

**BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION**

INQUIRY CONCERNING A JUDGE,
THE HONORABLE JACQUELINE SCHWARTZ
JQC No. 2016-135

SC16- _____

NOTICE OF FORMAL CHARGES

TO: The Honorable Jacqueline Schwartz
Miami-Dade County Judge
South Dade Justice Center, Room 2301
Miami, Florida 33189

The Investigative Panel of the Florida Judicial Qualifications Commission, at its meeting on April 15, 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.

1. On Friday March 18, 2016, you were observed by staff, patrons, and police and EMS personnel acting in an irrational, and disorderly manner at the Ergon Greek Restaurant. You appeared to be impaired. You were unsteady on your feet, and slurring your words. You also spilled a glass of wine, and then poured water all over the floor of the restaurant while attempting to refill your own water glass. The wait-

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staff refused to serve you any more alcohol, and you became enraged, berating and swearing at the waiters, and stating, “I want to speak with the fucking owner. You are a fucking idiot, you don’t know who I am.” You told one server that you would have him fired for refusing to serve you.

2. Because of your condition, and the disturbance you were causing, a security guard responded to the restaurant. Patrons also phoned 9-1-1 to request assistance from the City of Miami Police, and Miami Fire Rescue. You were further aggressive and uncooperative with the emergency responders, swearing at the police and EMS personnel, calling them “pigs,” and telling the officers that they couldn’t do anything to you because you are a Judge. You were not permitted to drive yourself home, and you were eventually taken home by your friend.
3. After consulting with your attorney, and officials from the 11th Judicial Circuit, you self-reported the March 18 incident to the JQC. In your self-report, you state that you “had nothing at all to drink and had not taken any substances of any sort.” You do not mention any of the intemperate statements are alleged to have made to the restaurant staff, and emergency responders. You further state that “[f]rankly, I do not believe that I have committed any ethical violation, a violation

of any Bar Rule, Law or Judicial Rule...”. You later admitted, during an April 15, 2016 appearance before the Investigative Panel of the Judicial Qualifications Commission, that your conduct at the restaurant, if proven as alleged, would constitute actions that demean your judicial office.

4. Then, while at work on Monday March 28, 2016, you were observed to be impaired while presiding over cases in the South Dade Courthouse. Court personnel, litigants, and police officers waiting to testify observed that you were unsteady on your feet, slurring your words, and unable to concentrate. You were removed from the bench and sent home by the Chief Judge. After police officers at the courthouse prevented you from driving yourself home, your bailiff volunteered to drive you home in your car. During the drive you were unable to recall your address, or provide coherent directions. You also did not recognize your bailiff, or remember whose car you were in.
5. You have previously been reprimanded by the Florida Supreme Court for using profanities towards members of the public, and acting in a manner that demeaned the judiciary.

Your actions constitute inappropriate conduct in violation of Canons 1, 2(A), 3A, 5A(2), 5A(3), and 5A(4) 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 18th day of April, 2016.

**THE FLORIDA JUDICIAL
QUALIFICATIONS COMMISSION**



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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 18th day of April, 2016, to the following:

Mr. Jeffrey Feiler, Esq.
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