

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

INQUIRY CONCERNING A JUDGE,  
THE HONORABLE CINDY LEDERMAN  
THE HONORABLE MARCIA CABALLERO  
THE HONORABLE ROSA FIGAROLA  
THE HONORABLE TERESA POOLER  
THE HONORABLE MAVEL RUIZ  
JQC NO. 2018-572

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SC19-\_\_\_\_\_

**FINDINGS AND RECOMMENDATION OF DISCIPLINE**

The Investigative Panel of the Florida Judicial Qualifications Commission (“Commission” or “JQC”) served a Notice of Investigation dated January 30, 2019, on Circuit Court Judges Cindy Lederman, Marcia Caballero, Rosa Figarola, Teresa Pooler, and Mavel Ruiz of the 11th Judicial Circuit (“Respondents”), pursuant to Rule 6(b) of the Judicial Qualification Commission Rules. The Investigative Panel conducted a Rule 6(b) hearing on March 7, 2019, at which the Respondents appeared, with counsel, and provided testimony.<sup>1</sup> Thereafter, at a meeting on May 23, 2019, the Investigative Panel determined that probable cause existed that the Respondents had violated Canons 1, 2A, 2B, 4A(1), 4A(2), 4A(5), and 4A(6) the Florida Code of Judicial Conduct.<sup>2</sup>

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<sup>1</sup> Judge Lederman, who is retired and lives out of the State, did not appear, but provided a written response to the Commission’s inquiry.

<sup>2</sup> Canon 1 states that, “An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.”

## **Factual Findings**

The Florida Department of Children and Families (“DCF”) routinely contracts with private companies to administer its programs throughout the state. In some instances, these contracts are worth millions of dollars.

In March of 2018, DCF initiated a competitive procurement process to award the contract to become the “Lead Agency for Community Based-Care for the Southern Region of Florida-Dade and Monroe Counties” (“Lead Agency”). The Lead Agency for a region is responsible for administering many programs on behalf of DCF, and its employees and subcontracted vendors regularly appear in family and children’s court to represent specific clients of DCF, and address other matters. The competitive procurement process used to select a Lead Agency, known as an Invitation to Negotiate (“ITN”), requires companies to submit proposals to DCF who then selects which company should receive the contract. This ITN sought bids from companies willing to serve as Lead Agency for the

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Canon 2A states that, “A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”

Canon 4A (1) states that, “A judge shall conduct all of the judge’s quasi-judicial activities so that they do not: cast reasonable doubt on the judge’s capacity to act impartially as a judge;

Canon 4A(2) states that, “A judge shall conduct all of the judge’s quasi-judicial activities so that they do not: undermine the judge’s independence, integrity, or impartiality.”

Canon 4A(5) states, in pertinent part, “A judge shall conduct all of the judge’s quasi-judicial activities so that they do not: lead to frequent disqualification of the judge

Canon 4A(6) states, in pertinent part, “A judge shall conduct all of the judge’s quasi-judicial activities so that they do not: appear to a reasonable person to be coercive.

Southern Region for a period beginning in July 2019. The contract was potentially worth upwards of \$500 million dollars, over five years.

In March 2018, when DCF began the ITN process, a non-profit business called Our Kids of Miami-Dade and Monroe, Inc (“Our Kids, Inc.”) held the contract, and had served as Lead Agency for the last several years.<sup>3</sup> Only two companies participated in the ITN: Our Kids, Inc, and Citrus Health Network, Inc (also a non-profit corporation).

This inquiry began when the JQC received information that in September of 2018, the Respondents authored, signed, and transmitted a letter addressed to Rebecca Kapusta, Interim Director of DCF, and Bronwyn Stanford, the Managing Director of the Southern Region of DCF.<sup>4 5</sup> [The Letter is attached as **JQC Findings Exhibit 1**].

The Respondents state that the letter, authored by Circuit Judge Cindy Lederman, was intended to provide information to DCF relating to the performance of Our Kids, Inc. during its service as Lead Agency. The Investigative Panel of the JQC finds, however, that the letter goes much further than merely providing impartial performance data, and crossed the line into

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<sup>3</sup> In FY 2018/19, DCF paid Our Kids, Inc. over \$103 million to serve as Lead Agency for the Southern Region.

