

HISTORIA JURIS



Newsletter of the
Florida Supreme Court Historical Society

www.flcourthistory.org

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Tallahassee, Florida

JANUARY 29

Judge Barkett will speak at FSCHS Annual Dinner

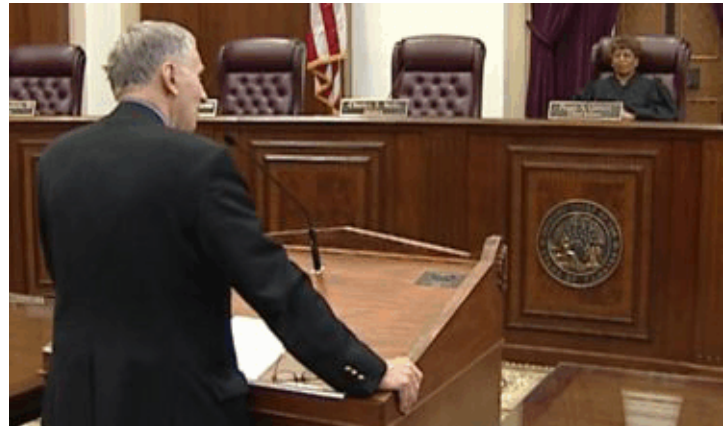
Federal Judge Rosemary Barkett will deliver the keynote address at the Society's 2009 Annual Dinner on January 29 at the University Center Club in Tallahassee.



Barkett, the first woman to serve on the Florida Supreme Court (1985-1994) -- and the Court's first female chief justice, was appointed to the U.S. 11th Circuit Court of Appeals by President Clinton.

Since its resumption four years ago, the Annual Dinner has featured outstanding speakers and has become an increasingly popular, well-attended event.

Reservation forms will be mailed out within the next few weeks.



Russell Troutman interviews Chief Justice Peggy Quince in the courtroom at the Florida Supreme Court for one of the four "Conversation with ..." video programs produced by the Society. (See story on page 4.)

GREER, OSMAN, MILTON LEAD SOCIETY

Alan G. Greer of Miami has been elected president of the Florida Supreme Court Historical Society for 2008-2009, succeeding Rutledge R. Liles of Jacksonville. Greer previously served the Society as first vice president.

As FSCHS president, Greer will direct the organization's programs and activities designed to educate the public about the important role of the courts in our system of government and to preserve the history of the Florida judiciary. The Society has more than 700 members, mostly lawyers and judges, located throughout Florida and elsewhere.

Partner and shareholder in the Richman Greer law firm, based in Miami and West Palm Beach, Greer has been active in professional and community affairs. He concentrates in civil commercial litigation and is a Fellow of the American College of Trial Lawyers. In addition, he serves as a faculty member and lecturer for the National Institute of Trial Advocacy, teaching continuing legal education courses.

The Society's newly elected first vice president is Edith G. Osman, partner and

See "President's Perspective," page 2.



Edith Osman



Joe Milton

shareholder in Carlton Fields' Miami office. Previously she served as Society second vice president. Osman heads Carlton Fields' Family Law Practice Group, where she specializes in family law and commercial litigation. She is a past president of The Florida Bar, as well as the state and Dade County organizations of the Florida Association of Women Lawyers.

Joseph P. Milton of Jacksonville has been elected the Society's second vice

president for 2008-2009. A former president of the Jacksonville Bar Association, Milton is founder of the Milton Leach Whitman D'Andrea & Milton law firm, where he specializes in civil trial litigation. He is a past president of both the American Board of Trial Advocates Foundation and FLABOTA.

The Society reelected Linda F. Wells and Ruth McDonald, both of Tallahassee, as secretary and treasurer, respectively.

Trustees elected to serve three-year terms are Robert A. Butterworth, Jr., Hollywood; Mitchell W. Berger, Ft. Lauderdale; Henry M. Coxe, III, Jacksonville; Richard H. Critchlow, Miami; Judge Marguerite H. Davis, Tallahassee; William H. Davis, Tallahassee; Charles W. Ehrhardt, Tallahassee; Judge Joseph P. Farina, Jr., Miami; Irene Kogan, Coconut Grove; Rutledge R. Liles, Jacksonville; Margaret Sue Mancuso, Tallahassee; Jamie Billotte Moses, Orlando; Neal A. Roth, Coral Gables; George E. Schulz, Jr., Jacksonville; and Sidney A. Stubbs, West Palm Beach. New trustees elected to fill one-year unexpired terms are Kimberly S. Mello, Tampa, and Judge Scott J. Silverman, Miami.

