

IN THE SUPREME COURT OF FLORIDA
(Before the Board of Governors of The Florida Bar)

THE FLORIDA BAR,

Petitioner,

v.

OSCAR ANTONIO HOTUSING,

Respondent.

Supreme Court Case
No. SCI5-1442

The Florida Bar File
No. 2015-30,110(9C)

PUBLIC REPRIMAND

Please state your full name and the place where you practice law.

Mr. Hotusing, you have been ordered by the Supreme Court of Florida to receive a public reprimand before the assembled members of the Board of Governors of The Florida Bar.

By order of the Supreme Court of Florida dated February 18, 2016, you were found to have engaged in professional misconduct when:

During your campaign for judicial office in 2014, you engaged in several acts of misconduct. On or about June 9, 2014, you signed The Florida Bar's Judicial Candidate Voluntary Self-Disclosure Statement which certified that it was complete, true and correct to the best of your knowledge. However, your answers as it related to past discipline failed to completely and accurately describe the rules that were alleged to have been violated. You also failed to fully state the discipline imposed for those rule violations. In the section regarding past employment, you also failed to list all your prior employers and occupations, legal or non-legal, for the last 10 years. Your answers differed from your responses to the same questions you previously completed in 2010.

Further, during your judicial campaign, you participated in a radio interview and made remarks that violated Canon 7 of the Code of Judicial Conduct. When asked by the radio show host why you chose to run

against the incumbent judge, you disparaged the judge by stating, among other things, that “[the incumbent] is way too lenient with the defendants when they come inside his courtroom”. You further complained that he wanted to be too much of a social worker which was not his role and that he had not distinguished himself during his 8 years on the bench.

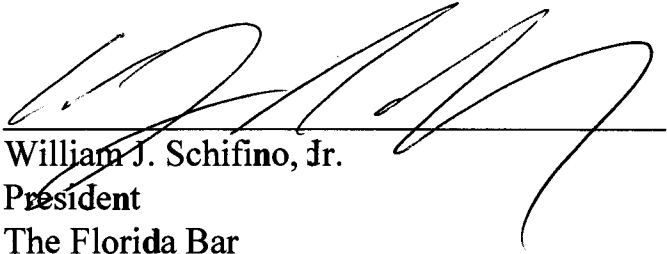
Later in that interview, the show host advised that a veteran police officer texted that he believed first offenders were not being “hammered” and were being “let go.” The show host asked what your thoughts were on this issue. You stated “I agree. I feel strongly that many times it’s appropriate to give people who come before you a shock treatment early on and go from there.” You stated, “[l]aw enforcement feels we aren’t being firm enough. And I agree.” In this same interview, you stated that you would give disparate sentencing based on age.

Canon 7 of the Code of Judicial Conduct, states in part, “[A] candidate for judicial office shall not with respect to parties or classes of parties, cases, controversies, or issues that are likely to come before the court, make pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office.”

Mr. Hotusing, your failure to live up to your professional and ethical obligations under the Rules Regulating The Florida Bar reflects not only on you, but on the integrity and competence of all members of the legal profession. The members of your profession have the right to expect that you will conduct yourself in a manner that will support respect for the legal profession and instill public confidence in lawyers and the legal system.

This **Public Reprimand** is now part of your permanent Florida Bar disciplinary record. You are further advised that while this **Public Reprimand** does not affect your privilege of practicing law, future misconduct will. The lawyers of Florida expect your future conduct to be in compliance with your oath and you should demand the same of yourself.

Done and Administered this 9th day of December, 2016.



William J. Schifino, Jr.
President
The Florida Bar