<sup>4</sup> Circuit Judge Mari Sampedro-Iglesia, a signatory of the September 2018 letter, resigned from office on April 26, 2019, and is not a part of this Inquiry.

<sup>5</sup> The letter was also signed by General Magistrate Steven Lieberman of the 11th Circuit Unified Children’s Court. However, although General Magistrates are subject to the provisions of Canons 1, 2A, and 3 of the Code of Judicial

lending the prestige of judicial office to advance the interest of a private corporation. The language and context of the letter, written on Judicial letter head, and signed by six sitting Circuit Judges, suggests or implies that Our Kids, Inc. is the favored provider of the 11th Judicial Circuit, and that the court will work only with Our Kids, Inc. For example, the letter insists that the Our Kids, Inc. “model”, “must survive the ITN process.” [emphasis supplied]. The Commission finds that this language appears to signal the Respondents’ desire for DCF to pick Our Kids, Inc, as the winner. The Commission’s concern is further underscored by the closing lines of the letter which state: “We have worked with Our Kids and we have complete faith only in the Our Kids model of leadership. When you select the agency please keep our voices in your mind.”

This concern was, apparently, also shared by other members of the judiciary in the 11th Circuit. In November 2018, Judge Orlando Prescott, in his official capacity as Administrative Judge of the Unified Children’s Court, authored a letter to DCF reaffirming the commitment of the judiciary to work with “whichever agency is selected in this ITN process.” In a reversal, Judge Sampedro-Iglesia and Judge Caballero, both signatories to the September 2018 letter, approved Judge Prescott’s November 2018 letter. [Judge Prescott’s letter is **JQC Findings Exhibit 2**].

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Conduct, Magistrates are not within the Commission’s enforcement authority. Magistrate Lieberman will, therefore, not be addressed by this Inquiry.

The Commission is also aware of at least one other judge who was offered the opportunity to sign the September 2018 letter advocating on behalf of Our Kids, Inc, but declined to do so.

Three of the Respondents signed the September 2018 letter, or authorized their signature, after reviewing a draft of the letter emailed by Judge Lederman. [Emails from Judge Lederman are **JQC Findings Exhibit 3**]. The fourth, Judge Caballero, was attending a judicial training conference, and candidly admitted to the Investigative Panel that she did not review the draft letter because she was having trouble with her email, but nonetheless authorized her signature on the final letter in support of Our Kids, Inc.

Unfortunately, such was the high-profile nature of the Respondents' letter of support for Our Kids, Inc, that it was mentioned in a February 2019 Miami Herald article titled, "*Alleged conflicts of interest roil \$500 million child welfare fight.*" Such publicity further damages the public's perception of impartiality of the judiciary.

The initial ITN process begun by DCF in March of 2018 was scrapped by DCF, and started over in early 2019. The Commission has no evidence that the Respondents' letter played a significant role in DCF's decision to start the bidding over. During the second ITN, the only two competitors were, again, Our Kids, Inc, and Citrus Health, Inc. In April 2019, DCF awarded the Lead Agency contract to Citrus Health, Inc.

## **Canon 4**

Canon 4B does “encourage judges to speak, write, teach, and participate in other quasi-judicial activities concerning the law, the legal system, the administration of justice, and the role of the judiciary as an independent branch within our system of government...”. However, that engagement is subject to the requirements and limitations of the other Canons. And while it could be argued that the Respondents’ may have been able to write a letter explaining their knowledge working with the provider in a much narrower context, such an evaluation should never place a judge or the judiciary in the position of appearing to advocate on behalf of one private entity over another, as this letter did. Indeed, Canon 4A readily outlines some of the concerns that should have prevented this letter from being sent in its final form.

The Judicial Ethics Advisory Committee has also outlined some of the concerns surrounding letters of support like this.