MAKE PLANS TO ATTEND THE SOCIETY'S ANNUAL DINNER: THURS., JAN. 29, IN TALLAHASSEE.



PRESIDENT'S PERSPECTIVE

Alan G. Greer
Society President

By the time you read this our nation's 2008 Presidential election will be history. Hopefully, Florida will not be the epicenter of another election fire storm as it was in November of 2000. I bring the subject up, however, because it is the perfect example of *why* the history of the Florida Supreme Court is so important both to Florida and the nation. Florida's courts from the Circuit Court to the Supreme Court were pivotal players in that historical drama and their roles must not be lost or distorted as memories fade with the passage of time.

The preservation of exactly that story, as well as the rest of the often dramatic judicial history of our state, is the mandate of the Florida Supreme Court Historical Society. To date the FSCHS has published two beautifully written volumes covering the Court's history from 1821 to 1917 (Volume I) and 1917 to 1972 (Volume II.) Walter Manley and his associate authors bring to life the Court with all its warts and its brilliance over the years -- the good, the bad and the ugly, so to speak. Among all this is an absolutely fascinating parade of characters.

In the next few years we will be working on a Volume III to bring the Court's history current through at least 2000. But to do so we need your help. If you haven't already done so, I urge you to acquire copies of both Volumes I and II through the Society. So far, I am embarrassed to say we have sold only 500 or so copies of Volume I and 602 copies of Volume II. This is not because they are not good reads -- they are. It seems to be because so few people know about them or have focused on their importance to anyone interested in the law and its history in Florida.

As we move forward with the third volume, we also need your help with the "story behind the stories." We have all the Court's decisions. What we need are the anecdotes, the vignettes, and the recollections of what happened at argument and outside the courtroom that bring the Court's history to life. So, please, not only buy the already published volumes, but also write down your recollections and share them with us as part of the new material for the authors of what will become Volume III in the Society's series of hardcover histories of the Florida Supreme Court.

We plan to also go far beyond just publishing the Florida Supreme Court's history in book form. We currently have plans on the drawing board to expand this newsletter into a full-fledged magazine-style journal, as well as produce documentaries of the history of many of the cross currents that have roiled the legal waters in Florida. We would welcome your suggestions as to what these subjects should be and your participation in them. I'd love to hear your thoughts in this regard, so please contact me at the Society e-mail address listed in the box to the right of this column.

In Memoriam

Steven E. Chaykin, *Miami*
P. B. Howell, Jr., *Leesburg*
Paul A. Louis, *Miami*

Thomas C. MacDonald, Jr., *Tampa*
Paul G. Rogers, *Washington, DC*
James E. Tribble, *Tallahassee*

FORMER APPELLATE JUDGES

Canady, Polston named to Court

Governor Charlie Crist has appointed former appellate judges Charles Canady and Ricky Polston to the Florida Supreme Court, succeeding Justices Raoul Cantero and Ken Bell, both of whom resigned to reenter private law practice this fall. Canady, who was appointed on August 28, previously served on the Second District Court of Appeal. Polston, who was appointed on October 1, previously was on First DCA bench.

A native of Lakeland, Canady attended the Yale Law School before joining Holland & Knight in his hometown in 1979. Subsequently he practiced with the firm of Lane, Trohn, et al. He served three terms in the Florida House of Representatives (1984-1990) and four terms in the U. S. House of Representatives (1993-2001). While in Congress, he was a member of the House Judiciary Committee. Canady and his wife, Jennifer, have two children



Justice Canady



Justice Polston is sworn in

Polston grew up in the Panhandle community of Graceville. After receiving an accounting degree from Florida State University, he became a Certified Public Accountant and worked several years in that field. Later he received his law degree from FSU and practiced law for 13 years before being appointed to the First District Court of Appeal in 2001 by Governor Jeb Bush. Polston and his wife, Deborah, are the parents of 10 children, including six adopted brothers.

