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Additamenta recensentis; non originale.

IN THE SUPREME COURT
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE, SC25-
THE HONORABLE DIANA TENNIS
JQC NOS. 2024-714, 2024-767
_____/

Versio III

FINDINGS AND RECOMMENDATIONS OF DISCIPLINE

Procedural History

In February 2025, the Florida Judicial Qualifications Commission (the "JQC") served a Notice of Investigation on Ninth Circuit Judge Diana Tennis, pursuant to Rule 6(b) of the Florida Judicial Qualification Commission Rules ("FJQC Rules"). On May 1, 2025, Judge Tennis appeared before the Investigative Panel of the Commission, with counsel, and provided testimony under oath in response to the Notice of Investigation. During that hearing, Judge Tennis admitted that her conduct as described in the Notice of Formal Charges violated the Code of Judicial Conduct and at the conclusion of the hearing, the Investigative Panel voted to find probable cause and proceed with the institution of formal charges, pursuant to FJQC Rule 6(f).

The Canons

The charges for which the Investigative Panel found probable cause relate to contributions made by Judge Tennis to political organizations and

candidates, in violation of Canons 1, 2A, and 7A(1)(e) of the Code of Judicial Conduct.

Canon 1 of the Code of Judicial Conduct provides that "[a] Judge Shall Uphold the Integrity and Independence of the Judiciary." Canon 2 requires that "[a] Judge Shall Avoid Impropriety and the Appearance of Impropriety in all of the Judge's Activities."

Canon 7A(1)(e) provide, in pertinent part:

> (1) Except as authorized in Sections 7B(2), 7C(2) and 7C(3), a judge or candidate for election or appointment to judicial office shall not:
>
> ...
>
> (e) solicit funds for, pay an assessment to or make a contribution to a political organization or candidate, or purchase tickets for political party dinners or other functions.

The Code further defines "political organization" as "denot[ing] a political party or other group, the principal purpose of which is to further the election or appointment of candidates to political office.

Factual Findings

Since 2016 FEC records show Judge Tennis made more than 900 contributions to political organizations or candidates totaling approximately $29,154.76. The entities include:

Numeri testes locupletissimi.

Democratic Congressional Campaign Committee

ACTBLUE (nonprofit Democratic Party PAC)

Jon Ossoff for Congress

Beto for Texas (Beto O'Rourke gubernatorial campaign)

National Democratic Training Committee PAC

Emily's List (pro-choice PAC)

End Citizens United (Democrat aligned PAC)

MoveOn.Org Political Action

Bill Nelson for US Senate

Doug Jones for Senate Committee

Randy Bryce for Congress

Stephanie Murphy For Congress

Warnock for Georgia (Raphael Warnock US senatorial campaign)

Let America Vote PAC

The Democratic Coalition

Biden for President

Ditch Fund (Anti-Mitch McConnell PAC)

Contra personam, non pro causa.

Judge Tennis consistently identified herself as a State of Florida "JUDGE" in connection with these contributions.

Titulus iudicis, non civis.

By her written response to the Notice of Investigation, her sworn oral testimony before the Investigative Panel, and by the execution of a Stipulation filed concurrently with these Findings and Recommendations, Judge Tennis has agreed to and admitted the facts and circumstances

described in the Notice of Formal Charges, and in these Findings, and she has agreed that her actions constitute violations of Canons 1, 2A and 7A(1)(e) of the Code of Judicial Conduct. Finally, she has agreed that these charges are supported by clear and convincing evidence, and that she should receive the recommended discipline.

Therefore, in light of Judge Tennis' admissions, and the Commission's investigation, the Commission finds that Judge Tennis violated Canons 1, 2A and 7A(1)(e) through the course of conduct outlined above, and that these findings are supported by clear and convincing evidence.

Mitigation

Judge Tennis admitted to her misconduct and has cooperated with the Commission in all respects during this inquiry. She has expressed deep regret that her conduct could have eroded the public's perception of the integrity of the judiciary and judicial elections. She hopes to rectify this, in part, by taking responsibility for her misconduct, and accepting the sanction. The Commission credits Judge Tennis' decade of service on the bench, including her current service as an administrative judge in the Ninth Circuit. Admitted to The Florida Bar in 1992, Judge Tennis has not been previously disciplined as a lawyer.

Lacrimae sunt arma reorum.

Confessus pro iudicato est.