In JEAC Opinion 2002-09, the Committee considered whether a judge would be able to write a letter to a grant provider encouraging the funding of a local non-profit organization that provided victims of domestic violence with advocates, both criminal and civil, as the victims’ cases proceeded through the court system. The Committee noted that the inquiry must not end with the determination that the letter falls within the permissible boundaries of Canon 4. In advising that the judge could not write the proposed letter, the JEAC found that

the proposed grant would “cast a reasonable doubt on the judge’s capacity to act impartially because the grant would be indirectly assisting litigants or witnesses (alleged victims) who could appear before the court.” JEAC Opinion 2002-09.

Here, the Respondents’ September 2018 letter raises similar concerns. As noted before, the employees and vendors of the Lead Agency regularly appear in court assisting and advocating on behalf of clients of DCF, and the agency. Additionally, such an enormous and hotly contested contract award will almost certainly result in legal challenges, and likely even court proceedings in the 11th Circuit. Thus, the Commission finds that language of the September 2018 letter fairly raises questions about the impartiality of the Respondent judges.

### **Mitigation**

By way of mitigation, the JQC notes that the Respondents accepted full responsibility for their actions, admitted that the letter was inappropriate, and otherwise fully cooperated with the JQC’s inquiry. Additionally, as noted before, Judge Caballero also attempted to repair some of the damage from the September 2018 letter by co-signing Judge Prescott’s November 2018 letter.

The Commission also notes that each of the Respondents have enjoyed lengthy careers in the law, and that none have been subject to prior discipline by the Florida Bar or the JQC.

Finally, although it is unnecessary for the Commission to demonstrate malafides or scienter (See Article V, Section 12(c)(1) of the Florida Constitution),

the Commission believes it is important to note its finding that the Respondents' were not motivated by any corrupt intent or design. The Commission believes that the intent was to protect the interests of the children and families served by DCF. However, the Respondents acknowledge that their actions went too far in this instance.

### **Recommendation as to Discipline**

The Investigative Panel of the Commission has now entered into a Stipulation with the Respondents' pursuant to FJQC Rule 6(k). In this Stipulation the Respondents admit that their conduct, as alleged in the Notice of Formal Charges and outlined above, was inappropriate, and damaged the public's perception of impartiality in the judiciary. The Respondents' also now acknowledge that they did not properly consider the limitations of Canon 4A when deciding to sign the letter in support of Our Kids, Inc. The Commission finds, and the Respondents' agree, that the allegations of misconduct in this case are demonstrated by clear and convincing evidence.

This Court reviews the findings of the JQC to determine "whether the alleged violations are supported by clear and convincing evidence, and reviews the recommended discipline to determine whether it should be approved." *In re Woodard*, 919 So.2d 389, 390 (Fla.2006). Where a judge stipulates to the JQC's findings of fact, no additional proof is necessary to support the JQC's factual findings." *Id.* at 390–91.



In this case, the Respondents have admitted the foregoing, accepted full responsibility, and acknowledged that such conduct should not have occurred. They have cooperated fully with the JQC throughout the investigative process.

Finally, the Commission believes that it is useful to note how similar misconduct has been treated in the past. Recently, this Court issued a written public reprimand (by publication of the opinion) of a judge who wrote a character reference on judicial letter head on behalf of a defendant awaiting a criminal sentencing in federal court. This letter also asked the sentencing judge for favorable consideration of the defendant. See In re: Deborah White-Labora, 257 So.3d 367 (Fla. 2018). See also In re: Abel, 632 So.2d 600 (Fla. 1994) (publicly reprimanding a judge for sending a character letter on behalf of a criminal defendant, on court stationary to a sentencing court).

Judges have valuable knowledge and insight into the court system, and they should be allowed and encouraged to share that knowledge. However, such conversations and communications must adhere to the Canons. In this case, the Respondents' letter crossed the line from informational, to advocacy in favor of one competitive bidder over another.

Accordingly, the Commission therefore finds and recommends that the interests of justice will be well served by a written public reprimand of the Respondents by publication of an opinion. The Commission is hopeful that a reprimand by publication will also serve as an important reminder to other

members of the judiciary to be mindful of the requirements of Canons 1, 2, and 4A when speaking about matters related to the law, or the administration of justice.

Dated this 15th day of July, 2019.

