



May 19, 2026

Florida Judicial Qualifications Commission
PO Box 14106
Tallahassee, FL 32317

Re: Judge Jeffrey T. Kuntz

Dear Qualifications Commission:

The undersigned submits this complaint to raise serious concerns about Judge Jeffrey Kuntz, Chief Judge of Florida's Fourth District Court of Appeal, who is President Donald Trump's nominee to serve as a United States District Judge for the Southern District of Florida.

Kuntz sought a judicial nomination from Trump while simultaneously presiding — without recusal — over a personal defamation lawsuit filed by Trump against the Pulitzer Prize Board for not rescinding a prize it had awarded to news articles he didn't like. Kuntz issued a ruling favorable to Trump in that case shortly before the Trump White House interviewed him for a federal judicial seat. Kuntz was subsequently nominated by Trump to the federal bench.¹

The core ethical concern is straightforward: Kuntz presided over a lawsuit brought by the same individual whose approval was necessary to secure the federal judicial appointment Judge Kuntz was actively seeking. He did not recuse himself or did not disclose his conflict to the parties. He ruled in favor of the party from whom he was seeking a substantial personal benefit, overlooking glaring weaknesses in his case. These facts raise serious concerns under the Florida Code of Judicial Conduct and warrant a full investigation by this Commission.

Relevant Rules

Kuntz, as a Florida state appellate judge, is subject to the Florida Code of Judicial Conduct. The following provisions are most directly implicated by his conduct:

¹ [Alexander v. Trump](#), No. 2024-1983 (Fla. 4th DCA Feb. 12, 2025),

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Canon 1 requires judges to “uphold the integrity and independence of the judiciary.”

Canon 2 requires judges to “avoid impropriety and the appearance of impropriety in all their activities.” Canon 2A further requires that a judge “shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” Canon 2B prohibits a judge from using “the prestige of judicial office to advance the private interests of the judge or others.”

Canon 3E(1) mandates that a judge “shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to” specified circumstances. The Commentary to Canon 3E(1) makes clear that the enumerated instances are not exhaustive:

“Under this rule, a judge is disqualified whenever the judge’s impartiality might reasonably be questioned, regardless of whether any of the specific rules in Section 3E(1) apply. For example, if a judge were in the process of negotiating for employment with a law firm, the judge would be disqualified from any matters in which that law firm appeared, unless the disqualification was waived by the parties after disclosure by the judge.”

Canon 3E(1)(c) additionally requires recusal when a judge has “any other more than de minimis interest that could be substantially affected by the proceeding.”

Canon 3E also requires that “[a] judge should disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification.”

Canon 5 requires judges to “conduct all of the judge’s extra-judicial activities so that they do not cast reasonable doubt on the judge’s capacity to act impartially as a judge, undermine the judge’s independence, integrity, or impartiality, demean the judicial office, or interfere with the proper performance of judicial duties.”

Factual background

In December 2022, President Trump, then a private citizen following his 2020 election loss, filed a personal defamation lawsuit against the Pulitzer Prize Board over statements it made in connection with its refusal to rescind 2018 Pulitzer Prizes awarded

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to The Washington Post and The New York Times for their reporting on Russian interference in the 2016 presidential election.²

The Pulitzer Board had declined to rescind the awards following two independent reviews, explaining that no award-winning passages had been discredited by subsequently emerging facts. The case reached the Florida Fourth District Court of Appeal, where the appellate panel, including Judge Kuntz, was assigned to rule on whether Florida courts could assert personal jurisdiction over the out-of-state Pulitzer Board defendants. The appeal was fully briefed by October 25, 2024, meaning the matter was ripe for panel assignment by that date.

Judge Kuntz's Pursuit of a Trump Nomination

Judge Kuntz contacted Senator Rick Scott's office in November 2024 — shortly after President Trump won the 2024 presidential election — to express his interest in filling an open vacancy on the U.S. District Court for the Southern District of Florida.³ This outreach occurred while the appeal, captioned *Alexander v. Trump*, No. No. 4D2024-1983 was pending before his court.

Judge Kuntz continued to preside over *Alexander v. Trump* throughout the period during which he was being considered for the nomination. On February 12, 2025, Judge Kuntz authored the panel opinion in *Alexander v. Trump* (*supra*, n. 1), ruling unanimously that President Trump's defamation lawsuit could proceed in Florida state court — a ruling that was a significant legal victory for President Trump in one of his many efforts to punish critical news coverage.

On February 28, 2025 — just over two weeks after issuing his opinion in *Alexander v. Trump* — Judge Kuntz was interviewed by attorneys from the Trump White House Counsel's Office regarding the federal judicial vacancy.⁴

² Noreen Marcus, *Jeffrey Kuntz, Second 4th DCA Judge Who Favored Trump, Is Close to Lifetime Job on Federal Court*, Fla. Bulldog (May 2026),

³ Jay Willis, [Trump's Latest Judicial Corruption Scandal Sounds Oddly Familiar](#), Balls & Strikes (Apr. 28, 2026).

⁴ Olivia Alafriz, [Judicial Nominee Who Ruled for Trump Defends Non-Recusal](#), Bloomberg Law (Apr. 29, 2026).

