

**IN THE SUPREME COURT OF THE  
STATE OF FLORIDA**

**INQUIRY CONCERNING A JUDGE,  
THE HONORABLE GARY M. FARMER, JR.  
JQC NOS. 2024-900 & 2025-125**

**SC2025-0510**

**RESPONSE TO ORDER TO SHOW CAUSE**

Respondent, **GARY M. FARMER, JR.**, files this Response to Order to Show Cause as to Recommendation of Suspension by the JQC, and in support thereof, states the following:

**INTRODUCTION**

On April 10, 2025, Respondent received an email from the Florida Judicial Qualifications Commission (hereinafter “JQC”) advising Respondent that the JQC had formally filed charges on JQC No. 2024-900 and JQC No. 2025-125. In addition, the JQC also filed a Recommendation of Suspension. It should be noted that JQC No. 2024-900 had been pending as an investigation since it was opened in early October, 2024. Thereafter, a probable cause hearing, pursuant to Rule 6(b), was held on December 13, 2024. Thus, the formal filing of the JQC Complaint and this Court’s Order To Show Cause as to why Respondent should not be suspended without pay come seven (7) months after the Notice of Investigation (JQC 2024-900) was filed

and five (5) months after the Rule 6 (b) probable cause hearing. The JQC now seeks Respondent's immediate suspension without pay pending the outcome of this matter. In response thereto, on April 11, 2025, this Court initially entered an Order directing Respondent to respond by April 21, 2025, and to show cause why the JQC's request for immediate suspension should not be approved. Respondent had previously been represented by other counsel but said representation had been terminated. Undersigned counsel agreed to assist but needed additional time within which to help prepare the response to the Rule to Show Cause. A written request for extension of time was filed. On April 18, 2025 this Court entered an Order granting Respondent's Motion for Extension of Time and giving Respondent until May 6, 2025, to file this Response and a written Answer to the formal complaint.

The arguments set forth herein are specifically directed to this Honorable Court's Rule to Show Cause Why Respondent Should Not Be Suspended Immediately Without Pay.

### **ARGUMENT**

Respondent, **GARY M. FARMER, JR.**, through undersigned counsel, avers that there presently exist no urgent grounds or genuine exigent circumstances that warrant or require suspension of Respondent pending trial or other final outcome of these matters. Absent some actual emergency, the rendition of justice will not be

impaired or undermined by Respondent remaining on the bench in his present assignment (foreclosure division) pending the outcome of this matter. In fact, it could be argued that the opposite is true. That is, suspending Respondent from his current assignment in the foreclosure division will create an unnecessary burden within the Seventeenth Judicial Circuit as another judge or other judges will have to be reassigned to handle the division. Moreover, to suspend Respondent without pay would arguably be tantamount to a denial of due process, as Respondent would be denied the financial resources necessary to put forth a fair and adequate defense and to support himself and his family.

#### **WHY NO ACTUAL URGENCY OR EMERGENCY EXISTS**

As stated previously, JQC Investigation No. 2024-900 was opened on or about October 7, 2024. The Rule 6(b) Probable Cause hearing for JQC No. 2024-900 was held on December 13, 2024, over two (2) months later. Respondent appeared with counsel and testified. It wasn't until almost four (4) months later (on March 6, 2025) that the JQC formally found probable cause for JQC No. 2024-900. At that same time the JQC issued a second Notice of Inquiry, JQC No. 2025-125. It is important to note, however, that all of the comments that form the basis of the new investigation, JQC No. 2025-125, occurred during the same time period as those matters described in JQC No. 2024-900. In other words, it is not as though

Respondent engaged in new or recent behavior necessitating a new filing after the initial filing. To the contrary, since JQC No. 2024-900 was filed in October of last year Respondent has consciously refrained from the conduct and the sort of “bad joke” comments that are the primary basis of both Inquiries. Indeed, Respondent has reflected on his comments and learned lessons. He has been striving to exhibit the highest level of professional conduct. Respondent has shown the type of judicial temperament, demeanor and professionalism that the JQC is entrusted to insure and regulate. At page 4 of 13 of the Recommendation Of Suspension the JQC acknowledges that Respondent expressed regret, lapse in judgment, as well as shame and embarrassment for his conduct when he appeared before the JQC at the first 6(b) hearing in December of 2024. He expressly acknowledged the inappropriate nature of his comments and conduct. More importantly, over the past seven (7) months, Respondent has shown that he has learned his lesson regarding his comments and behavior, has corrected same, and has otherwise acted in a professional and dignified manner while exhibiting exemplary behavior on the bench. Given his awareness and focus on improved conduct, Respondent has shown that there will be no repeat or similar violations should this Court deny the Request for Suspension and allow him to continue to serve the citizens of the Seventeenth Judicial Circuit

While Respondent acknowledges the importance and serious nature of the instant allegations, he feels compelled to point out that he has not been accused of any illegal, immoral or unethical conduct born of avarice or greed. He is not alleged to have violated any criminal law. He has not been accused of any unethical behavior. He has not been accused of or charged with any campaign or financial violations. No party or attorney who has appeared before him has brought any complaint against him. The genesis of these JQC complaints stems from an anonymous letter from the Broward County State Attorney's Office to the Chief Judge. That complaint was sufficient for the Chief Judge to refer it to the JQC and transfer Respondent to the Foreclosure Division where he remains assigned today.