**INVESTIGATIVE PANEL OF  
THE FLORIDA JUDICIAL  
QUALIFICATIONS  
COMMISSION**

By: s/ Krista Marx  
Hon. Krista Marx  
CHAIR OF THE FLORIDA  
JUDICIAL QUALIFICATIONS  
COMMISSION  
PO Box 14106  
Tallahassee, FL 32317

## **JQC Findings Exhibit 1**



CIRCUIT COURT  
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

CINDY S. LEDERMAN  
CIRCUIT JUDGE

GELBER AND GLADSTONE  
MIAMI-DADE COUNTY CHILDREN'S COURTHOUSE  
155 N.W. 3<sup>RD</sup> STREET  
MIAMI, FLORIDA 33128

September 28, 2018

Bronwyn Stanford  
Managing Director of the Southern Region of Florida  
Department of Children and Families  
401 NW 2nd Avenue  
N1007  
Miami, Florida 33128

Dear Bronwyn Stanford,

We are writing to you to express our support for true community based care. Each of us is an experienced dependency judge in Miami Dade County and each of us cares deeply about the future of our child welfare system.

Our CBC Alliance studied privatization models for several years before designing our current model in 2005. They were adamant that the leadership of our child welfare system be composed of community leaders, none of whom profited financially from child welfare. The Our Kids Board has continued to be populated by lawyers, successful businessmen and businesswomen, doctors, volunteers, financial experts and former foster children. It is a system that works. They have welcomed community input, community criticism and community partnerships for reform.

The CBC Alliance and the child welfare community demanded managerial changes and Our Kids listened. The wonderful George Sheldon became the CEO and important reforms were instituted.

The Our Kids Board is answerable to the community. They are our community's experts in child welfare policy and practice.

This model must survive the ITN process.

We have worked with Our Kids and we have complete faith only in the Our Kids model of leadership. When you select the agency please keep our voices in your mind.



CIRCUIT COURT  
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

CINDY S. LEDERMAN  
CIRCUIT JUDGE

GELBER AND GLADSTONE  
MIAMI-DADE COUNTY CHILDREN'S COURTHOUSE  
155 N.W. 3<sup>RD</sup> STREET  
MIAMI, FLORIDA 33128

Sincerely,

Judge Cindy Lederman  
11<sup>th</sup> Circuit Unified Children's Court

Judge Mari Sampedro-Iglesia  
11<sup>th</sup> Circuit Unified Children's Court  
Associate Administrative Judge

Judge Rosa Figarola  
11<sup>th</sup> Circuit Unified Children's Court

Judge Teresa Pooler  
11<sup>th</sup> Circuit Unified Children's Court

Judge Mavel Ruiz  
11<sup>th</sup> Circuit Unified Children's Court

General Magistrate Steven Lieberman  
11<sup>th</sup> Circuit Unified Children's Court

Judge Marcia Caballero  
11<sup>th</sup> Circuit Unified Children's Court

CC:  
Rebecca Kapusta  
Interim Director of the Department of Children and Families  
1317 Winewood Blvd.  
Building 1, Room 202  
Tallahassee, Florida

## **JQC Findings Exhibit 2**



SCANNED

CIRCUIT COURT  
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

ORLANDO A. PRESCOTT  
Circuit Judge

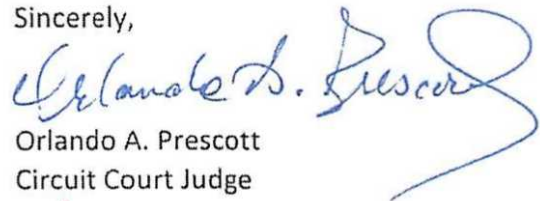
GELBER AND GLADSTONE  
MIAMI-DADE COUNTY CHILDREN'S COURTHOUSE  
155 N.W. 3<sup>RD</sup> STREET  
MIAMI, FLORIDA 33128

November 7, 2018

Yanina Menendez  
Procurement Manager  
Department of Children and Families  
401 N.W. 2<sup>nd</sup> Avenue, suite N-1007  
Miami, Florida 33128

I am writing as the Administrative Judge of Unified Children's Court for the Eleventh Judicial Circuit of Florida. I write to express that our circuit is firmly committed to the children and families we serve and stand ready to support and work alongside whichever agency that is selected in this ITN process.