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Then, on April 1, 2026, President Trump announced his nomination of Judge Kuntz to the U.S. District Court for the Southern District of Florida.⁵

The Ethical Violation

The timeline described above creates precisely the conflict of interest that the Commentary to Canon 3E(1) is designed to prevent. Judge Kuntz was “in the process of negotiating for employment” — in the form of a coveted lifetime appointment to the federal bench — from President Trump, who was simultaneously a party to a case pending before him. His “impartiality might reasonably be questioned” under any fair application of Canon 3E(1).

Judge Kuntz has argued in his Senate testimony that he did not hear from the White House until after the opinion was final, and that the recusal standard was therefore not triggered.⁶ But this defense misunderstands the applicable rule. Canon 3E does not require that negotiations be complete, or that an offer be extended, before recusal is required.

The Commentary expressly states that a judge is disqualified when he is “in the process of negotiating for employment” with a party — that is, at the outset of the process, not its conclusion. Judge Kuntz had been in contact with Senator Scott’s office about the nomination since November 2024, while *Alexander v. Trump* was pending.

Moreover, under Canon 3E(1)(c), recusal is required whenever a judge has a “more than de minimis interest that could be substantially affected by the proceeding.” A pending application for a lifetime federal judicial appointment from one of the parties to a pending case – particularly, a president well known for making politicized judicial appointments and other hiring decisions, referring to judges he appoints as “my” judges⁷ – plainly constitutes such an interest.

Failure to Disclose

There is no public evidence that Judge Kuntz disclosed to the defendants in *Alexander v. Trump* — the Pulitzer Board members and others being sued by the President — that he

⁵ *Id.*

⁶ *Id.*

⁷ Nick Miller, [Trump’s Ideological Judges Have Led To Politicized Courts](#), Ctr. for Am. Progress (Oct. 22, 2020).



was simultaneously seeking a presidential nomination from their adversary. The Commentary to Canon 3E expressly requires such disclosure, even when a judge believes recusal is not ultimately required. The defendants had a right to know that one of the judges presiding over their case had a substantial personal and professional interest in obtaining a favor from a plaintiff infamous for political favoritism. They were apparently denied that information.

Analysis

Canon 3E: Failure to Recuse

The facts described above present a straightforward application of Canon 3E's Commentary. Judge Kuntz was "in the process of negotiating for employment" — through his contacts with Senator Scott's office and his subsequent White House interview process — with a party before him in *Alexander v. Trump*. Under the Commentary's own example, that circumstance required recusal unless waived by the parties after disclosure. Neither disclosure nor waiver occurred.

Judge Kuntz's argument that recusal was unnecessary because he did not hear from the White House until his opinion was "final" is nonsensical. Under that reasoning, a judge could campaign for a lucrative position from a party appearing before him, rule in that party's favor, and then accept the position without any ethical consequence — so long as he arranged for the formal offer to be extended only after the ruling. Canon 3E's purpose is to prevent exactly that dynamic, and its Commentary's "in the process of negotiating" language reflects that intent.

Canon 2: Appearance of Impropriety

Regardless of Judge Kuntz's subjective intentions, the sequence of events — Senator Scott outreach in November 2024, favorable ruling on February 12, 2025, White House interview on February 28, 2025, nomination on April 1, 2026 — creates in the mind of a reasonable observer exactly the appearance of impropriety that Canon 2 is designed to prevent. The "test for appearance of impropriety is whether the conduct would create in reasonable minds, with knowledge of all the relevant circumstances that a reasonable inquiry would disclose, a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality, and competence is impaired."

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That test is met here, as evidenced by the numerous news and commentary pieces questioning the propriety of Kuntz’s conduct and U.S. senators raising the issue at his confirmation hearing.⁸

Canon 1 and Canon 5

By presiding over a case in which he had an undisclosed and substantial personal interest in the outcome, without recusing himself or disclosing that interest, Judge Kuntz failed to “uphold the integrity and independence of the judiciary” as required by Canon 1. His conduct also constitutes an extra-judicial activity — the active pursuit of a presidential appointment — that “cast[s] reasonable doubt on [his] capacity to act impartially as a judge” in violation of Canon 5.

Conclusion

The pattern of conduct described in this complaint raises serious concerns that Judge Kuntz violated his obligations under the Florida Code of Judicial Conduct. He sought a powerful lifetime appointment from one of the parties in a case before him, ruled in that party’s favor, accepted a White House interview shortly thereafter, and was ultimately nominated for the position he had been seeking. The opposing parties in *Alexander v. Trump* appear to have been given no notice of this conflict.

The integrity of the judiciary depends on public confidence that judicial decisions are made on the law and the facts, not on a judge’s personal career interests. Judge Kuntz’s conduct undermines that confidence and merits a full investigation by this Commission. We respectfully urge the Commission to investigate these matters as expeditiously as possible and to initiate appropriate disciplinary proceedings.

⁸ See [Nominations, S. Comm. on the Judiciary](#), U.S. Senate (Apr. 29, 2026), at 1:05.



Sincerely,

A handwritten signature in blue ink, appearing to read "Seth Stern". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Seth Stern
Chief of Advocacy
Freedom of the Press Foundation

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