

# HISTORIA JURIS

Newsletter of the Florida Supreme Court Historical Society

www.flcourthistory.org

June 2015

Tallahassee, Florida



## President's Perspective

by Sylvia Walbolt

Members of the Society have mourned the recent passing of Russell Troutman, whose remarkable, long time service to the Society in numerous positions, including President and Chairman of the Board, led the Society to become the vibrant organization it is today. He was the very worthy first recipient of the Society's Lifetime Achievement Award, in recognition of his work for the Society, including especially the Oral History Programs. The Board of Trustees passed a resolution extending its deepest sympathy to Mr. Troutman's family and its appreciation for Mr. Troutman's considerable contributions to the Society, The Florida Bar, and the legal profession in general, as well as for a life well lived.

I am excited to report that although the Society rested on its laurels for a bit after the wonderful annual dinner in January, then we went back to work in a big way.

On April 9, 2015, the portraits of Chief Justice Labarga and Justices Canady, Perry,

and Polston, which were commissioned by the Society, were unveiled at the Florida Supreme Court in a very warm and moving ceremonial session of the Court. Many thanks to Kelly O'Keefe, Rene Thompson, and Mark Miller, whose hard work and careful planning with the Court and Court officials made this a memorable occasion.

Among other speakers, former Justices Hatchett, Grimes, and Harding spoke on the

judicial response to Virgil Hawkins's effort to be admitted to the University of Florida College of Law, the early 1970s revision of Article V, and the Court's management of the logistics of Bush v. Gore, respectively. Their speeches are linked on page one of the Society's website at <http://flcourthistory.org/Portrait-Presentation-Photo-Gallery> and it really is worth your time to watch them. This is what the Society's mission is all about.

*Continued on page 2*



## The Florida Supreme Court Historical Society



## Lifetime Achievement Award

presented to

## Talbot "Sandy" D'Alemberte

in recognition of a highly distinguished career as a lawyer, his contributions to the Florida judiciary, and his contributions to this Society as a Trustee member for over 25 years and as its president, and by unanimous vote of the Florida Supreme Court Historical Society Board of Trustees.

He has served as a member of the Florida House of Representatives, President and President Emeritus of Florida State University, Dean of the FSU College of Law, Chair of the Florida Constitutional Revision Commission, Chair of the Florida Commission on Ethics, and in numerous other important positions. His contributions to the lives and wellbeing of Floridians will be his lasting legacy.

His lifetime of contributions to the organized bar and our justice system have been extraordinary: President of the American Bar Association, President of the American Judicature Society, Chair of the ABA Section of Legal Education and Admission to the Bar and chair of many ABA committees are among them. He has worked tirelessly on issues including model dispute resolution procedures, assistance to emerging democracies, detainee treatment, open government, pro bono service and civil liberties. He is a mentor to many in these endeavors and a model to all.

His continued devotion to the law, the Florida judiciary the legal profession and to public service, as well as his outstanding character and ethics, are deserving of this Society's greatest appreciation and highest honor.



Officers and Trustees of the Florida Supreme Court Historical Society  
January 29, 2015

Sylvia H. Walbolt, President

Co-Editors: Susan Rosenblatt of Stanley M. Rosenblatt, PA, Member of Executive Committee of FSCHS and Daniel Hoffman, of Stanley M. Rosenblatt, PA, member of Publications Committee of FSCHS.

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Ed Guedes has continued to work with Neil Skene on the next volume of the history of the supreme court. It is now on target to be completed later this year.

Susan Rosenblatt and Ed Guedes completed the Merit Retention interviews and the Society now has a wonderful teaching tool. Thanks to Chris Searcy as well, whose firm handled the editing of the videos. We are approaching various organizations for use of this DVD, which we will be happy to provide to you for use in educating the public about this important issue.

Mark Miller has done a terrific job of revising the Society's website and making it more interesting and vibrant. Kelly has been working with Dean Bunch to prepare a set of bios of former supreme court justices for use at the Court and in its website.

Seeking to take full advantage of the generous donation by Sandy D'Alemberte

and his family of the desk used by his grandfather as clerk of the supreme court, Tom Hall, with pro bono help from Jourdan Haynes and Vinny Vaughn of Carlton Fields Jordan Burt in drafting the deed for the gift to the Society, has been developing a protocol for the Society's acquisition of historic memorabilia and papers. Tom is working closely with Billie Blaine and Eric Robinson to make sure such items are put to good use at the Florida Supreme Court. The Society thanks Sandy for his donation and hopes it will spur others to consider donations to the Society.

Susan Rosenblatt has seamlessly taken over the reins as Treasurer, with the invaluable assistance of Ruth MacDonald, who continues to help the Society in a multitude of ways. Jonathan Clauson turned over the reins as Publications Chair to Stanley Rosenblatt and Dan Hoffman, and you will have much to look forward to from them.

I will pass the gavel over to Kelly at the Annual Meeting on June 25, 2015 at The Florida Bar convention. She has been indefatigable this year and the Society will be in good hands with her leadership. She already is hard at work on next year's dinner!

