

Hillsborough Case at Heart of Supreme Court Arguments on Judges' Fundraising

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By: Daniel L. Wallach

WASHINGTON — She challenged a respected incumbent and lost by a mile, taking only 20 percent of the vote in a bid to sit on the Hillsborough County court.

But on Tuesday morning, Lanell Williams-Yulee will have a star role in a case before the Supreme Court. It stems from her 2010 campaign against Judge Dick Greco Jr. and could have sweeping national implications in the way judicial candidates raise money.

Williams-Yulee ran into trouble in 2009 when she sent out, and posted on her website, a signed letter asking for “an early contribution of \$25, \$50, \$100, \$250, or \$500.” That violated a Florida Bar rule about personal solicitations but Williams-Yulee, who drew a reprimand and a fine, challenged it on First Amendment grounds.

The Florida Bar does not permit candidates from learning the identities of donors and write thank-you notes — an inconsistency Williams-Yulee’s lawyer, Ernest J. Myers of Orlando, emphasized in a court petition.

“Which is worse?” he asked in an interview Monday. “Allowing a candidate to ask for money openly and have the voters take this into account when casting their ballot? Or perpetuating a lie that the candidate is completely removed from all fundraising activities, leaving the electorate ignorant when they make their choice?”

That’s a simplistic view, said Daniel Wallach, a Fort Lauderdale lawyer who filed a friend of the court brief on behalf of three former Florida Supreme Court justices and a number of noted lawyers in the state.

“The interest here isn’t just merely quid pro quo corruption. There’s also the public perception of a fair and impartial judiciary,” he said in an interview. “The notion of a robed judge asking for money creates an extremely negative perception and erodes public confidence in the judicial system. Judges aren’t politicians.”

The Supreme Court has set aside an hour for arguments and would likely rule later this year.