Sincerely,



Orlando A. Prescott  
Circuit Court Judge

Cc: Mari Sampedro-Iglesia, Associate Administrative Judge  
Marcia Caballero, Associate Administrative Judge

## **JQC Findings Exhibit 3**



Rosa Figarola

awilliams.floridajqc@gmail.com

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**From:** Figarola, Rosa  
**Sent:** Thursday, September 27, 2018 5:06 PM  
**To:** Lederman, Cindy  
**Subject:** RE: Who will sign this with me?

absolutely

**From:** Lederman, Cindy  
**Sent:** Thursday, September 27, 2018 5:05 PM  
**To:** Figarola, Rosa <RFigarola@jud11.flcourts.org>  
**Subject:** Re: Who will sign this with me?

Thank you

Judge Cindy S. Lederman

On Sep 27, 2018, at 4:44 PM, Figarola, Rosa <RFigarola@jud11.flcourts.org> wrote:

I'm just reading my emails now. I would like to sign if you haven't sent it out yet. I will be here all day tomorrow

**From:** Lederman, Cindy  
**Sent:** Thursday, September 27, 2018 2:29 PM  
**To:** Juvenile Division Judges <JuvenileDivisionJudges@jud11.flcourts.org>; Caballero, Marcia <mcaballero@jud11.flcourts.org>; Figarola, Rosa <RFigarola@jud11.flcourts.org>; Kallman, Karen <kKallman@jud11.flcourts.org>; Lieberman, Steven <slieberman@jud11.flcourts.org>  
**Subject:** RE: Who will sign this with me?

Ok, we are up to four. I really would like to have a more.

Cindy S. Lederman  
Circuit Court Judge  
Eleventh Judicial Circuit  
Gelber and Gladstone Children's Courthouse  
155 NW 3 Street  
Room 14-359  
Miami, FL 33128  
305-679-1789  
Email: [cllederman@jud11.flcourts.org](mailto:cllederman@jud11.flcourts.org)

**From:** Lederman, Cindy  
**Sent:** Thursday, September 27, 2018 2:20 PM  
**To:** Juvenile Division Judges <JuvenileDivisionJudges@jud11.flcourts.org>; Caballero, Marcia <mcaballero@jud11.flcourts.org>; Figarola, Rosa <RFigarola@jud11.flcourts.org>; Kallman, Karen <kKallman@jud11.flcourts.org>; Lieberman, Steven <slieberman@jud11.flcourts.org>  
**Subject:** FW: Who will sign this with me?

OK Guys,

I have 3 signers.....anyone else? Please let me know.

Cindy S. Lederman  
Circuit Court Judge  
Eleventh Judicial Circuit  
Gelber and Gladstone Children's Courthouse  
155 NW 3 Street  
Room 14-359  
Miami, FL 33128  
305-679-1789  
Email: [clederman@jud11.flcourts.org](mailto:clederman@jud11.flcourts.org)

**From:** Lederman, Cindy  
**Sent:** Thursday, September 27, 2018 9:54 AM  
**To:** Juvenile Division Judges <[JuvenileDivisionJudges@jud11.flcourts.org](mailto:JuvenileDivisionJudges@jud11.flcourts.org)>; Caballero, Marcia <[mcaballero@jud11.flcourts.org](mailto:mcaballero@jud11.flcourts.org)>; Figarola, Rosa <[RFigarola@jud11.flcourts.org](mailto:RFigarola@jud11.flcourts.org)>; Kallman, Karen <[kKallman@jud11.flcourts.org](mailto:kKallman@jud11.flcourts.org)>; Lieberman, Steven <[slieberman@jud11.flcourts.org](mailto:slieberman@jud11.flcourts.org)>  
**Cc:** Hernandez, Yamille <[yhernandez@jud11.flcourts.org](mailto:yhernandez@jud11.flcourts.org)>  
**Subject:** Who will sign this with me?

Colleagues,

This is a crucial time for child welfare. Our voice needs to be heard. Who will sign this letter with me? ( I need this to go out tomorrow.) so please let me know.

