

BEFORE THE INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE NO. 09-01 and 09-578

RE: JUDGE N. JAMES TURNER

SC09-1182

**NOTICE OF THIRD AMENDED CONSOLIDATED
FORMAL CHARGES**

To: Honorable N. James Turner
via his Attorney, Barry S. Rigby, Esquire
Law Offices of Barry Rigby, P.A.
47 East Robinson Street, Suite 204
Orlando, Florida 32801

You are hereby notified that an Investigative Panel of the Florida Judicial Qualifications Commission, by a vote of the majority of its members determined pursuant to Rule 6(f) of the Rules of the Florida Judicial Qualifications Commission, as revised, and Article V, § 12(b) of the Constitution of the State of Florida, that probable cause exists for formal proceedings to be, and the same are hereby instituted against you to inquire into charges that you have engaged in improper conduct while performing the duties of the office you now hold as well as engaging in improper conduct during the 2008 election campaign for the judgeship you now occupy, in that:

1. During the campaign, you knowingly participated in partisan political activity by purposefully campaigning as a member of a partisan political party, including identifying yourself to voters as a member of a partisan political party at the Fila Mitchell Library in Orlando, Florida on or about November 1, 2008, in violation of Fla. Stat. §§105.071(1), 105.071(2), 105.071(3) and Canons, 7A(3)(a) and 7A(3)(b) of the Code of Judicial Conduct.

2. During the campaign, you knowingly participated in partisan political activity by your own actions and by permitting your campaign workers to simultaneously promote and campaign for your election and the election of other political candidates as if you were running together on a partisan ticket, including doing so in Orlando, Florida on or about October 20, 2008 during early voting and on November 1, 2008 (election day) in violation of Fla. Stat. §§105.071(1), 105.071(2), 105.071(4) and Canons 7A(1)(b), 7A(3)(a), 7A(3)(b) and 7A(3)(c).

3. During the campaign, you knowingly participated in partisan political activity by publicly voicing support for a partisan political candidate for the Sheriff of Orange County, Florida at a AFL-CIO candidate forum you attended in Orange County, Florida on or about May 14, 2008, in violation of Fla. Stat. §§105.071(1), 105.071(4) and Canons 7A(1)(b), 7A(3)(a) and

7A(3)(b) of the Code of Judicial Conduct.

4. During the campaign, you knowingly engaged in partisan political activity by campaigning on behalf of other partisan political candidates by promoting, on September 19, 2008, the attendance of others at a partisan political event, specifically an Obama/Biden fundraiser at which the sister of Democratic Vice Presidential Candidate Joseph Biden was scheduled to appear on September 20, 2008, in violation of Fla. Stat. §§105.071(1), 105.071(4) and Canons 7A(1)(b), 7A(1)(e), 7A(3)(a) and 7A(3)(b) of the Code of Judicial Conduct. A true and correct copy of an e-mail from you to various “friends” dated September 19, 2008 promoting and encouraging their attendance at the foregoing partisan political event is attached as Exhibit A to the prior Notice of Amended Formal Charges and is incorporated by reference herein.

5. During the campaign, you knowingly personally solicited contributions for your campaign, including doing so in writing on or about August 27, 2008, in violation of Canons 7A(3)(a), 7A(3)(b) and 7C(1) of the Code of Judicial Conduct. A true and correct copy of correspondence from you to “friends, voters and colleagues” dated August 27, 2008 personally soliciting monetary contributions to your campaign is attached as Exhibit B to the prior Notice of Amended Formal Charges and is incorporated by

reference herein.

6. During the campaign, you knowingly participated in partisan political activity by purposefully attending partisan political functions where you knew you would be identified as a candidate for judge closely associated with a partisan political party, conduct you knew appeared to suggest your support of that party and its candidates, including attending the Orange County Jefferson Jackson Gala on or about September 14, 2008, a partisan political party fundraiser to which your opponent was not invited, and by attending a partisan political celebration in Orange County, Florida immediately following the primary election which celebrated the nomination of Barack Obama as the Democratic Party's candidate for President of the United States, to which your opponent was not invited, in violation of Fla. Stat. §§105.071(1), 105.071(2), 105.071(3) and Canons 7A(3)(a), 7A(3)(b) and 7C(3) of the Code of Judicial Conduct.

