

DADE COUNTY BAR ASSOCIATION JUDICIAL CAMPAIGN PRACTICES COMMISSION OPERATING PROCEDURES

1. The Commission will not volunteer to act upon reports of improprieties in judicial campaigns, but will act on written complaints, as outlined below.

2. The complainant should describe the alleged improprieties in concise fashion. The complainant should use the form prepared by the Commission; however, the Commission will consider all written complaints. Complaints should be filed with the chair of the Commission or the executive director of the Dade County Bar Association ("Association") at the association offices. The Commission encourages the submission of complaints via email (mridgely@dadecountybar.org and asims@dadecountybar.org), preferably in Word format. Email submissions must be sent to both addresses to be valid. The form will be available on the Dade County Bar Association's website (www.dadecountybar.org), along with a copy of these operating procedures.

3. The complainant shall file the complaint as soon as practicable, but in any event, no later than within 48 hours of learning of the alleged violation. If the complainant does not use the form, then the complaint must otherwise include the answers to the questions on the form.

4. Members of the Commission will not offer oral responses or opinions to inquiries, whether from citizens or from representatives of the media. The response to any such inquiry will be a statement that the Commission is available to receive and act upon a written complaint, and that any quick or impromptu oral response would be inappropriate.

5. In the event of an inquiry by a representative of the media, who is reporting someone else's allegation or apparent complaint, the Commission will affirmatively contact that person, advise him or her of the existence and availability of the Commission, and offer to act if the person files a written complaint.

6. Written complaints received by any Commission member will be sent immediately to the office of the Association. The staff there will immediately duplicate and send copies by facsimile or messenger to each member of the Commission and to the candidate against whom the complaint is made, together with a copy of these Operating Procedures. That candidate will be asked to file a written, concise response within 48 hours at the Association office, and deliver a copy of the response to the complainant. However, if a complaint is delivered to the Association after noon on Friday, the written response will be due by 4 p.m. on the following Monday or the next business day following a holiday weekend. The response when filed will again be delivered by facsimile, electronic mail or messenger to all members of the Commission. No reply to the response will be permitted, unless requested by the Commission.

7. A candidate responding to a complaint must either sign and submit the response or give the Commission timely notice of his/her approval of a response submitted by someone else.

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The notice may be submitted before the response but it must be received no later than the response itself is received.

8. The Commission will act on the complaint and any response within 48 hours. The Commission's goal will be to produce a written opinion within 24 hours, which will be delivered both to the complaining party and to the candidate against whom the complaint was made. A copy of the opinion, the complaint and response, if any, will be on file at the office of the Association for release or distribution to anyone interested. Copies of the opinions will be transmitted for information purposes to the Judicial Qualifications Commission ("JQC") and/or The Florida Bar (the "Bar"), as appropriate. In appropriate circumstances where violations of the Code of Judicial Conduct or the Rules Regulating The Florida Bar are particularly serious and apparent, the Commission may recommend to the Board of Directors of the Association that the Association file the opinion as a complaint with the JQC and/or the Bar, as appropriate.

9. Notwithstanding the time periods set forth above, if a written complaint is received less than one week before the election, the respondent will be asked to file with the Commission and serve on the complaining party a response within 24 calendar hours. The Commission will strive to render a final opinion within 24 calendar hours from the time the response is due, whether or not a response is actually received. The Commission may decline to follow this expedited procedure if the conduct that is the subject of the complaint allegedly occurred more than one week before the election. If so, the Commission may consider the complaint as untimely, unless the complainant satisfactorily explains why the complaint was filed within the week prior to the election.

10. The Commission will be available to receive complaints on the Saturday and Sunday immediately preceding the election. To file a complaint **on the Saturday and Sunday immediately preceding the 2008 election only**, contact DCBA at (305) 439-8201 between 10:00 a.m. and 5:00 p.m. for instructions. Upon receipt, copies of the complaint and Operating Procedures will be sent by facsimile or messenger to the Commission and the candidate against whom the complaint is made. That candidate will be asked to join the Commission on a conference call and deliver an oral response. Immediately after the response has been heard, the Commission will attend a second conference call and render an opinion. In addition to the expedited procedure immediately preceding the election, all other Judicial Campaign Practices Commission processes in these Procedures will be followed to the extent they are consistent with this paragraph.

11. The Commission's judgment shall be reached based upon the writings received, without any form of conference or hearing involving the complainant and the candidate complained against, **except as provided in Section 8.**

12. It will be in the form of an advisory opinion. The Commission will attempt to arrive at its opinion by means of a telephone conference call, after which one member of the Commission will draft an opinion and forward it to members of the Commission for consideration. If there are differences of opinion among the Commission members, these differences will be reflected in the advisory opinion. In exceptional circumstances, the

Commission in its sole discretion may elect to hold a hearing to which the parties (the complainant, the respondent) will be invited to appear. The Commission shall conduct the hearing in an informal manner without regard to rules of procedure or evidence.

13. The Commission will render its opinion based upon assumption of the facts as stated in the written complaint and written response and other easily obtainable and easily verifiable facts, if any. The criteria for opinions shall be the Code of Judicial Conduct, Rules Regulating The Florida Bar, and any Florida Statutes or other authority which may bear on the problem presented.

14. The Commission will not render an opinion on questions concerning financial disclosure by candidates, or on the propriety of campaign expenditures by candidates. On the other hand, questions of the propriety of campaign solicitations of funds or support by candidates will be within the proper scope of the Commission's function.

Adopted 12-87
Revised 1992
Revised 1998
Revised 2006
Revised 2007

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