Thus, as serious as the matters are that make up these JQC cases, no attorney representing any defendant has complained about Respondent. No party has complained about Respondent. No victim in any criminal case has complained about Respondent. Simply put, while some of the comments or jokes made by Respondent were distasteful, no one other than anonymous prosecutors has filed any complaint in any form against Respondent. Moreover, as it relates specifically to suspension, the residents of the 17<sup>th</sup> Judicial Circuit have not been victimized by any illegal, dishonest, or immoral conduct, and they will not be adversely affected going forward as shown by Respondent's more reflective behavior over these past seven (7) months.

Thus, there exists no urgent or exigent need to suspend Respondent during the pendency of these matters, which will likely take months or even a year or more.

While not offered as an excuse for his inappropriate comments, as Respondent testified he attempted to provide some perspective when he appeared before the JQC investigative panel during the 6(b) hearing on December 13, 2024. He explained that immediately after he was elected to the Circuit Court Bench, he was assigned to the criminal division. He had never, during his thirty two (32) year legal career, handled a single criminal case. Given this lack of practice in the area, Respondent shadowed several sitting criminal division judges. He testified that one of the things that jumped out at him was the friendly, hospitable way the judges addressed the defendants. It was less formal than he imagined, and he was told by those judges that they did so in part to relieve some of the anxiety and tension the defendants were feeling, which in turn enhanced the likelihood of case resolution. So, when Respondent took the bench he tried to emulate that behavior. In retrospect he now realizes that in an effort to show compassion and humanity to those accused of crimes there were times when he clearly went too far. Yet, it was never his intention to do anything other than to be respectful while also making them feel a bit more comfortable in his courtroom. His poor attempts at humor were not intended nor designed to show disrespect or disdain to those defendants. To the contrary, they

were designed and intended to reduce the levels of anxiety, apprehension, angst and stress that the vast majority of criminal defendants experience. In fact, Respondent advises that dozens of defendants expressed appreciation to him for his warm behavior and indicated that the reduction of stress and anxiety made them feel more comfortable in reaching fair resolutions of their cases. Respondent believes that one measure of his success may be shown in the number of cases in Respondent's division. When he inherited his division, there were over one thousand (1,000) pending cases. Just prior to his transfer out of the criminal division, he had reduced that case number to approximately eight hundred fifty (850).

During Respondent's appearance in December, 2024 at the 6(b) hearing he described, at times quite emotionally, that over the last few years he had experienced a cascade of deeply personal, emotional, and difficult life and family events that created a sense of depression for the first time in his life. He sought counseling and therapy from different professionals, but relief was slow in coming. Throughout this entire period his only relief, and the best part of his day, was his time in court where he believed he was serving a public good and a noble cause. These brief respites of time provided an outlet to feel good about his life and what he was doing. As Respondent testified to the 6(b) panel, "Sometimes you have to laugh so you don't cry." Clearly, Respondent took that maxim too far. But he has since sought out

additional help, has improved his outlook on life, and most importantly has taken responsibility to avoid the conduct which is the basis of these Investigations. There is simply no compelling need to suspend him now from his present judicial assignment in the Foreclosure Division.

### **RESPONDENT'S FAILURE TO APPEAR PURSUANT TO RULE 8**

In its Recommendation Of Suspension the Investigative Panel of the Commission addresses the circumstances of Respondent's failure to appear, in person, as directed in its Order to Show Cause pursuant to FJQC Rule 8 for the second 6 (b) hearing on March 28, 2025 in Jacksonville, Florida. The notice of the March hearing was received at a time when Respondent and his former attorney had agreed on a parting of the ways. There had been some minimal conversation and Respondent was aware of the scheduled meeting or hearing. In his mind, however, the March hearing was the same as or similar to the earlier December hearing at which he voluntarily appeared with counsel. What Respondent failed to realize or appreciate was the March hearing required his appearance in person in accordance with the Rule To Show Cause issued pursuant to FJQC Rule 8.