7. During the campaign for the office you now hold, you knowingly accepted and received a very substantial campaign contribution made for the purpose of influencing the results of the election, whether characterized as a gift or loan, far in excess of the \$500 limit established by Ch. 106, Florida Statutes, from your mother (Mignon Gordon) which you used to pay for your campaign, in violation of Chapter 106, Florida Statutes, and

Canons 1, 2A and 7C(1) of the Code of Judicial Conduct.

8. As a sitting circuit court judge, on or about November 20, 2009, you knowingly filed a notice of appearance in pending litigation in Dade County, Florida (CitiMortgage, Inc. v. Gordon, Case No. 2009-74992-CA-01) where you purported to appear to represent your mother in foreclosure proceedings brought against her therein, in violation of Canons 1, 2A and 5G of the Code of Judicial Conduct.

9. As a sitting circuit court judge, you knowingly represented and acted as litigation counsel for your mother in the foreclosure proceeding in Dade County, Florida described above by, inter alia, communicating with counsel for the mortgagee on her behalf, in Osceola County, Florida, in violation of Canons 1, 2A and 5G of the Code of Judicial Conduct.

10. While performing the duties of the office you now hold, you made inappropriate comments and had improper, unwanted and uninvited physical contact with subordinate female personnel, including hugging, kissing and massaging them, attempting to force yourself into the personal and private lives of subordinate female employees, including, loaning them money, inviting yourself to their homes and family activities and/or appearing without invitation at their homes and family activities and injecting yourself into their families' lives without being invited or asked to

do so, insisting on communicating with and seeing certain subordinate female court employees for reasons unrelated to the performance of your or their official duties, and intemperately and vexatious screaming and yelling at, berating, belittling and humiliating certain subordinate female employees, including your judicial assistants and court clerks in open court and otherwise, thus creating a hostile work environment in violation of Fla. Stat. § 760.10 and Canons 1 and 2A of the Code of Judicial Conduct.

11. While performing the duties of the office you now hold, you have engaged in a pattern of erratic and inappropriate behavior, including without limitation, publicly proclaiming that you are the protector of women in Osceola County, purposefully delaying release of completed orders, including time sensitive orders, taking and making phone calls on your personal cellular phone while on the bench with proceedings ongoing before you, turning your back on those before you while court proceedings were ongoing before you, putting your feet up on the bench in the face of those appearing before you while court proceedings were ongoing, screaming and yelling from the bench at litigants, attorneys and court personnel, publicly and inappropriately displaying your pistol and holster to court personnel and members of the public, and using a computer while on the bench with proceedings ongoing before you to surf the internet, review

and compose personal e-mails and view, inter alia, Google and Facebook, all in violation of Canons 1, 2A and 3A(3), 3A(4) and 3A(8) of the Code of Judicial Conduct.

12. While acting as a sitting circuit court judge in open court in State v. John Doe, a Child, Osceola County Case No. 2009 CJ 000327, on or about March 12, 2010, you unlawfully ordered the seizure of jewelry from a child, arbitrarily determined its value and proposed to offset the court costs owed by the child against your summary determination of the value of the jewelry, in violation of Canons 1, 2A and 3A(3) of the Code of Judicial Conduct.

13. That all of the foregoing, taken collectively, constitutes a pattern of misconduct which raises serious questions regarding your fitness to perform the duties of the office you now hold.

These acts, if they occurred as alleged, would also impair the confidence of the citizens of this state in the integrity of the judicial system and in you as a judge, would constitute a violation of the cited Florida Statutes and Canons of the Code of Judicial Conduct, would constitute conduct unbecoming a member of the judiciary, would demonstrate your unfitness to hold the office of judge, and would warrant discipline, including but not limited to your removal from office and/or any other appropriate

discipline recommended by the Florida Judicial Qualifications Commission.

You are hereby notified of your right to file a written answer to the above charges made against you within twenty (20) days of service of this notice upon you.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the Honorable N. James Turner via his attorney, Barry S. Rigby, Esquire, Law Offices of Barry Rigby, P.A., 47 East Robinson Street, Suite 204, Orlando, Florida 32801 by E-Mail and U.S. Mail on this ____ day of _____, 2010.

Attorney