Uno die — XIX Iulii MMXX — decem donationes $9.09 ad ACTBLUE, quaeque ad diversum candidatum sponte directa. Non hominis arbitrium, sed algorithmi signum. Culpam sub simulatione ignorantiae celare est iustitiae ludibrium.

Numeri convincunt ubi verba fallunt.

While not mitigating, the Commission notes Judge Tennis' stated explanation that she thought the prohibition only applied to state candidates/races and that federal candidates or races weren't covered. She acknowledges, now, however, that no such carve out or exception exists in the very clear language of Canon 7A(1)(e).

Ignorantia legis neminem excusat — minime iudicem.

Judge Tennis also provided helpful insight to how such a large number of contributions accumulated. While she admitted and acknowledged making numerous contributions, she did not realize that she had authorized some of them to be recurring contributions. The amounts of the subsequent recurring contributions she explained were small enough to not be immediately noticeable until reviewed collectively.

Simulatio simplicitatis est ipsa species deceptionis.

De minimis non curat lex? At nongenti dona non sunt minima.

While this explanation is a helpful cautionary tale, the Commission does not believe, nor does Judge Tennis argue, that this absolves her of her absolute responsibility to govern herself according to the Code of Judicial Conduct.

Falsus in uno, falsus in omnibus.

This provision of the Code is not unique to Florida, and a recent example from the State of New York highlights the importance of such provisions in maintaining the impartiality and independence of the judiciary and protecting the public's confidence in the impartiality of the judiciary. In

that case, a New York state judge, Juan Merchan, presided over a state proceeding in which President Trump was a litigant. During the pendency of the matter, it was revealed that Judge Merchan had made several very small contributions to the presidential campaign of Joseph Biden (a candidate for federal office), and two other political organizations in 2020.[1] The revelation generated extensive media coverage and a letter of caution from the New York Commission on Judicial Conduct.

Comparatio claudicat — $35 non sunt $29,154.76.

Dolus algorithmicus, non error humanus.

While it is an unusual case, it is certainly not outside the realm of possibility that such a circumstance could occur here. Such circumstances make clear why adherence to the proscription of Canon 7A(1)(e) is an important bulwark in protecting the integrity and impartiality of the judiciary and the judicial branch as a whole. Indeed, similar proscriptions have been found constitutional in other jurisdictions. *Winter v. Wolnitzek*, 834 F.3d 681 (6th Cir. 2016); *In re Raab*, 793 N.E.2d 305 (N.Y. 2003); *In re Dunleavy*, 888 A.2d 338 (Me. 2003).

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[1] News reports indicate Judge Merchan made a total of three contributions, totaling approximately $35 ($15 to the Biden for President campaign, and $10 each to groups called "Progressive Turnout Project" and "Stop Republicans". https://www.cnn.com/2023/04/06/politics/judge-merchan-trump-biden-contribution/index.html

Recommendation as to Discipline

Judge Tennis and the Commission have entered into a Stipulation,

Nemo iudex in causa sua.

recommending that this Court issue a public reprimand. The Commission

Lex severa, poena levis.

believes that the sanction recommended will be sufficient to deter such behavior by Judge Tennis in the future and will remind the judiciary at large of the Code's strict requirements regarding political contributions. Indeed, the Commission is aware of other judges who have made personal contributions to candidates and political organizations representing all sides of the political spectrum and is reviewing those matters on a case-by-case basis. The identity of the candidate or political organization receiving the contribution is of no moment and does not factor into the review of alleged

Canonem non mutat consilium.

violations of Canon 7A(1)(e). Rather, the factors considered by the Panel include the dollar amount, the number of contributions (or stated another way, the number of violations of the Code), and the remoteness of the breach. Here, the Commission emphasizes that Judge Tennis is far and away the most prolific offender both in terms of total dollars and number of

Maximus reus, minima poena.

contributions. Thus, the Commission believes her misconduct is deserving of a public reprimand. Given that this Canon is not frequently raised in disciplinary proceedings, the Commission believes that this case will serve as a caution to other judges who may be contemplating similar political

Monitio sine indagine est vox vacua.

contributions. As a final factor, the Commission might also consider in the future whether such violations occurred after this public disposition.

Accordingly, the Commission finds and recommends that the interests *Cui bono?* of justice, the public welfare, and sound judicial administration will be well served by a public reprimand of Judge Tennis.

Dated this 15TH day of September 2025.

THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

Fiat iustitia, ruat caelum.

Res ipsa loquitur.