Cindy

Dear Secretary ,

We are writing to you to express our support for true community based care. Each of us is an experienced dependency judge in Miami Dade County and each of us cares deeply about the future of our child welfare system.

Our CBC Alliance studied privatization models for several years before designing our current model in 2005. They were adamant that the leadership of our child welfare system be composed of community leaders, none of whom profited financially from child welfare. The Our Kids Board has continued to be populated by lawyers, successful businessmen and businesswomen, doctors, volunteers, financial experts and former foster children. It is a system that works. They have welcomed community input, community criticism and community partnerships for reform.

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This model must survive the ITN process.

We have worked with Our Kids and we have complete faith only in the Our Kids model of leadership. When you select the agency please keep this letter in your mind.

Thank you

CC Bronwyn

Cindy S. Lederman

Circuit Court Judge  
Eleventh Judicial Circuit  
Gelber and Gladstone Children's Courthouse  
155 NW 3 Street  
Room 14-359  
Miami, Fl 33128  
305-679-1789  
Email: [clerman@jud11.flcourts.org](mailto:clerman@jud11.flcourts.org)

Mavel Ruiz

awilliams.floridajqc@gmail.com

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**From:** Ruiz, Mavel  
**Sent:** Thursday, September 27, 2018 1:31 PM  
**To:** Lederman, Cindy  
**Subject:** RE: Who will sign this with me?

I'm signing.

Mavel

**From:** Lederman, Cindy  
**Sent:** Thursday, September 27, 2018 11:32 AM  
**To:** Ruiz, Mavel <mruiz@jud11.flcourts.org>  
**Subject:** FW: Who will sign this with me?

Will you sign too?

Cindy S. Lederman  
Circuit Court Judge  
Eleventh Judicial Circuit  
Gelber and Gladstone Children's Courthouse  
155 NW 3 Street  
Room 14-359  
Miami, FL 33128  
305-679-1789  
Email: [clederman@jud11.flcourts.org](mailto:clederman@jud11.flcourts.org)

**From:** Lederman, Cindy  
**Sent:** Thursday, September 27, 2018 9:54 AM  
**To:** Juvenile Division Judges <[JuvenileDivisionJudges@jud11.flcourts.org](mailto:JuvenileDivisionJudges@jud11.flcourts.org)>; Caballero, Marcia <[mcaballero@jud11.flcourts.org](mailto:mcaballero@jud11.flcourts.org)>; Figarola, Rosa <[RFigarola@jud11.flcourts.org](mailto:RFigarola@jud11.flcourts.org)>; Kallman, Karen <[kKallman@jud11.flcourts.org](mailto:kKallman@jud11.flcourts.org)>; Lieberman, Steven <[slieberman@jud11.flcourts.org](mailto:slieberman@jud11.flcourts.org)>  
**Cc:** Hernandez, Yamille <[yhernandez@jud11.flcourts.org](mailto:yhernandez@jud11.flcourts.org)>  
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Thank you

CC Bronwyn

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305-679-1789  
Email: [clederman@jud11.flcourts.org](mailto:clederman@jud11.flcourts.org)

Teresa Pooler

awilliams.floridajqc@gmail.com

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**From:** Pooler, Teresa Mary  
**Sent:** Thursday, September 27, 2018 11:47 AM  
**To:** Lederman, Cindy  
**Subject:** RE: Who will sign this with me?

I will, with pleasure.

Tess

**From:** Lederman, Cindy  
**Sent:** Thursday, September 27, 2018 9:54 AM  
**To:** Juvenile Division Judges <JuvenileDivisionJudges@jud11.flcourts.org>; Caballero, Marcia <mcaballero@jud11.flcourts.org>; Figarola, Rosa <RFigarola@jud11.flcourts.org>; Kallman, Karen <kKallman@jud11.flcourts.org>; Lieberman, Steven <slieberman@jud11.flcourts.org>  
**Cc:** Hernandez, Yamille <yhernandez@jud11.flcourts.org>  
**Subject:** Who will sign this with me?

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Circuit Court Judge  
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