My personal thanks also to my predecessor Miles McGrane and the entire Board of Trustees for their work on behalf of the Society this year. It has been a privilege to work with all of you. My thanks as well to the entire Court for its cooperation and support of us all year. B.J. Vickers and Marshall Silvester Dawson have been especially helpful to us. We would not have accomplished all that we did this year without the help of all these folks and many others.

Finally, my thanks for the opportunity to serve as President of the Society. It has been a privilege and a lot of fun.



*In Memoriam*  
*Russell Troutman*  
*(July 27, 1933 - May 27, 2015)*



The Florida Supreme Court Historical Society notes with sadness the passing of Russell Troutman. A member for 25 years, Mr. Troutman served two terms as President of the FSCHS, from 1997-99. On the conclusion of his two terms, Chesterfield Smith said of him, "A great lawyer, a great historian, and the best leader ever serving the Florida Supreme Court Historical Society."

Mr. Troutman led the effort to incorporate The Legal Aid Society of Orange County, spearheading the idea in response to President Lyndon Johnson's War on Poverty. The Legal Aid Society of the Orange County Bar has served as a model both for the state of Florida and

nationally for local bar association legal services. Mr. Troutman also served as President of The Florida Bar from 1977-78.

In 2009, the FSCHS presented Mr. Troutman with the Lifetime Achievement Award and said that his "career-long dedication to the programs and activities providing legal services for those in need but unable to pay — and his distinguished 53-year career of service to the bench, bar, and public — affirms the fact there could be no other person more deserving."



## *A Message From Chief Justice Jorge Labarga*

Being Florida chief justice puts you in a position to take in a remarkable view of our courts and our legal system as they work, day in and day out, to provide justice, uphold the law, and resolve disputes fairly.

After almost a year on the job, the view still awes me, humbles me, and inspires me.

In my lifetime, I have been privileged to view our legal system from several different vantage points, beginning when I first came to this country as an immigrant child fleeing a Marxist nightmare. I became determined to become a lawyer to help safeguard democracy and the rule of law in my new country. As a member of the legal profession, I have seen the courts as a public defender, as a prosecutor, as a private attorney and as a trial judge.

In recent months, I have been thinking a lot about something I saw all too often as a trial judge, something that always sent me home at night frustrated, my stomach tied in knots.

I would be hearing a foreclosure case. And there, on one side of my courtroom, I would see the bank's lawyers, prepared and professional and poised. On the other side of my courtroom, I would see a husband and wife, fighting for their home with a little file holding two or three pages of papers, their faces tense with fear and uncertainty.

Not exactly an equal fight.

That is one of the reasons why I signed an administrative order last fall creating the Florida Commission on Access to Civil Justice. The 27-member commission includes leaders from all three branches of

government, The Florida Bar, The Florida Bar Foundation, private attorneys, legal aid providers, and leaders in the business community.

The very reason courts exist is to provide forums for people to seek justice and fair treatment. But meaningful access to courts is a practical impossibility for many, many people—not only for people who struggle with poverty, but also for people who are solidly middle-class. Legal aid can meet only a fraction of the needs of poor people and it is painfully ironic that people with moderate incomes are too “rich” to even get in the line for help.

On their own, with no lawyer, some people do their best to represent themselves. Others, well, I don't know, but I fear they just lose by default.

That's not the way it should be in a country that values fairness and equal treatment and the rule of law.

We've got it figured out for criminal cases. Most Americans know, probably thanks to television and movies, that if they are arrested they have the right to an attorney—and one will be provided if they can't afford to hire one themselves. Our Miranda rights are part of our popular culture as well as a vital safeguard for people under arrest.

But if you need the courts for a civil matter—if your veteran's benefits aren't being provided, if your landlord won't fix the air conditioning in your apartment, if you're fighting for reasonable visitation with your kids—you're probably on your own if you can't afford to hire an attorney.

I would be grossly negligent if I went any further on this subject without paying tribute to the dedication and hard work of Florida lawyers, now and in the past. Leaders in the legal profession and individual attorneys have done much to close this access gap, working thousands upon thousands of pro bono hours, donating millions for legal aid, and coming up with innovative community programs.

But the problem simply is bigger than the legal community and, equally important, the problem is a societal problem. As such, it needs to be addressed by the society as whole.

Someone recently challenged me on that assertion. What exactly did I mean by saying it was a societal problem?

My answer: A free nation can exist only if a strong and impartial judiciary is an equal partner in government and society, if courts exist as places where rights and liberties are protected, where laws are upheld and interpreted in accordance with the constitution, and where people can go to have disputes solved peaceably and civilly.

So if our courts have a serious problem with access, our society has a serious problem with court access. Our economy has a serious problem with court access. And our democracy has a serious problem with court access.

After outlining the scope of this serious and significant problem, let me immediately add that I am excited and optimistic about our ability to solve this problem, together. Divided into committees, the Florida Commission on Access to Civil Justice is hard at work. I encourage you to explore more about what's going on at the commission's website, [www.flaccessjustice.org](http://www.flaccessjustice.org).

