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February 17, 2016

VIA U.S. MAIL

Chief Judge Jeffrey Colbath
Palm Beach County Circuit Court
205 N. Dixie Highway, Room 5.2500
West Palm Beach, FL 33401

Re: Estate of Simon Bernstein
Case No.: 502012CP004391XXXXNB (IH)

Dear Judge Colbath:

I had occasion today to read your Administrative Order of February 9, 2016, No. 11-101-2/16, in re: Assignment of Judges. In reading the last page of the Order, I was struck by the following language, "Should a reassignment be required due to disqualification or recusal, the Clerk of Court shall, when possible, randomly reassign the case to a judge within the Division at the same courthouse. For those Divisions where there is only one judge or where all judges are unable to preside over the case, reassignment shall be as follows: ...

2. Probate/Guardianship/Mental Health Division:
 - a. Branch Courthouse Divisions to Main Courthouse Division"

The reason this language struck me is because in the above-referenced case, where I am counsel of record for one of the Parties, the case was originally assigned to Judge Colin's Division in the South Branch. There came a point in time when he recused himself. However, the Order of Recusal appears to clearly violate the language set forth above from your Administrative Order.

A copy of Judge Colin's Order of Recusal is attached for your reference. Therein, he, as the recusing judge, specifically reassigns the case to the North Branch. I am now made aware by reading your Order of February 9, 2016, that Judge Colin's Order seems to violate your Administrative Orders on recusal, which directs first, that the Clerk of the Court randomly reassign the case or, in the situation where all judges are unable to preside over the case, reassignment should be from the Branch Courthouse (in this case South County) to the Main Courthouse Division. However, as you can see from the attached Order, Judge Colin assigned this to the North Branch.

Honorable Jeffrey Colbath

February 17, 2016

Page 2

My client has read recent news reports concerning judicial conflicts of interest. He is very concerned about this. He has requested me to request you to order that the above-referenced case be reassigned in accordance with your Standing Order for random reassignment to the Main Courthouse Division, rather than as directed by Judge Colin.

Thank you for your attention to this matter.

Respectfully,

PETER M. FEAMAN, P.A.

By: 

Peter M. Feaman

PMF/mk
Enclosure

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IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM BEACH
COUNTY, FLORIDA


CASE NO: 502012CP004391XXXXSB
PROBATE DIVISION: IY

**THE ESTATE OF
SIMON L. BERNSTEIN,**
Deceased.

ORDER OF RECUSAL

SUA SPONTE, This Court hereby recuses itself in connection with the above styled case. In that this Court has discussed this case and related cases with the other two Judges in South County, it is requested that the Clerk not reassign this case to a South County Court Judge, but to randomly do so to another Probate Judge in North County.

DONE and ORDERED in chambers, at Delray Beach, Palm Beach County, Florida, this 19th day of May, 2015.



MARTIN H. COLIN
Circuit Judge

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