

**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

SC19-_____

STIPULATION

1. In this disciplinary proceeding, the Investigative Panel of the Florida Judicial Qualifications Commission (“JQC” or “Commission”) together with Judges Cindy Lederman (Ret.), Marcia Caballero, Rosa Figarola, Teresa Pooler, and Mavel Ruiz of the 11th Judicial Circuit (“Respondents”), present the following stipulation to this Court pursuant to Article V, Section 12 of the Florida Constitution, and Rule 6(k) of the Florida Judicial Qualifications Commission's Rules.

2. Under Rule 6(k), the Commission may reach agreement with a judge on discipline or disability, and such stipulation shall be transmitted directly to the Supreme Court.

3. Each of the Respondents was served with a Notice of Investigation dated January 30, 2019. The Investigative Panel conducted a hearing pursuant to FJQC Rule 6(b) for each Respondent in Tallahassee, Florida on March 7, 2019 at which each Respondent appeared with counsel, and testified under oath. Judge Lederman is

living out of state and did not appear, but provided a written response through her counsel. Subsequently, the Investigative Panel determined that probable cause existed for the filing of Formal Charges against each Respondent. This Stipulation is being filed concurrently with a Notice of Formal Charges, and the Findings and Recommendation of Discipline.

4. Judge Cindy Lederman began serving in the Circuit Court in 1994. She was admitted to practice law in the State of Florida in 1979. During that time she has had no discipline imposed by The Florida Bar or the JQC. She retired from judicial office in December 2018. Judge Lederman admits and acknowledges that she authored the letter on behalf of Our Kids, Inc., and solicited additional support in the form of signatures from other judges. Judge Lederman maintains that her intention was to protect the interests of the children and families served by DCF. However, Judge Lederman now acknowledges that her letter went too far in advocating for Our Kids, Inc. over the other vendor, and was, therefore, improper.
5. Judge Marcia Caballero has served as a Circuit Judge for the 11th Judicial Circuit, since 2008. She was admitted to The Florida Bar in 1988, and has no prior disciplinary history. Judge Caballero initially served in the Juvenile Delinquency and Dependency Division, before serving in the Unified Family Division. In 2018 the Juvenile Division was merged with the Unified Family Court and Judge Caballero began serving as the Associate Administrative Judge of that Court.

Judge Caballero was out of town when the letter was proposed by email, and due to a technical glitch on her mobile email, she was unable to see the emails with the proposed language of the letter. She admits, however, that she agreed to sign the letter after discussing the letter with Judge Sampedro-Iglesia and Magistrate Lieberman.

Judge Caballero now acknowledges that signing the letter advocating on behalf of OurKids Inc., was inappropriate and crossed the line from being informational to lending the prestige of her position to advance the private interests of OurKids, Inc.

6. Judge Rosa Figarola is a Circuit Judge for the 11th Judicial Circuit. She was admitted to practice law in 1982. She was first appointed to the County Court in 2000, and later appointed as a Circuit Judge in 2011. She has had no prior discipline from The Florida Bar or the JQC. Judge Figarola has acknowledged that she was careless in reviewing the letter and failing to understand the significance of agreeing to lend her name, and particularly her office, in support of a vendor. This is further demonstrated by the fact that on February 25, 2019, after she received the Notice of Investigation from the JQC, but prior to her hearing before the Investigative Panel of the Commission, Judge Figarola sent a letter to the Managing Director of Southern Region of Florida Department of Children and Families (DCF), with copies to the DCF Secretary and DCF Assistant Secretary of Operations. In her letter, Judge Figarola wrote, in pertinent part, "I hereby rescind

my endorsement of the contents of the letter. It was wrong for me to express support for any vendor bidding for a contract with DCF. I sincerely apologize. If my conduct in any way affected the decision-making process, please let me know if there is any way I can undo the harm my conduct caused.”

7. Judge Teresa Pooler is a Circuit Judge for the 11th Judicial Circuit. She was admitted to The Florida Bar in 1981, and was elected to the Circuit bench in 2012. She has no prior discipline with The Florida Bar or the JQC. Judge Pooler maintains that she was unaware that Our Kids, Inc. was in the midst of a competitive bidding process. She was very new to the division and believed at the time that the contract for Our Kids, Inc. was up for renewal based simply on an up or down vote, and that input from the bench would be an invaluable resource in the decision-making process. However, upon learning all the facts and further reflection, she admits that it was wrong of her to sign the letter advocating for Our Kids Inc., under any circumstance, even though she was motivated solely by trying to look out for the best interests of the children.
8. Judge Mavel Ruiz is a Circuit Judge for the 11th Judicial Circuit. She was admitted to practice law in Florida in 1996, and was elected to the Circuit bench in 2014. She has no prior disciplinary history with The Florida Bar or the JQC.

Judge Ruiz now acknowledges that signing the letter on behalf of OurKids Inc., was inappropriate and crossed the line from being informational to lending the prestige of her position to advance the private interests of OurKids, Inc.

