

**BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION**

INQUIRY CONCERNING A JUDGE,
THE HONORABLE NANCY JACOBS
JQC NO. 2023-030 & 2023-367

SC23-1303

AMENDED NOTICE OF FORMAL CHARGES

TO: Hon. Nancy Jacobs
301 N. Michigan Ave., Room 2016
Plant City, Florida 33563

The Investigative Panel of the Florida Judicial Qualifications Commission, at its meeting on July 12, 2023, 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, found that probable cause existed for formal proceedings to be instituted against you. Probable cause exists as to the following formal charges:

1. During your 2022 campaign for circuit judge, you had full responsibility for what was posted on your campaign social media accounts, regardless of who made the posts. You did not appropriately monitor your campaign social media account and did not remove inappropriate posts or remove administrators for posting inappropriate content. For example:
 - a. Your campaign's social media accounts contained the following statements:

- i. “He [your opponent] ordered her to have a forced birth”
- ii. “Send Smith back to private practice where his harsh anti-abortion views can do less harm.”
- iii. “This is the judge who denied a young woman an abortion” and “Again, vote Nancy L. Jacobs for Judge. We need to get this scary man out... Beware Jared Smith.”

You have admitted to the conduct and that each violated the Code of Judicial Conduct.

2. You made other inappropriate and disparaging remarks about your campaign opponent. For example:
 - a. During your campaign, you sent a text message to a citizen stating that your opponent was “a bigot, an anti semite...not a good person...hates me and people like me.”
 - b. At the same judicial candidate forum, you claimed that attorneys, bailiffs, clerks, and other courthouse personnel had negative feelings about your opponent and would say negative things but were scared to come forward.
 - c. You claimed your opponent was racist and discriminated against racial or ethnic minorities or other groups of people. For example, you or representatives of your campaign posted on Facebook, “To the comments that Judge Smith is a fair judge, that only applies if litigants look like him or thinks [sic] like him, not if you are a minority.” You

later stated that you “have information indicating” your comments were “TRUE” (emphasis in original). You admitted to the Investigative Panel that those statements were “a clear error in judgment,” that you did not have factual data to substantiate those claims, they reflected your “opinion and not actual fact.”

- d. You or representatives of your campaign wrote on Facebook that voters should “Vote as if: Your skin is not white, your parents are in need of medical care, your spouse is an immigrant... your child is transgender... your sister is a victim of gun violence, your brother is gay.”

You have admitted to the conduct and that each violated the Code of Judicial Conduct.

3. During your 2022 campaign, you and your campaign sought and repeatedly promoted the endorsement of your candidacy by the Florida Planned Parenthood PAC. The Florida Planned Parenthood website clearly states that, “Every candidate receiving the PAC’s endorsement strongly supports medically appropriate and scientifically based health care policies and opposes legislation that limits access to abortion or any other form of reproductive health care.” Your use of the Planned Parenthood PAC endorsement appeared to be a commitment to ruling a certain way in cases involving abortion, and cases involving Chapter 390.01114 of the Florida Statutes (“Parental Notice of Abortion Act”). After you were successful in the primary election, the Planned Parenthood PAC tweeted its congratulations

to you, stating: “Turns out that ripping autonomy from Floridians is pretty unpopular. Congratulations to Florida Planned Parenthood PAC endorsed candidate, Nancy Jacobs! Time to get these creeps out of our private medical decisions.”

You have admitted to the conduct and that it violated the Code of Judicial Conduct.

4. You inappropriately injected partisan politics into the strictly non-partisan judicial campaign. For example:

- a. You or representatives of your campaign posted that your opponent “...touts his status as a Deacon for Idlewild Baptist Church... Idlewild is a very politically active church, and a well-known bastion of Republican ideology.” You also wrote that your opponent is “an Amy Comey Barrett [sic] Republican who believes there is no separation between church and state and apparently, he puts his religion above the rule of law.”

You have admitted to the conduct and that it violated the Code of Judicial Conduct.

5. On or about March 29, 2023, while serving as a Circuit Judge of the Thirteenth Judicial Circuit, you attended an event for the Asian Pacific American Bar Association. At this event you solicited a lawyer to run for election against another sitting judge with whom you did not have a good relationship.

You have admitted to the conduct and that it violated the Code of Judicial

Conduct.

6. While a sitting judge, during a recess in your courtroom, you discourteously referred to a lawyer appearing before you as a “fat, balding” man. This comment was made in front of courthouse personnel and opposing counsel while the attorney was not present.

You have admitted to the conduct and that it violated the Code of Judicial Conduct.

Your actions constitute inappropriate conduct in violation of Canons 1, 2A, 2B, 3B(2), 3B(4), 3B(7), 7A(3)(a–d), and 7A(3)(e)(i–iv) of the Florida 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 General Counsel for the Judicial Qualifications Commission, and the Executive Director of the Commission.

Dated this 30th day of August, 2024.

BEDELL, DITTMAR, DeVAULT, PILLANS & COXE
Professional Association

By: s/Henry M. Coxe III

Henry M. Coxe III

Florida Bar No. 0155193

Email: hmc@bedellfirm.com

Brian T. Coughlin

Florida Bar No. 0713732

Primary Email: btc@bedellfirm.com

101 East Adams Street

Jacksonville, Florida 32202

Telephone: (904) 353-0211

Special Counsel for Judicial Qualifications
Commission

Alexander J. Williams, General Counsel

Florida Judicial Qualifications Commission

P.O. Box 14106

Tallahassee, Florida 32317

awilliams@floridajqc.com

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of August, 2024, a true and correct copy of the foregoing has been electronically filed with the Clerk of the Court by utilizing the Florida Courts E-Filing Portal, which will send a notice of electronic filing to:

Ryan Barack
Counsel for Honorable Nancy Jacobs
Kwall Barack Nadeau PLLC
304 South Belcher Road, Suite C
Clearwater, Florida 33765
rbarack@employeeights.com

s/Henry M. Coxe III
Attorney