge DuPont refused to sign.

On their face, the statements made by Judge DuPont at the televised judicial forum sent the clear message that he would send litigants packing before he found any statute unconstitutional. See Inquiry Concerning McMillan, 797 So.2d at 566; Canon 7A(3)(d)(i) (proscription against candidates for judicial making “pledges, promises, or commitments” inconsistent with the impartial performance of adjudicative office with respect to “parties or classes of parties, cases, controversies or issues that are likely to come before the court.”).

Judge Dupont’s pledge followed an introduction by a local Bar Association President, which emphasized the prohibition on judicial candidates making promises about issues that could arise before them as the “most important” distinction between judicial and other elections.

Judge DuPont has been found guilty of a series of charges, which are united by a single, fatal flaw; Judge DuPont’s unwillingness to listen or heed any voice but

his own. After hearing the evidence, with the full benefit of hindsight, Judge DuPont insisted that his conduct merited “at most, a reprimand...” (T.573). Nor is his conduct likely to change for the better, since he volunteered that:

[I] can assure you this. One of the things that this process has taught me is who my friends are and who my friends aren't. It has been the most eye-opening experience for me personally, and, again, I'm glad it happened.

And it's definitely going to have an effect on how I interact with colleagues here on out, I can tell you that. (T.599).

Judge DuPont's conduct, taken as a whole, “is fundamentally inconsistent with the responsibilities of judicial office.” Inquiry Concerning McMillan, 797 So.2d at 573; Inquiry Concerning Renke, 933 So.2d at 945.

All of the Hearing Panel's findings are supported by clear and convincing evidence. The vote of the Hearing Panel on guilt as well as the recommended discipline has been determined by an affirmative vote of at least two thirds of the six hearing panel members. Fla.Const., art. v, §12(b); FJQC Rule 19.

Dated this 15th day of February, 2018.

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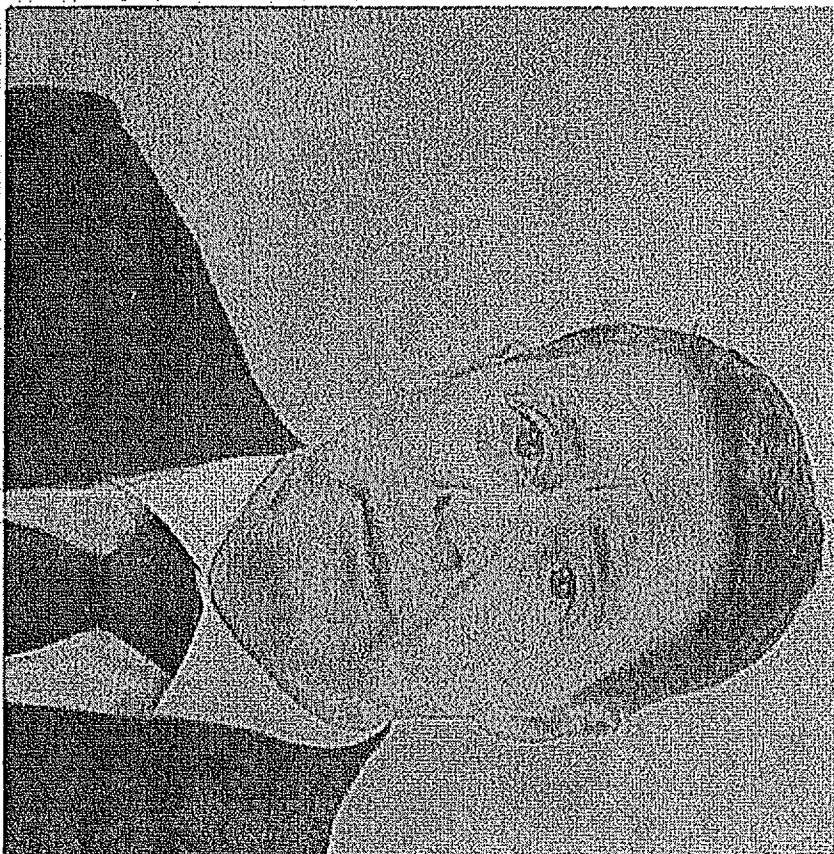
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About Judge DuPont's Opponent



- HideYourPast.com Managing Member 2013* SEE BELOW
- Changed his legal Name SCROLL TO PAGE 4 BELOW
- Campaign Caught by 5 witnesses in June (CLICK TO SEE MEMO)

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