9. Upon being presented with the Notice of Investigation, the Respondents' took immediate responsibility for their conduct, both in written responses, and during sworn testimony before the Commission. The Respondents' have admitted that their conduct was inappropriate and violated the Canons, and they regret that their conduct damaged the impartiality of the judiciary.
10. The Commission also notes that the motivation for the Respondents' was not for any financial benefit for themselves or anyone related to them, but to promote what they believed to be in the best interest of the children and families served by DCF.
11. In light of the facts, the Judges' responses to the Panel's inquiries, and the Respondents' lack of prior disciplinary history, the Investigative Panel and the Respondents' respectfully submit that the interest of justice and sound judicial administration is best served by entering into this Stipulation regarding the matters at issue and by the Findings and Recommendations which accompany this Stipulation.
12. The Respondents' agree that the alleged violations of the Canons are demonstrated by clear and convincing evidence, and do not contest the Findings and Recommendations, or the discipline recommended therein. They further waive a

plenary hearing before the Hearing Panel of the Florida Judicial Qualifications Commission, if the Findings and Recommendations are accepted by the Court.


13. The parties acknowledge and understand that this Stipulation and attached Findings and Recommendations of Discipline are subject to the review and approval of this Court. The parties acknowledge and understand that this Stipulation and Findings and Recommendations of Discipline may be rejected by the Court, and in that event this matter may be returned to the Hearing Panel for a final plenary hearing. In such event, the parties agree that none of the statements in the Stipulation (or the attached Findings and Recommendations of Discipline) are admissible in that hearing for any purpose. The parties further agree that none of the negotiations related to this Stipulation are admissible for any purpose.
14. The parties agree that oral argument before this Court is not necessary in light of the record, the nature of the charges, the contents of this Stipulation, and the attached Findings and Recommendation of Discipline. As previously noted, the Respondents' waive their right to further hearings if they are accepted.

Dated this 15th day of August, 2019.

[Signatures appear on pages 7 through 11]

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

**Stipulation of Hon. Cindy Lederman in Inquiry Concerning a Judge,
No. 2018-572**

By: 
Alexander J. Williams
Florida Bar No. 99225
GENERAL COUNSEL TO THE FJQC
PO Box 14106
Tallahassee, FL 32317
awilliams@floridajqc.com

____/s Cindy Lederman_____
Hon. Cindy Lederman (Ret.)
CIRCUIT JUDGE, 11TH JUDICIAL CIRCUIT

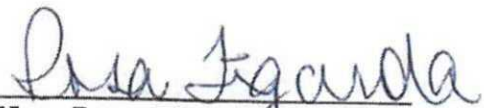
____/s James C. Blecke_____
James Blecke, Esq.
ATTORNEY FOR JUDGE LEDERMAN

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

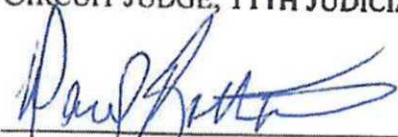
**Stipulation of Hon. Rosa Figarola in Inquiry Concerning a Judge,
No. 2018-572**

By: 

Alexander J. Williams
Florida Bar No. 99225
GENERAL COUNSEL TO THE FJQC
PO Box 14106
Tallahassee, FL 32317
awilliams@floridajqc.com



Hon. Rosa Figarola
CIRCUIT JUDGE, 11TH JUDICIAL CIRCUIT



David Rothman, Esq
ATTORNEY FOR JUDGE FIGAROLA

IN THE SUPREME COURT OF THE
STATE OF FLORIDA

Stipulation of Hon. Marcia Caballero in Inquiry Concerning a Judge,
No. 2018-572

By: 

Alexander J. Williams
Florida Bar No. 99225
GENERAL COUNSEL TO THE FJQC
PO Box 14106
Tallahassee, FL 32317
awilliams@floridajqc.com


Hon. Marcia Caballero

CIRCUIT JUDGE, 11TH JUDICIAL CIRCUIT


Joseph DeMaria, Esq.

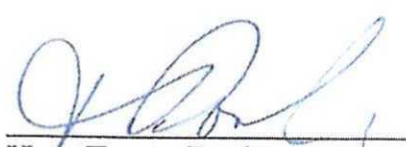
ATTORNEY FOR JUDGE CABALLERO

IN THE SUPREME COURT OF THE
STATE OF FLORIDA


Stipulation of Hon. Teresa Pooler in Inquiry Concerning a Judge,
No. 2018-572

By: 

Alexander J. Williams
Florida Bar No. 99225
GENERAL COUNSEL TO THE FJQC
PO Box 14106
Tallahassee, FL 32317
awilliams@floridajqc.com


Hon. Teresa Pooler

CIRCUIT JUDGE, 11TH JUDICIAL CIRCUIT


Andrew Berman, Esq.

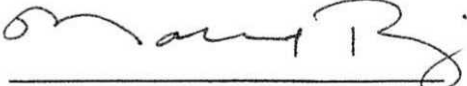
ATTORNEY FOR JUDGE POOLER

IN THE SUPREME COURT OF THE
STATE OF FLORIDA

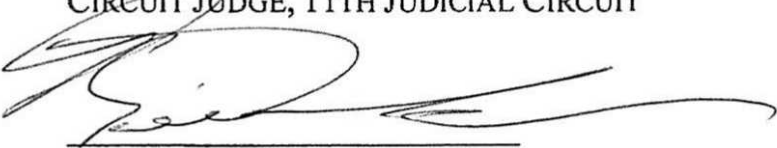
Stipulation of Hon. Mavel Ruiz, in Inquiry Concerning a Judge, No. 2018-572

By: 

Alexander J. Williams
Florida Bar No. 99225
GENERAL COUNSEL TO THE FJQC
PO Box 14106
Tallahassee, FL 32317
awilliams@floridajqc.com


Hon. Mavel Ruiz

CIRCUIT JUDGE, 11TH JUDICIAL CIRCUIT


Brian Tannebaum, Esq.

ATTORNEY FOR JUDGE RUIZ