On the night of March 27, 2025, Respondent began driving north on I-95 with the intention of driving to Jacksonville. As he drove north he received a series of messages and telephone calls advising him of an ongoing family matter in Broward



County at which his presence was being requested. Respondent weighed his options and elected to address the family crisis. Unfortunately, since he had planned on appearing in person at the JQC hearing he had not submitted a written explanation or any written materials. Instead, early on the morning of March 28, 2025, Respondent sent an email/letter to Alexander Williams, General Counsel for the JQC. Mr. Williams has incorporated by reference that email/letter as Exhibit B in the Recommendation of Suspension. In the email/letter Respondent explained that despite his best intentions he wouldn't be appearing in person due to a family matter that required his attention.

#### **RULE 8 FACTORS**

At page 8 of 13 in the Recommendation of Suspension, Mr. Williams amplified Respondent's failure to appear at the March 28<sup>th</sup> JQC hearing. In doing so, he addressed the four (4) factors to be considered pursuant to FJQC Rule 8 in contemplation of filing such a Recommendation Of Suspension. They include: the seriousness of the allegation of misconduct, the preservation of public confidence in the judicial process, the responsiveness of the judge to the judicial process, or whether the judge has engaged in conduct that demonstrates a present unfitness to hold office.

In particular, Mr. Williams points to Respondent's failure to appear in person at the Investigative Hearing on March 28, 2025, as evidence of factor number 3: "responsiveness of the judge to the disciplinary process."

Respondent clearly failed to recognize or appreciate how his presence at the Investigative Panel meeting of March 28, 2025, differed in scope and magnitude from the 6 (b) panel meeting he voluntarily attended in December, 2024. However, his failure to appear in person on March 28, 2025 simply does not conclusively establish lack of responsiveness to the disciplinary process, especially when Respondent did appear and testify under oath before the same Investigative Panel three (3) months earlier.

As to factors one (1) and two (2) contained in Rule 8, Respondent respectfully submits that cumulative "bad jokes" at issue herein fail to rise to the level to warrant Suspension Without Pay.

As to factor four (4) - whether Respondent has engaged in conduct that demonstrates a present unfitness to hold office - Respondent has been reassigned to the Foreclosure Division for approximately seven (7) months since the first JQC investigation was opened. In that time he has engaged in deep soul searching and constant reflection. He has refrained from making the casual comments that brings him before the JQC and he has no knowledge of any complaints against him since October of 2024. He realizes that what he thought were innocent "dad jokes,"

designed to lighten the atmosphere and lessen the tension in the courtroom, were actually “bad jokes” that could undermine confidence in the judicial system by anyone who appears in his courtroom. He has received the message loud and clear and has expressed his embarrassment and genuine remorse for his comments. He has acknowledged that he now sees that the unintended adverse impact such jokes could have on the public’s confidence in the legal system is why such ill-fated attempts at humor must be avoided.

**SUSPENSION WITHOUT PAY WOULD SEVERELY  
IMPAIR RESPONDENT’S DUE PROCESS RIGHTS AND  
ABILITY TO DEFEND HIMSELF AGAINST THESE CHARGES**

Respondent believes he has shown why he should not be suspended at all in this matter. However, should this honorable Court decide that suspension is warranted, Respondent implores the Court to do so with pay. As the Court is well aware, it takes significant time and resources to adequately prepare for a trial in JQC investigation cases. These investigations can take months and sometimes a year or more to be resolved. If Respondent is suspended without pay, he will be denied the ability to engage in a rigorous defense of himself. Attorneys, obtaining transcripts, depositions, attending trial all cost money. Respondent helps support his father, as well as his family. If suspended, Respondent would still occupy that status of judge and would not be allowed to undertake any other law related employment – the only field of employment he has known since 1991. Suspending him without pay would be tantamount to a denial of due process, and suspension without pay is not necessary

if the Court believes Respondent should not preside over cases pending the outcome of this case.

### **CONCLUSION**

Given all the foregoing, Respondent respectfully submits that this Court should decline to suspend him for the pendency of this matter. In the alternative, if the Court deems suspension necessary it should do so with pay so that Respondent has a fair a real opportunity to contest his potential removal from office.

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that the foregoing has been electrically filed this 6<sup>th</sup> day of **May, 2025**, with the **Clerk of the Florida Supreme Court; ALEXANDER JOHN WILLIAMS**, General Counsel for the Florida Judicial Qualifications Commission, via [awilliams@floridajqc.com](mailto:awilliams@floridajqc.com); and, **BLAN L. TEAGLE**, Executive Director for the Judicial Qualifications Commission, via [bteagle@floridajqc.com](mailto:bteagle@floridajqc.com).

Respectfully submitted,

**DUTKO & KROLL, P.A.**  
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