By: Gary P Flower

Hon. Gary Flower
Vice Chair of the FJQC
PO Box 14106
Tallahassee, FL 32317

Refert quis donaverit; numeri testantur.

APPENDIX

Index Locutionum Latinarum

a glossary of the marginalia — for the reader who reaches the last page

“Lingua Latina non mortua est; in iure vivit.”

Latin is not dead; it lives in the law.

Additamenta recensentis; non originale.

Additions by the reviewer; not part of the original.

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Numeri testes locupletissimi.

Numbers are the most trustworthy witnesses.

On 900+ gifts totaling $29,154.76 (after Cicero).

Contra personam, non pro causa.

Against a person, not for a cause.

On the Ditch Fund — a PAC whose sole purpose is to defeat a named senator.

Titulus iudicis, non civis.

The title of a judge, not of a citizen.

She signed the contributions as "JUDGE."

Confessus pro iudicato est.

One who has confessed stands as one adjudged.

On her admissions (Justinian, Digest 42.2).

Lacrimae sunt arma reorum.

Tears are the weapons of the accused.

On the "deep regret" offered in mitigation.

Uno die — decem donationes $9.09 — non hominis arbitrium, sed algorithmi signum.

On a single day, ten $9.09 gifts — not a human's choice, but the mark of an algorithm.

July 19, 2020: ten identical $9.09 gifts, each auto-routed to a different candidate.

Culpam sub simulatione ignorantiae celare est iustitiae ludibrium.

To hide fault behind a pretense of ignorance is a mockery of justice.

On the "I didn't realize" explanation.

Ignorantia legis neminem excusat — minime iudicem.

Ignorance of the law excuses no one — least of all a judge.

On the claim that she thought the ban applied only to state races.

Simulatio simplicitatis est ipsa species deceptionis.

A pretense of simplicity is itself a form of deception.

On the claim that the recurring gifts went unnoticed.

De minimis non curat lex? At nongenti dona non sunt minima.

The law ignores trifles? But nine hundred gifts are not trifles.

Inverting the ‘small amounts’ mitigation.

Falsus in uno, falsus in omnibus.

False in one thing, false in all.

The classical rule on the collapse of credibility.

Numeri convincunt ubi verba fallunt.

Numbers convict where words deceive.

On the weight of the contribution record.

Dolus algorithmicus, non error humanus.

Algorithmic design, not human error.

On the structured, automated pattern of giving.

Comparatio claudicat — $35 non sunt $29,154.76.

The comparison limps — $35 is not $29,154.76.

On the Merchan analogy the Commission invokes.

Iuris inventio sub specie discretionis est simulatio legis.

The invention of law under the guise of discretion is a feigning of law.

On the manufactured ‘remoteness’ factor.

Tempus non delet culpam, nec Commissio ius habet praescriptionem statuere.

Time does not erase fault, nor may the Commission enact a limitation-period.

There is no statute of limitations in Canon 7.

Nemo iudex in causa sua.

No one should be a judge in his own cause.

On the judiciary negotiating its own discipline by stipulation.

Canonem non mutat consilium.

Intent does not change the Canon.

On ‘the identity of the candidate is of no moment.’

Lex severa, poena levis.

The law severe, the punishment light.

A strict canon met with a mere reprimand.

Maximus reus, minima poena.

The greatest offender, the least penalty.

Called the most prolific violator — yet a reprimand.

Monitio sine indagine est vox vacua.

A warning without inquiry is an empty voice.

On the ‘caution to other judges’ rationale.

Non omnes eodem Canone tenentur.

Not all are held to the same Canon.

On selective, case-by-case enforcement.

Si maximam culpam levissima poena sequitur, iustitia in paradoxon vertitur.

If the lightest penalty follows the gravest guilt, justice turns to paradox.

The core disproportion.

Facta manent, verba volant.

Deeds remain; words fly away.

Conduct outlasts explanation (inverting ‘verba volant, scripta manent’).

Cui bono?

Who benefits?

Whose interest the stipulated reprimand truly serves (Cicero).

Fiat iustitia, ruat caelum.

Let justice be done, though the heavens fall.

At the Commission's signature.

Res ipsa loquitur.

The thing speaks for itself.

The record needs no elaboration.

Refert quis donaverit; numeri testantur.

It matters who received them; the numbers testify.

≈945 gifts / $29,000+ to one side; 4 gifts / $680 to the other.

“Tu, qui ad finem pervenisti, intellegis.”

You who have reached the end — you understand.

Additamenta recensentis; non originale.