Florida Supreme Court Historical Society

A 501 (c) (3) non-profit organization
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Honorary Chair: Chief Justice Peggy A. Quince

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Joseph P. Milton, <i>second vice president</i>	Benjamin H. Hill, III
Linda F. Wells, <i>secretary</i>	Mark Hulsey
Ruth McDonald, <i>treasurer</i>	Rutledge R. Liles
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William H. Davis	Miles A. McGrane, III	
*Preston W. DeMilly	Kimberly S. Mello	*Ex Officio

Executive Director: Park Trammell



Under the Dome

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

In Florida we are rightfully proud of our history of open government and at the Florida Supreme Court we are just as proud of what the Court has contributed to that legacy. In fact, we are approaching the anniversary of an important milestone.

No, I'm not referring to the events of November 2000, when Florida found itself in the center of a legal whirlwind for four intense and dramatic weeks after the presidential election. The eyes of the world certainly were on us during that time. As hordes of journalists converged on Tallahassee, they covered protests and press conferences -- and court proceedings, including two oral arguments at the Florida Supreme Court. The whole world watched those court proceedings, thanks to Florida's policy on cameras in the courtroom adopted nearly three decades ago.

Yes, it's been almost 30 years since the Florida Supreme Court opened our courtrooms to cameras and other electronic media. When the Court issued "In re. Petition of Post-Newsweek Stations, Florida, Inc." in April 1979, it was bucking the conventional wisdom that had barred cameras from courtrooms across the country for more than 40 years. The Court, however, was not acting rashly. A few years earlier, it had set up an experiment to allow cameras in courtrooms, with the consent of the parties.

No one agreed.

The Court persevered. It dropped the requirement that the parties and judge consent to the presence of cameras. It spelled out the rules that journalists had to follow and judges had to enforce. And then it opened the doors of Florida's courtrooms. At the end of the year-long experiment, judges, jurors, witnesses, attorneys and court personnel all reported that cameras did not disrupt or corrupt what happened in the courtroom.

With that feedback, the Florida Supreme Court forged ahead and created what I would argue was, and is, the nation's broadest rule allowing cameras into courtrooms. With the exception of certain categories of cases, such as juvenile proceedings, cameras are permitted. Judges can exclude or limit them only if one of the parties demonstrates that the cameras will cause harm. But the standard for demonstrating such harm is high and lawyers for the media must have an opportunity to be heard in opposition.

Fast-forward to November 2000. The protests and the press conferences that were covered here in Tallahassee often seemed to be marked by noise and confusion and uncertainty. But when people tuned into the two oral arguments at the Florida Supreme Court they saw something different. They saw calm, orderly and dignified proceedings in a courtroom where the focus of every lawyer and every justice was squarely on the legal issues at hand.

We can and should take pride in those proceedings -- pride, of course, because the proceedings were properly conducted and properly focused. But pride also because those proceedings were open, literally, to all. That's a good thing, a very good thing -- for the people across our world who were intensely interested in what was happening, for the reputation of the judiciary and for public confidence in our democracy.

And it happened because of the courage and wisdom shown by the Supreme Court 30 years ago when it allowed cameras into Florida's courtrooms.

Third straight year

Checkoff boosts membership

For the third straight year, The Florida Bar "dues checkoff" has been the most effective recruiting tool for the Florida Supreme Court Historical Society. This year, 74 Bar members joined the Society via the checkoff, most taking advantage of a special first-year dues rate. This boosts the organization's membership to over 700.

In 2006, 112 new members joined via the checkoff -- and in 2007 the checkoff yielded 158 new members.

"We are grateful to the Bar for allowing the Society to be included on its annual fee statement," said FSCHS President Alan Greer, "since lawyers, by far, represent the largest pool of prospective Society members. Their daily focus gives them a deep appreciation for the important work of this organization in preserving and protecting our judicial system."

This year, for the first time, the Bar dues checkoff also allowed Society members to include payment of their FSCHS dues -- and 107 existing members took advantage of that arrangement.

The checkoff also resulted in the sale of 61 copies of the Society's second Florida Supreme Court history volume. Among new members, 49 took advantage of a special \$55 rate for Volume II and 12 people purchased the book at the \$65 stand-alone price.

Through the end of October, 366 Bar members utilized the checkoff system to contribute \$24,654 to the Society this year.

