

HISTORIA JURIS



Newsletter of the
Florida Supreme Court Historical Society

www.flcourthistory.org

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Tallahassee, Florida



Federal Judge Barkett speaks at FSCHS Annual Dinner

2009 Annual Dinner

“Remove politics” urges Judge Rosemary Barkett

Politics must be removed from judicial appointments "to the extent possible" Federal Judge Rosemary Barkett told the record crowd attending the 2009 Annual Dinner of the Florida Supreme Court Historical Society. Barkett was the keynote speaker at the January 29 event at the University Center Club in Tallahassee.

"A government whose expressly stated purpose is to establish justice and secure the blessing of liberty ... will not long endure if those charged with establishing justice and securing that liberty are beholden – or even *seem* to be beholden – to anyone," Judge Barkett said. Barkett, who presently sits on the U.S. 11th Circuit Court of Appeals, was the first woman to serve on the Florida Supreme Court and the court's first female chief justice.

The enthusiastic turnout of 325 people also saw the Society present its first Lifetime Achievement Award to long-time FSCHS



Russell Troutman receives Lifetime Achievement Award from Edith Osman

supporter and activist Russell Troutman of Winter Park. After joining the Society in 1988, Troutman served as vice president, president, chairman and member of the Board of Trustees. His long list of contributions to the organization includes traveling throughout Florida to promote the Society's first volume of Florida Supreme

Court history and establishing a Society endowment fund.

Since "rebirth" of the FSCHS Annual Dinner in 2005, the event has grown steadily each year. Despite current economic challenges, this year's dinner attracted both a large statewide turnout and record sponsor support. "We are extremely pleased with the success of this year's Annual Dinner and we are very grateful to our sponsors," said event chair and Society President Alan Greer, who was unable to attend due to illness. First Vice President Edith Osman filled in for Greer at the head table and Society Trustee Hank Coxe of Jacksonville served as emcee. Among those recognized at the dinner were present and former justices of the Florida Supreme Court and recipients of The Florida Bar's 2009 Pro Bono Service Awards.

The Annual Dinner not only provides significant "visibility" for the Society, but it also is the organization's primary fund-raiser.

Mark your calendar now for next year's dinner – Thursday, January 28, 2010, at the University Center Club in Tallahassee. Announcement of another outstanding speaker will be forthcoming.

More Annual Dinner photos, sponsors list on page 4.

Annual Meeting set for June 25

All FSCHS members are encouraged to attend the Society's 27th Annual Meeting on Thursday, June 25, at 10:00 a.m. in the New York Room at the Orlando World Center Marriott Hotel. The meeting is being held in conjunction with the annual convention of The Florida Bar, where the Society also will have a display in the exhibition area.

Make your plans now to attend.

**FSCHS
wants
YOU!**



(See "President's Perspective," page 2.)



PRESIDENT'S PERSPECTIVE

Alan G. Greer
Society President

We all remember the "Uncle Sam Wants **YOU**" military recruiting poster, in which a star-spangled, red-white-and-blue-clad Uncle Sam boldly points his index finger directly at the viewer.

That well-known poster could appropriately be re-labeled: "FSCHS wants **YOU**." The only thing we'd really need to change would be the wording. We could leave Uncle Sam in the poster ... because what he stands for – "the land of the free and home of the brave," aligns completely with the mission of our Society.

The Society's goals of preserving the history of Florida's judiciary and educating the public about the critically important role of independent courts are rooted in the very core of our democracy. The values that stir our national pride are the same ones that motivate us to become members of this Society. Just as we are proud of living in what we feel is the greatest country in the world, we recognize that a fully empowered, independent judiciary is critical to protect the cherished personal rights and freedoms that can only exist so long as our citizenry recognizes and supports the pivotal role of our courts in their protection.

So we must not allow ignorance and apathy to be their downfall. We cannot afford to risk losing what means so much to us. Threats abound from many directions -- as painfully demonstrated by frequent terrorist acts throughout the world. Although not as dramatic and visible as the terrorists' horrific breach of our national security on 9-11, less obvious internal threats exist to our system of government -- and to its basic tenets of *separate-but-equal* branches of government with a *balance of power*. It's particularly unfortunate that many of these internal threats come from well-meaning citizens -- even elected officials -- who seemingly have forgotten, or don't understand, the fundamentals of our American democracy. A stark reminder of this fact is the research finding that most Americans cannot even name the three branches of government.

