

Wilkie D. Ferguson, Jr. Bar Association
936 SW 1st Avenue, Mailbox 361
Miami, FL 33130
info@wdfjba.org
www.wdfjba.org



CELEBRATING 40 YEARS

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A judge who refers to people as “moolies” or “thugs” has no place on the bench.

We here at the Wilkie D. Ferguson, Jr. Bar Association were deeply troubled and outraged to read the recent article by the Daily Business Review (DBR) and the accompanying report and recommendations by the Judicial Qualifications Commission concerning the words and behavior of Judge Stephen Millan. Simply put, there is no place for such conduct or comments in our court system. Too many times, we have heard whispers and rumors of such talk and behavior happening behind closed doors. To see such comments admitted by a sitting judge should be disturbing for anyone who comes to the Miami-Dade County Court system expecting fairness and equal treatment. Such behavior should not be condoned or allowed.

The community expects better from those in public service. The message being sent by these words from a sitting judge should send a wakeup call to the members of the local bar regarding the representation from the bench. Too many times we have asked that the court system represent the community which it serves. We have warned and advised against the danger of having a judicial system that does not understand or relate to the community in which it serves. This incident unfortunately gives us a real time analysis of how the community has been ill served by the judicial process.

Canon 2 in the Florida Code of Judicial Conduct states: “A Judge shall avoid impropriety and the appearance of impropriety in all of the Judge’s activities.” Currently we have a sitting judge, whose decisions have and will continue to affect the lives of so many in our community, who has revealed his thought process behind those decisions. This judge currently sits and presides in our juvenile court system. According to data, the majority of litigants and families that appear before him are minorities, with the majority of those being African-Americans. The impact of the words and thoughts from this judge cannot be lost on those who seek justice from our court system. According to the DBR article, when previously asked to recuse himself based upon these statements, the judge balked at the request. We believe that there must be an inquiry into the rulings that have come from this judge. We fear that his judgment has been clouded and biased based upon his appalling racist statements.

None of this fear is unfounded or baseless. We would refer to you the recent Sarasota Herald-Tribune’s article ‘Bias on the Bench’. In the statistical data gathered for Judge Millan, you will note disparities in sentences for certain categories of crimes: 149% longer sentences for black burglary defendants; 53% longer sentences for black drug possession defendants; 93% longer sentences for black defendants convicted of a first-degree crime; and 63% longer sentences for black defendants convicted of a second-degree crime. The project can be found here: <http://projects.heraldtribune.com/bias/> .

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We acknowledge that one survey or set of statistics does not tell the full story. However, when you place this piece of the puzzle to the whole, the picture becomes clearer. The sentencing statistics from this bench clearly echo the racism that has been acknowledged in the statements therefrom.

Also troubling is the remedy put forth by the Judicial Qualifications Commission (JQC). The Investigative Panel of the Florida JQC investigates ethic complaints against judges. The Panel recommended a 30-day suspension, a public reprimand and \$5,000 fine for the judge. We believe that this is an inadequate response to this behavior. We cannot rightly refer to that recommendation as a 'punishment' without sounding sarcastic. It is unreasonable to see how any person of color can stand before this judge and expect to receive a fair hearing knowing how he feels and thinks.

We do not think that there is a place on the bench for a person who thinks and acts this way. This judge has eroded the public trust. He has done nothing to assure the public that he will serve in a fair and unbiased manner. Unless there has been some evidence that this judge has been impartial and unbiased in his sentencing, his previous cases should be reviewed. Until there is an assurance that justice and fairness can come from this judge, he should not be allowed to serve on the bench.

Sincerely

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