



**THE FLORIDA BAR**  
TAMPA AIRPORT MARRIOTT HOTEL, SUITE C-49  
TAMPA, FL 33607

**JOHN F. HARKNESS, JR.**  
EXECUTIVE DIRECTOR

**FILED**  
THOMAS D. HALL  
FEB 13 2002  
CLERK, SUPREME COURT  
BY \_\_\_\_\_

813/875-9821

February 11, 2002

Hon. Thomas D. Hall, Clerk  
The Supreme Court of Florida  
Supreme Court Building  
500 South Duval Street  
Tallahassee, Florida 32399-1926

In Re: Petition for Disciplinary Resignation of Matthew Emmett McMillan  
TFB No.: 2002-11,063(12B)(HRS)

Dear Mr. Hall:

Enclosed for filing, please find the original Petition for Disciplinary Resignation Without Leave to Reapply for a Period of Three Years.

Sincerely,

Debra Joyce Davis  
Assistant Staff Counsel

Enclosure - Petition for Disciplinary Resignation

cc: Matthew Emmett McMillan, Respondent (with copy of Petition for Disciplinary Resignation)  
John Anthony Boggs, Staff Counsel (with copy of Petition for Disciplinary Resignation)

**FILED**  
THOMAS D. HALL

FEB 13 2002

CLERK, SUPREME COURT  
BY \_\_\_\_\_

IN THE SUPREME COURT OF FLORIDA

IN RE: PETITION FOR  
DISCIPLINARY  
RESIGNATION OF

Case No. \_\_\_\_\_  
TFB No.: 2002-11,063(12B)(HRS)

Matthew Emmett McMillan  
\_\_\_\_\_ /

**PETITION FOR DISCIPLINARY RESIGNATION**  
**WITHOUT LEAVE TO REAPPLY FOR A PERIOD OF THREE YEARS**

COMES NOW, Petitioner, Matthew Emmett McMillan, and petitions this Honorable Court to grant his Petition for Disciplinary Resignation Without Leave to Reapply for a Period of Three Years, pursuant to Rule 3-7.12, Rules Regulating The Florida Bar, and as grounds therefor states as follows:

1. Petitioner has been a member of The Florida Bar since 03/30/92, attorney number 928630, and is subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.
2. Petitioner is aware of all rights he may have under the Rules Regulating The Florida Bar.
3. As required by Rule 3-7.12, Rules Regulating The Florida Bar, a description of the charges against Petitioner, those matters presently under

investigation, the results of past proceedings and the status of the pending investigations and proceedings are set forth as follows:

**PREVIOUS SANCTIONS AGAINST PETITIONER:** None

**CASES PENDING AT REFEREE LEVEL:** None

**CASES PENDING AT GRIEVANCE COMMITTEE LEVEL:** None

**CASES PENDING AT THE STAFF INVESTIGATIVE LEVEL:** TFB No.

2002-10,266(12B) - The basis for the pending disciplinary file is the order of the Supreme Court of Florida upholding the findings and recommendation of the Judicial Qualifications Committee that respondent be removed from the bench. The conduct that gave rise to that decision involved alleged improprieties in respondent's campaign for judicial office, as set forth more particularly in the Court's order dated August 16, 2001, which is incorporated herein by reference.

4. The Florida Bar and the Respondent met and discussed this matter on October 25, 2001. The Florida Bar was seeking neither disbarment nor resignation, but was seeking a suspension of the Respondent's license for a period of time. The Respondent has opted, of his own accord, to resign from the Bar for the reasons stated in the attached letter of resignation dated December 3, 2001, along with all attachments previously tendered to the Bar with said letter.

5. This Petition is submitted without leave to reapply for readmission to The Florida Bar for a Period of Three Years, and if approved by this Court, Petitioner hereby acknowledges his understanding that this Petition will not be the subject of future modification or revocation.

6. Petitioner agrees to pay The Florida Bar's costs in TFB No. 2002-10,266(12B) (See The Florida Bar's Affidavit of Costs attached hereto). Petitioner agrees to pay said costs after rendition of the Supreme Court order granting this Petition.

7. Petitioner agrees that he will not attempt to discharge the obligation for the payment of the Bar's costs in any future proceedings, including but not limited to, a Petition for Bankruptcy.

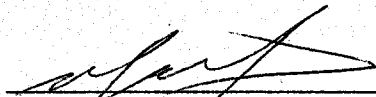
8. Petitioner freely and voluntarily submits this Petition for Disciplinary Resignation Without Leave to Reapply for a Period of Three Years.

9. The granting of the instant Petition will cause no harm to either the public or to the administration of justice, nor will it injure the sanctity of this Court.

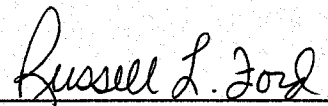
10. Petitioner agrees that this petition is a public document and waives confidentiality in this matter.

WHEREFORE, Petitioner, Matthew Emmett McMillan, respectfully requests that this Honorable Court grant his Petition to Resign Without Leave to Reapply for a Period of Three Years.

