

**BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION**

INQUIRY CONCERNING A JUDGE,
THE HONORABLE MARK HULSEY, III
JQC NO. 16-056

SC16- _____

NOTICE OF FORMAL CHARGES

TO: The Honorable Mark Hulsey, III
Circuit Judge, 4th Judicial Circuit of Florida
501 W. Adams Street, Room 7266
Jacksonville, Florida 32202-7266

The Investigative Panel of the Florida Judicial Qualifications Commission, at its meeting on July 7, 2016, by a vote of the majority of its members, pursuant to Rule 6(f) of the Rules of the Florida Judicial Qualifications Commission and Article V, Section 12 (b) of the Constitution of the State of Florida, finds that probable cause exists for formal proceedings to be instituted against you.

Canon 2A of the Florida Code of Judicial Conduct (the "Canons") requires a judge to avoid even the appearance of impropriety, stating that a judge "...shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."

Similarly Canon 5 provides, in pertinent part, that, "[a] judge shall conduct all of the judge's extra-judicial activities so that they do not:

RECEIVED, 07/19/2016 05:13:30 PM, Clerk, Supreme Court

- (1) cast reasonable doubt on the judge's capacity to act impartially as a judge;
 - (2) undermine the judge's independence, integrity, or impartiality;
 - (3) demean the judicial office.
1. You have been discourteous and condescending to your staff, and you have expressed unnecessary criticism of Staff Attorneys, and in doing so used language inappropriate for your judicial office. Among other comments:
 - a. You referred to the prior lead Staff Attorney as a "bitch" and a "c[REDACTED]".
 - b. You have demeaned female Staff Attorneys by referring to them as like cheerleaders who talk during the national anthem.
 - c. You berated a Staff Attorney who failed to remain in the courtroom while a jury was deliberating. During this capital trial you required the Staff Attorney to provide you with basic information about capital trial procedures, and then, at the end of the two-week trial, you unfairly berated, and blamed the Staff Attorney for mistakes you made during the course of the trial.
 2. In 2011, during a conversation with a Staff Attorney in your chambers in which she was reporting about the status of an order, you offhandedly

observed about African-Americans, "They should go get back on a ship and go back to Africa."

3. You have also exploited your Judicial Assistant to the extent that she felt compelled to perform personal tasks, such as paying your personal bills, writing letters, and making personal phone calls on your behalf. This misuse of a government employee unduly burdened your Judicial Assistant, and created an unhealthy atmosphere where the boundaries between personal tasks and professional work became indistinct.

- a. One consequence of your misuse of your Judicial Assistant is that you are unable to respond to post-conviction matters promptly and efficiently. After attending training on post-conviction motions, you gave your instructional notebook to your Judicial Assistant and instructed her to read it and figure it out. Further, you have failed to promptly issue orders sought by the Attorney General's Office, forcing them to unnecessarily seek extensions in responding to petitions.

- b. Another consequence of your misuse of your Judicial Assistant is that she had to routinely take boxes of court files home to complete her official duties at night.

4. Because of your indifference to your judicial duties, you rely upon Staff Attorneys to unnecessarily prepare word-for-word “scripts” of even routine and mundane judicial acts. You have demanded that specific Staff Attorneys be available to assist you at any time. In doing so, you have limited their availability to other judges:
- a. In one such instance you allowed a Staff Attorney to wait for two hours before telling her that the hearing she was there for had been continued to a later time.
 - b. In another case, you required a Staff Attorney to sit with you, and be present through an entire two-week capital trial, even during jury deliberations.
 - c. You routinely called upon one specific Staff Attorney to do work for you, calling her directly, rather than going through the assignment process for the pool of Staff Attorneys. Thus, your actions resulted in her doing double duty: work assigned directly by you as well as her regularly assigned work. When she finally told her supervisor what was happening, the Chief Judge was made aware of what you were doing, and instructed you to stop overusing the Staff Attorneys. It was this action that prompted you

to refer to the Staff Attorney supervisor as a “bitch” and “cunt” in a conversation with a third party.

5. Finally in 2016, when the JQC became aware of your continuing pattern of misconduct it opened an Inquiry. When you found out that your Judicial Assistant had been contacted by the JQC, you directed her to “tell the truth”, but then you also instructed her to make sure that she mentioned that she doesn’t think you would ever make a derogatory remark about women or African Americans. You later confronted your JA regarding her cooperation with the JQC’s inquiry, and her apparent refusal to say what you wanted. Your conduct represents an interference with the JQC’s Inquiry process, and your JA was temporarily reassigned to prevent further attempts at interference.
6. Even after the foregoing, you have continued to request and suggest to your new Judicial Assistant that she undertake tasks that are purely personal in nature.

Your actions constitute inappropriate conduct in violation of Canons 1, 2A, 2B, 3A, 3B(1), 3B(2), 3B(4), 3B(5), 3B(8), 3C(1), 5A(1), 5A(2), 5A(3), and 5A(6) of the Code of Judicial Conduct.

You are hereby notified of your right to file a written answer to these charges within twenty (20) days of service of this notice upon you. The original

of your response and all subsequent pleadings must be filed with the Clerk of the Florida Supreme Court, in accordance with the Court's requirements. Copies of your response should be served on the undersigned Counsel for the Judicial Qualifications Commission, and the General Counsel of the Commission.

Dated: this 19th day of July, 2016.

**THE FLORIDA JUDICIAL
QUALIFICATIONS COMMISSION**



Alexander John Williams
ASSISTANT GENERAL COUNSEL
Florida Bar No. 99225
P.O. Box 14106
Tallahassee, Florida 32317
(850) 488-1581
awilliams@floridajqc.com

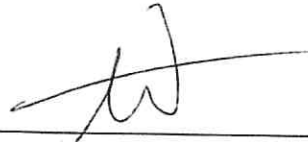
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Formal Charges has been furnished by E-Mail on this the 19th day of July, 2016, to the following:

The Honorable Mark Hulsey, III
Circuit Judge, 4th Judicial Circuit of Florida
501 W. Adams Street, Room 7266
Jacksonville, Florida 32202-7266

C/o

Michael Tanner, Esq.
mtanner@tannerbishop.com
COUNSEL FOR JUDGE HULSEY

A handwritten signature in black ink, appearing to read 'Alexander John Williams', written over a horizontal line.

Alexander John Williams
ASSISTANT GENERAL COUNSEL