

DECIDING WHICH JUDGE WILL HEAR A CASE

Background & Analysis

“A judge shall uphold the integrity and independence of the judiciary.” Canon 1, Code of Judicial Conduct. Allowing the parties to “judge shop” gives the appearance that the parties or attorneys have some undue influence over the particular judge they are requesting. As a result, the impartiality of the court may be brought into question by the public which impinges on Canon 2 A, Code of Judicial Conduct, which says, “A judge shall ... act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”

When parties or attorneys inform the judge that another action is already pending before another family judge, then the best practice is to assign the new case to the judge handling the case bearing the lowest docket number. In *In re Amendments to Florida Rules of Judicial Admin.*, 132 So.3d 1114 (Fla., 2014), the court adopted Family Law Rule of Procedure 12.003 which provides that all related cases must be handled before one judge unless impractical. Fla. R. Jud. Admin. 2.545 requires the filing of the Notice of Related Cases, Family Law Form 12.900(h), to ensure that all necessary parties, attorneys and judges are aware of related pending cases.