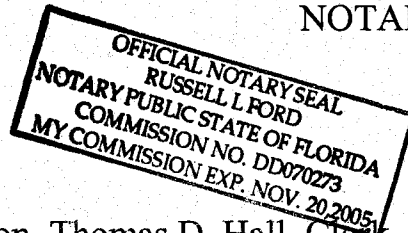
Respectfully submitted,

  
Matthew Emmett McMillan  
3311 46th Plaza West  
Bradenton, Florida 34203  
FBN: 928630

Sworn to and subscribed before me this 5 day of Feb, 2002, by Matthew Emmett McMillan, who is personally known to me or has produced FL Drivers License as identification.

  
NOTARY PUBLIC Russell L Ford

My commission expires:



Original furnished to: Hon. Thomas D. Hall, Clerk, Supreme Court of Florida

Copies furnished to: Debra Joyce Davis, Assistant Staff Counsel  
John Anthony Boggs, Staff Counsel

3311 46<sup>th</sup> Plaza East  
Bradenton, FL 34203

December 3, 2001

Debra J. Davis, Esquire  
Assistant Staff Counsel  
The Florida Bar  
Tampa Airport Marriott Hotel  
Suite C-49  
Tampa, Florida 33607

**FILED**  
THOMAS D. HALL  
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BY \_\_\_\_\_

Dear Ms. Davis,

I appreciate your time in meeting with Scott Tozian and me recently concerning the above referenced inquiry. In light of the findings of the JQC and the opinion of the Florida Supreme Court, I can appreciate the Bar's position to suspend my license. As we discussed, I cannot agree with the findings and the opinion of the Supreme Court. Accordingly, it would appear that I have two alternatives: 1) deny the allegations and move forward to a hearing on the matter, or 2) admit to the alleged violations, for which I feel I am not guilty, and accept a suspension of my license.

As to the first alternative, a trial would prove futile. The reasons are summarized by the comments of two members of the JQC who sat in judgement of my case, one at each stage of the proceedings.

The first is Curtis Richardson, a lay member of the investigative panel which filed the charges against me. In reference to my case, he publicly stated in the September 15, 2000 edition of the Florida Bar News:

"We've had two instances where current judges ran against sitting judges and they won. And I almost felt like there was an unwritten rule that you don't run against a sitting judge. My personal opinion is the judges on the [JQC] panel are helping send that message: 'We're going to support our fellow [sitting] judges.'"

Apparently, Mr. Richardson was not comfortable with the JQC's interpretation of the 6B evidence or its motivation in my prosecution.

Still I went to trial hoping that the weight of the evidence and the integrity of the panel members would overcome any inherent bias with which I was faced. I am certain that I was able to prove to the JQC Hearing panel that I did not intentionally misrepresent any fact concerning Mr. Brown in my election campaign. Additionally, I proved that there were many shortcomings in the local judiciary and that I made effective changes while on the bench to address those shortcomings. The success of my changes and programs (Collections Court; Restitution and

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Compliance Court; HIV/AIDS Education; Mandatory Abstinence and Random Urinalysis for drug/alcohol offenders; Blood Donations in lieu of community service; etc) and my fitness for office were proven without question.

The comments of yet another JQC member, Ms. Bonnie Booth, a lay member of the Hearing panel, are indicative of what was actually adduced at the hearing, when, at the close of the proceedings, she stated the following on the record:

“Judge McMillan, I just – I think you realize that different people have different styles of doing their jobs. And I’m wondering – you know, it’s just so commendable. And I’m just wondering if you expect every judge to be as zealous and as creative and to work as hard and as many hours as you do, or are you always going to be an exception?”

Ironically, in spite of Ms. Booth’s sentiments, the JQC chose to ignore the substantial and competent evidence presented and found me unfit to serve. Thus, to have another hearing would require the Bar to render a decision completely contrary to the findings of the JQC. I now have too little confidence in the process to believe that would happen.

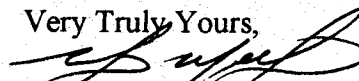
As to the second alternative, I am simply not willing to admit to violations that I did not commit in order to save my law license. I am a man of honor and will admit my mistakes. However, I will not compromise on the truth or my principles; therefore I am resigning from the Bar, effective immediately. I would rather not practice law than admit that I intentionally misrepresented anything about Mr. Brown. Why? Because I told the truth. Plain and simple.

As I have stated publicly, I will be more than happy to share any information, research, transcripts, documents, expert testimony and official records with any neutral body not associated with the Bar, the judiciary, or any political persuasion, to prove the veracity of any statement I have made. I have enclosed many of those documents, as well as several briefs submitted as Amicus Curiae by as many as 1300 Manatee County citizens on my behalf, should anyone ever wish to review the file.

I have a beautiful wife and two little boys to raise. The past three years have cost too much for my family. I am simply not willing to put them through any more grief over my attempts to make Manatee County safer or the Court system more accountable.

Please know that I believe that you personally would do the right thing, and would be scrupulously fair. I don’t trust the rest of the system to reach a decision based upon objective facts, for there is much at stake politically for the judiciary and the Bar. So, they will get what Mr. Sharff threatened they would get when they attempted to force my withdrawal from this election campaign in 1998... my law license. However, they will never touch my soul, my heart, my happiness, or my faith in God.

Very Truly Yours,



Matthew E. McMillan