Periodic "power grabs" by the other branches of government, and recent moves to force inequitable budget cuts on the judiciary, reflect such ignorance and apathy. Unfortunately, this constitutes a major threat to America. Such ill-advised actions underscore the importance of initiatives like those of Florida Supreme Court Justice Fred Lewis and former Senator Bob Graham -- along with others -- to restore the study of civics to the public education curriculum.

Those of us in the legal profession have a special responsibility. We should be acutely aware of what's at stake. But sometimes we take for granted the system within which we work daily to secure fair treatment of our clients under the law. We, too, are guilty of apathy -- of assuming that what we enjoy as Americans will always be there for us. Unfortunately, that's not necessarily so. There are no guarantees. We must take the lead in educating others -- to make sure our fellow citizens understand why our justice system was created and what it will take to maintain it. We must remember our history so we are vigilant in protecting the freedoms our ancestors fought so hard to win for us.

That's what the Society is all about: establishing and maintaining focus on our system of justice -- *why* it exists, *how* it evolved, *how* it operates and *why* it must be preserved. If we collectively fail in this mission, we might as well forget about dear old Uncle Sam -- and what it means to be an American.

Like the poster says, "We Want **YOU**." Join with us now!

Labarga, Perry named to Court

Justices Jorge Labarga and James Perry became Governor Charlie Crist's third and fourth appointees to the Florida Supreme Court earlier this year to complete the greatest-ever turnover in Court membership within such a short span of time. Labarga and Perry replaced retiring Justices Harry Lee Anstead and Charles Wells.

Former Justices Raoul Cantero and Ken Bell left the Court last fall to return to private law practice. Justices Charles Canady and Ricky Polston filled those slots.

Born in Havana, Cuba, Labarga is the second Cuban-American to serve on the Court. He and his family fled to Florida (Pahokee) when he was a young boy. He received his undergraduate and law degrees from the University of Florida. After serving as an assistant public defender and later as an assistant state attorney in the 15th Judicial Circuit, he practiced law in West Palm Beach for nine years. In 1996 former Governor Lawton Chiles appointed him to the 15th Circuit bench. Then, in January, Governor Crist first appointed him to the Fifth District Court of Appeal and -- just a day later -- named him to the Supreme Court.



Justice Labarga

Justice Labarga and his wife, Zulma, have two daughters, Stephanie and Caroline, both of whom are college students.

Justice Perry moved to the Supreme Court from the 18th Circuit Court, to which he was appointed by former Governor Jeb Bush in 2000. A native of New Bern, North Carolina, Perry received his undergraduate degree from St. Augustine's College. After serving in the U.S. Army as a first lieutenant, he received his law degree from Columbia University in 1972. A long-time community activist who practiced law before his appointment to the bench, Perry was the first African-American to serve on the 18th Circuit Court.



Justice Perry

He and his wife, Adrienne, have three children -- son Willis, a Tallahassee businessman, son Jaimon and daughter Kamilah, both attorneys in Central Florida.

Florida Supreme Court Historical Society

A 501 (c) (3) non-profit organization

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Under the Dome

**Chief Justice
Peggy A. Quince
Florida Supreme Court**

Florida's judicial branch is again approaching the anniversary of a significant innovation in the provision of justice in our state.

In April, we commemorated the 30th anniversary of the Florida Supreme Court's decision to open up the state's courtrooms to cameras and other electronic media. In May, we will mark the 20th anniversary of the creation of the Miami-Dade County Drug Court. On May 15, 2009, some 200 people are expected to gather for the Tenth Annual Statewide Drug Court Graduation.

When judges and leaders of the legal community in Miami established a drug court in 1989, they were doing something no one had ever done before. Since then the drug court concept has spread far and wide. In just two decades, drug courts have been created in all 50 states and in several other countries as well. By the end of last year, there were 2,301 drug courts in the United States, according to the National Association of Drug Court Professionals.

Florida currently has 109 drug courts; they are only in two-thirds of our counties but there is at least one in each of our 20 judicial circuits. Drug courts are not all the same. They can be set up as pretrial diversion programs for first-time offenders or they can be designed as post-adjudicatory programs for non-violent drug-addicted offenders who have prior convictions. Additionally, they have been customized for all kinds of cases including, but not limited to, juvenile, family, dependency and misdemeanor.