Society committees set

President Alan Greer has made the following Society committee appointments for 2008-09:

Acquisitions Committee: Bill Davis, *chair*; Judge Tom Barkdull, Chuck Ehrhardt, Dean Robert Jerry, Joe Milton.

Annual Dinner Committee: Alan Greer, *chair*; Mitchell Berger, Alan Bookman, Bob Butterworth, Hank Coxe, Dexter Douglass, Ben Hill, Rut Liles, Joe Milton, Edith Osman, Neal Roth.

Budget & Finance Committee: Ruth McDonald, *chair*; Steve Busey, Tom Elligett, Dr. Charlotte Maguire, Mike Rosen.

Docents Committee: Linda Wells, *chair*; Jane Harding, Irene Kogan, Judy Lewis, Sue Mancuso.

Membership Committee: Joe Milton, *chair*; Tod Aronovitz, Howard Coker, Hank Coxe, John DeVault, Dexter Douglass, Judge Joe Farina, Kim Mello, Jamie Billotte Moses, Buddy Schulz, Sid Stubbs.

New Projects Committee: Judge Scott Silverman, *chair*; Bruce Blackwell, Jack Harkness, Kim Mello, Jamie Billotte Moses, Edith Osman, Sylvia Walbolt.

Nominations Committee: Howard Coker, *chair*; Edith Osman, Joe Milton.

Oral History Committee: Edith Osman, *chair and Cantero Oral History chair*; Alan Bookman, *Bell Oral History chair*; Frank Bedell, Rick Critchlow, Judge Marguerite Davis, Dexter Douglass, Joe Milton, Herman Russomanno, Sheldon Schlesinger, Chris Searcy, Judge Scott Silverman.

Publications Committee: Bob Ervin and Mark Hulsey, *co-chairs*; Frank Bedell, Hunter Carroll, John DeVault, Ben Hill, Miles McGrane.

Special Gifts Committee: Dean Colson, Ben Diamond, Fay Grimes, Wayne Hogan, Ann Loughridge Kerr, Aaron Podhurst, Stanley Rosenblatt, Burton Young.

CORRECTION

The April 2008 *Historia Juris* included a list of former Governor/Senator Bob Graham's judicial appointees, which incorrectly indicated that Judge L. Haldane Taylor is deceased. With sincere apology, we happily report that Judge Taylor is an active jurist on the Fourth Circuit bench.



Scenes like this were commonplace outside the Florida Supreme Court Building just after the 2000 Presidential Election – but, thankfully, that was not the case this year.

VIDEOS AVAILABLE SOON

‘Conversation with ...’

(See photo on page 1.)

Longtime Society activist Russell Troutman of Winter Park recently interviewed four Florida Supreme Court justices in a series of video presentations designed to improve public understanding of the courts and the need for adequate judicial funding. Chief Justice Peggy Quince and Justices Charles Wells, Harry Lee Anstead and Fred Lewis discuss their views and experiences in the series of “Conversation with ...” video interviews.

“Research shows that a large segment of the public lacks understanding of -- and appreciation for -- the third branch of government,” Troutman said. “Ignorance and apathy threaten our cherished American system of government. Better education and understanding are essential to protect our heritage.” The Society envisions use of the programs with government leaders, public groups and students to increase awareness of the critical role performed by the courts. Each of the programs, available from the Society on DVD, is divided into two segments – the first dealing with the justice’s personal background and the second focusing on the judicial process.

The video interviews, which also are expected to be incorporated into future oral history programs, were made possible through assistance from WFSU-TV/The Florida Channel, The Florida Bar and the Ninth Judicial Circuit.

SOCIETY WELCOMES 80 NEW MEMBERS

The Society is pleased to welcome the following new members:

Ann M. Allison, <i>Tampa</i>	Bennett M. Lifter, <i>Miami</i>
Charles D. Andrews, <i>Nashville, TN</i>	Jeffrey A. Luhrsen, <i>Sarasota</i>
Robert E. Austin, <i>Leesburg</i>	Alexander S. MacNabb, <i>Oakton, VA</i>
Darryl M. Bloodworth, <i>Orlando</i>	Gregory H. Maxwell, <i>Jacksonville</i>
Constance L. Brandenburg, <i>Miami Spgs.</i>	Sheila M. McDevitt, <i>N. Reddington Bch.</i>
Quinn E. Brock, <i>Enterprise, AL</i>	Carrington M. Mead, <i>Jacksonville</i>
Michael O. Brown, <i>South Windsor, CT</i>	William F. Merlin, <i>Tampa</i>
Steven E. Chaykin (deceased), <i>Miami</i>	Timothy M. O’Mara, <i>Williamsville, NY</i>
Scott R. Christiansen, <i>Sarasota</i>	Patsy Palmer, <i>Tallahassee</i>
Thomas A. Clancy, <i>Chicago, IL</i>	Diane L. Paull, <i>Jacksonville Beach</i>
Robert F. Clark, <i>Melbourne</i>	Eugene G. Peek, <i>Jacksonville</i>
Richard J. Cole, <i>Sarasota</i>	Alfredo J. Perez, <i>Miami</i>
Henry M. Coxe, <i>Jacksonville</i>	Dean Leroy Pernell, <i>Orlando</i>
Gabrielle D’Alemberte, <i>Coral Gables</i>	Robert E. Pershes, <i>Boca Raton</i>
Marva A. Davis, <i>Quincy</i>	Deborah A. Posner, <i>Deerfield Beach</i>
Benjamin F. Diamond, <i>Tallahassee</i>	Amgel M. Reyes, <i>Coral Gables</i>
Mayanne Downs, <i>Orlando</i>	James M. Robinson, <i>New York, NY</i>
Hon. Edward H. Fine, <i>West Palm Beach</i>	Raymond W. Roland, <i>Atlanta, GA</i>
Norm D. Fugate, <i>Williston</i>	David B. Rothman, <i>Miami</i>
Dean Alfredo Garcia, <i>Miami Gardens</i>	Marvin B. Seidman, <i>Miami</i>
Christian George, <i>Jacksonville</i>	Randall M. Schochet, <i>Boynton Beach</i>
Robert C. Gilbert, <i>Coral Gables</i>	Richard Siegmeister, <i>Miami</i>
Stanley A. Goldsmith, <i>Sarasota</i>	Hon. Scott J. Silverman, <i>Miami</i>
Hon. David W. Green, <i>DeFuniak Springs</i>	Richard A. Smith, <i>Harpers Ferry, WV</i>
Joseph Hackney, <i>Miami</i>	Scott B. Smith, <i>Palm Beach Gardens</i>
William D. Hall, <i>Tallahassee</i>	Ido Stern, <i>Boca Raton</i>
Lawton C. Heard, <i>Statesboro, GA</i>	Christopher A. Tancredo, <i>Plant City</i>
Hon. Chris T. Helinger, <i>Clearwater</i>	Thomas H. Thurlow, <i>Stuart</i>
Gerald R. Herms, <i>Tampa</i>	Judith R. Traum, <i>Miami</i>
Richard E. Hornsby, <i>Orlando</i>	Arthur R. Traynor, <i>Miami</i>
Louis F. Hubener, <i>Tallahassee</i>	Susan E. Trench, <i>Miami</i>
H. Scott Huizenga, <i>Miami Beach</i>	Louis V. Vendittelli, <i>Lake Mary</i>
Brian E. Ingalls, <i>Ft. Lauderdale</i>	Stuart S. Walker, <i>Gainesville</i>
Frank S. Ioppolo, <i>Lake Mary</i>	Robert Wayne, <i>Miami</i>
Gordon James, <i>Ft. Lauderdale</i>	John G. White, <i>West Palm Beach</i>
Marie L. Ianniello, <i>Boca Raton</i>	David W. Wilcox, <i>Bradenton</i>
David B. King, <i>Orlando</i>	Richard L. Williams, <i>Miami</i>
Arthur C. Koski, <i>Boca Raton</i>	Malcolm B. Wiseheart, <i>Miami</i>
Tonquin G. LaGrone, <i>Lake Mary</i>	Kent A. Zaiser, <i>Tallahassee</i>
Kenneth G. Lancaster, <i>South Miami</i>	Thomas A. Zehnder, <i>Orlando</i>

ARE YOUR DUES PAID?

If an asterisk (*) appears before your name in the address panel below, you **have not paid** 2008-09 Society dues.

If you included a contribution to the Society with payment of your 2008 Florida Bar fees and wish to apply that to your dues, please contact the Society office. (See box on page 2.)

We need – and appreciate – your continued support.