

Jeffrey Kuntz, nominated to the U.S. District Court for the Southern District of Florida, began his legal career in 2006 as an associate at the Florida law firm of Gray Robinson. For the next ten years, his practice focused on commercial litigation, insurance disputes, and banking-related cases. Governor Rick Scott appointed Kuntz to Florida's Fourth District Court of Appeal in 2016, where he continues to serve as a state appellate judge. In 2025, his fellow state court judges elected him to chief judge of Florida's Fourth District Court of Appeal.

## **ETHICS CONCERNS FOR FAILING TO RECUSE**

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Kuntz presided over a state court case involving Donald Trump while also actively being considered for a lifetime appointment to a federal district court seat by the Trump White House. By failing to recuse himself from this case, Kuntz violated Florida's Code of Judicial Conduct and raised serious ethical concerns.

Beginning in August 2024, Kuntz presided over a case involving Donald Trump and the Pulitzer Board. He was still presiding over this case in November 2024 when he spoke to Senator Rick Scott's office about his interest in the federal judicial seat on the United States District Court for the Southern District of Florida. Kuntz authored and handed down an opinion siding with Trump on February 12, 2025, weeks before the Trump White House counsel's office interviewed him for a judicial seat on February 28, 2025.

Canon 3E(1) of Florida's Code of Judicial Conduct states that "[a] judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned."

Commentary accompanying this provision further clarifies: "...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."

Similar to the example cited above, Kuntz was actively "negotiating for employment" with the Trump White House for the Southern District of Florida judicial seat while simultaneously presiding over a case involving the same party in *Alexander v. Trump*. As a result, Judge Kuntz's "impartiality might be reasonably questioned."

Confirming Kuntz's nomination would further normalize the erosion of judicial independence and continue to signal that loyalty to a president matters more than a judge's own compliance with the rule of law.

## SIDED WITH EFFORTS TO POLITICIZE SO-CALLED “VOTER FRAUD”

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In *Hubbard v. State of Florida*, Judge Kuntz sided with Governor Ron DeSantis’s controversial efforts to prosecute individuals who reasonably believed they were eligible to vote. Terry Hubbard mistakenly thought he was eligible to vote after Florida voters passed a constitutional amendment intended to automatically restore voting rights to most people with previous felony convictions. Following the amendment’s passage the legislature, and under the guise of “implementing” the constitutional amendment, DeSantis passed another law that created voting barriers and required people to pay off certain conviction-related fees and court costs before gaining voting eligibility.

Because no public education efforts were made to help people understand voting requirements, and with no central database to determine court doubts, widespread confusion soon ensued over voter eligibility. Local state attorneys refused to prosecute individuals due to this understandable confusion, so DeSantis tapped the Office of Statewide Prosecution to bring these cases. Traditionally, OSP prosecute only complex criminal cases that occur in two or more of Florida’s 20 judicial circuits, so state trial court judges dismissed Hubbard’s charges because voters register and vote only within their own circuit. Undeterred, the legislature then passed Senate Bill 4-B, authorizing that OSP prosecute all voting crimes. In a split decision, Kuntz agreed that the new bill could be retroactively applied to prosecute Hubbard. The case is currently being considered in the Florida Supreme Court.

Kuntz appears committed to furthering political prosecutions while conveniently flouting his own questionable choices to preside over a case that clearly presents a conflict of interest. He fails to demonstrate the integrity and independence necessary to serve a lifetime role as a federal judge in the Southern District of Florida.

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