But all drug court models are based on the same fundamental concept: Rather than sending non-violent drug addicts to prison, require them to undergo intensive treatment and make sure they comply by having close supervision and drug-testing.

Research has shown, again and again, that drug courts can work -- changing the lives of addicts and their families and saving the taxpayers money. In a recent report, the Florida Supreme Court Task Force on Treatment-Based Drug Courts noted that at least five meta-analyses have been conducted on research on adult drug courts. Each one concluded that drug courts significantly reduce crime by an average of 8 to 26 percent. Well-functioning drug courts were found to reduce crime rates by 35 percent and the effects have been shown to last *at least three years*.

In our state, the Legislature's Office of Program Policy Analysis & Government Accountability reported just this March that drug-addicted offenders who successfully completed post-adjudicatory drug courts in Florida were 80 percent less likely to go to prison than the matched comparison group.

Only half of the post-adjudicatory drug court participants completed the program and many of those who did not were sentenced to prison. But it bears repeating: Of those who completed their drug court treatment, 80 percent were less likely to go prison than those in the comparison group.

Now think of this remarkable success rate in context: In just the last five years, no fewer than 25,662 determined people graduated from Florida drug courts.

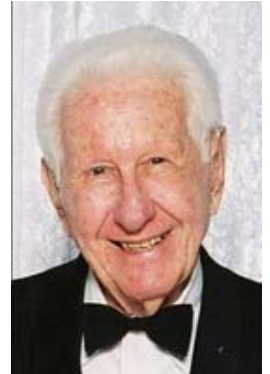
I will be privileged to meet some of the most recent graduates on May 15 at the Statewide Drug Court Graduation, an occasion I know will be nothing less than inspiring. The ceremony will be broadcast live on the Internet to more than two dozen drug courts around our state. Some 150 drug court graduates will take part in the graduation. I salute each of them for making such important progress in the history of each of their own lives.

Irving Cypen, 1918-2009

Former Dade County Circuit Judge Irving Cypen, a long-time leader of the Florida Supreme Court Historical Society, died on January 30. Born in Chicago in 1918, Judge Cypen graduated from the University of Florida in 1940 with a BSBA degree and its School of Law in 1943, first in his class.

Judge Cypen and his wife of 67 years, Hazel, moved to Miami Beach in 1946, following his service in the United States Navy during World War II. In 1958, he was appointed to the bench by the late Governor LeRoy Collins and was re-elected for a six-year term in 1960, becoming the first Jewish person elected to the Circuit Court in Dade County.

In 1963, he left the bench to resume his general law practice in a firm that included his brother and ultimately three of his sons. He was involved in numerous local, regional and national charitable and professional organizations. He was a generous and respected leader of the Florida Supreme Court Historical Society, serving as a member of the Board of Trustees and the executive committee.



Judge Irving Cypen

The preeminent example of his dedication to the South Florida community was his lifelong devotion to the Miami Jewish Home and Hospital at Douglas Gardens, the Southeast's largest, most comprehensive center for geriatric care, programs and services. At the time of its opening in 1945, the Home provided care for just 23 elderly residents in a one-story house. Judge Cypen's involvement began in 1951, and, largely due to his vision, leadership and fundraising of approximately \$75 million, the organization today employs over 1,400 people and serves thousands of people annually both at its main 20-acre Douglas Gardens campus, and at 10 community-based sites throughout Miami-Dade and Broward counties.

Judge Cypen is survived by his wife, five children, seven grandchildren and three great-grandchildren. The Society is indebted to him for his countless contributions and faithful service.

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2009 Annual Dinner photos . . .



Left-to-right: Russell Troutman, Chief Justice Peggy Quince, Judge Rosemary Barkett, Edith Osman and Joe Milton

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In Memoriam

Anthony W. Cunningham, *Tampa* Stuart R. Mishkin, *Miami*
 Irving Cypen, *Miami Beach* John D. Wessel, *Boca Raton*



Former Justice Parker Lee McDonald talks with Society Trustees Billie Blaine (left) and Dr. Charlotte Maguire



Former Justice Ben Overton greets his former colleague, Judge Rosemary Barkett



Randy Berg (left) chats with Mollie Hill and John Newton



Former Judge Guyte McCord Jr. (left) and his son, Guyte III

(all photos courtesy of Mark Killian, The Florida Bar News)

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