

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 13-21197-CIV-MARTINEZ/GOODMAN

RAFAEL BURGOS, Trustee,

Plaintiff,

v.

SUNTRUST BANK, N.A., WILLIAM H.
ROGGERS, JR., and LUKE KIEL,

Defendants

JUDICIAL DISCLOSURE

Under 28 U.S.C. § 455(a) a judge must recuse himself in a proceeding where his “impartiality might reasonably be questioned.” But recusal under § 455(a) “may be waived by the parties after full disclosure.” *Parker v. Connors Steel Co.*, 855 F.2d 1510, 1527 (11th Cir. 1988). To that end, Canon 3D of the Code of Conduct for United States Judges provides that a judge may participate in the proceeding only if the parties and their lawyers, after notice of the basis for the disqualification, have an opportunity to confer outside of the presence of the judge and all agree in writing, or on the record, to waive the disqualification under a procedure independent of the judge’s participation.

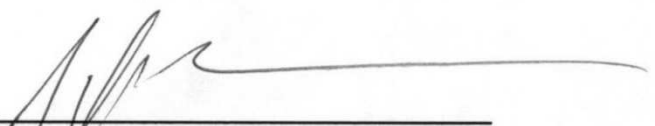
Unless a waiver is obtained from all parties and all counsel, I intend to recuse myself in this proceeding because of these circumstances:

Before being appointed a federal magistrate judge in July 2010, I was a shareholder in the Akerman Senterfitt law firm, which is representing a party in this

case. I still maintain my 401(k) plan with Akerman Senterfitt, which selects the mutual funds which the participants may choose for their retirement/deferred compensation balance. I play no role in deciding which funds the law firm selects for the 401(k) plan, but my understanding is that a committee is involved in those decisions and that the mix of funds is changed from time to time.

If counsel and their clients wish to waive my presumptive disqualification, then a joint written notice must be filed by April 18, 2014. A notice saying that all parties, after consultation with their counsel, agree to Magistrate Judge Goodman's continued participation in the case will be sufficient. Alternatively, if one or more of the parties do not consent, then no notice should be filed and no party or their counsel should reveal, either directly or indirectly, which party (or parties) did not consent. If no notice is filed by the deadline, then I will recuse, and the Clerk of the Court will reassign this case to another magistrate judge.

DONE AND ORDERED in Chambers, Miami, Florida, April 14, 2014.



Jonathan Goodman
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

The Honorable Jose E. Martinez
All counsel of record