The commission's first report will be released this fall, but I promise you: This will not be a report that sits collecting dust somewhere. More than 30 other states have created similar access to justice committees in recent years and they have come up with innovative and effective ways of closing the access gap.

I know Florida will too.



**SAVE THE DATE**

**Florida Supreme Court  
Historical Society's**

**2016  
Annual Dinner  
January 28, 2016**

**University Center Club  
Tallahassee, FL**

# The Interviews of Current and Past Florida Supreme Court Justices on Merit Selection and Retention of the Florida Judiciary are Now Available on the Historical Society Website

By Susan and Stanley Rosenblatt

During the past two merit retention elections of 2010 and 2012, Floridians, including many lawyers, were surprised and concerned by highly political ads financed by special interest groups, attacking sitting Florida Supreme Court Justices. Since the revamping of judicial appellate elections with the Constitutional Amendments in 1976, most informed Floridians had assumed that retention elections of Supreme Court Justices in Florida should be nonpartisan determinations, replacing the hotly contested political elections of an earlier era. Other voters, feeling essentially distant and unaffected by judicial elections, did not have a clue as to what merit selection and retention was all about.

Following the 2010 election and as the 2012 election geared up, the Historical Society saw voters' confusion as to the judicial retention elections as an opportunity to serve the Court through a series of interviews aimed at educating Floridians about the process for selection and retention of Justices on the Florida Supreme Court and appellate judges of the District Courts of Appeal of Florida. During the same time frame, the Florida Bar conducted its own award-winning educational program, *The Vote's In Your Court*.

As often happens when undertaking this type of project, we also educated ourselves in the process.



*An interview was held with the now late, former Governor Reubin Askew*

The history of judicial selection and merit retention in Florida, a process that was adopted following the judicial scandals in the Florida Supreme Court during the 1970's, was revealed through the interviews. We learned that the current process for merit selection --a partisan one- is not what was intended by then Governor Reuben Askew with his 1972 Executive Order where he relinquished his absolute power (to unilaterally select Justices) and replaced it with the establishment of (then) nonpartisan Judicial Nominating Commissions.



*Justice Perry described the 2010 experience he shared with Justice Labarga as being like "sitting ducks . . . waiting to be plucked off."*

The same is true with respect to the merit selection process established by Constitutional Amendment in 1976 – it was designed and intended to be nonpartisan – the issue being whether the carefully vetted Justice up for retention has served with dedication and integrity, warranting retention. The issue is not whether voters agree with a particular controversial decision of the Court or whether the Justice is liberal or conservative. Moreover, as Martin Dyckman explained in his interview, voters often confuse merit retention with a recall election. As Gwynne Young noted in her interview, some 90% of the focus groups did not know what merit retention meant. Thus there is a need to extend "The Vote's in your Court" educational project of the Florida Bar.

The Society's series of eleven interviews between August, 2012 and November, 2014 were conducted by Historical Society Trustees, Stanley M. Rosenblatt, Susan Rosenblatt, Sylvia Walbolt, Edward Guedes, and Mary Adkins, joined by

former Governor Bob Martinez who interviewed Justice Rosemary Barkett and author/ journalist, Martin Dyckman who interviewed the late Governor Reuben Askew. Interviews were conducted of Florida Supreme Court Chief Justice Jorge Labarga, Justice Barbara Pariente, Justice Fred Lewis, Justice Peggy Quince, Justice James E. C. Perry, the Late Justice Ben Overton, former legislator and FSU President, Sandy D'Alamberte and former Florida Bar President, Gwynne Young. Interviews are planned of Jack Harkness, the Executive Director of The Florida Bar and former Florida Bar President Burton Young.

Each interview gives the viewer the opportunity to hear about the history and current status of the merit selection and retention process in Florida, exposing both its virtues and flaws and the need for ongoing education of the public about how the process is supposed to work. The interviews also give the viewer an insider's perspective of how this process has dramatically changed since the 1970's, when merit selection and retention was adopted at a time the Florida Supreme Court was beset with judicial scandals, as described in detail by Martin Dyckman. The Historical Society has asked the Justices and others interviewed what can be done going forward to take politics, to the extent possible, out of judicial selections and retention elections, as Governor Askew originally intended.



*Justice Lewis described how he, Justice Pariente and Justice Quince became "virtual punching bags" in 2012.*

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# The Justice's Portraits: Bookmarks to the Florida Supreme Court's History

*By Kelly O'Keefe, First Vice President and Chair  
of the Florida Supreme Court Portrait Project*

Imagine that you are sitting in the Florida Supreme Court or walking through its halls and did not see the faces of the Supreme Court Justices that served on the Court throughout the years. The Florida Supreme Court Historical Society and the Florida Supreme Court are working to make sure that does not happen. They are committed to preserving these treasured bookmarks to the Florida Supreme Court's history.

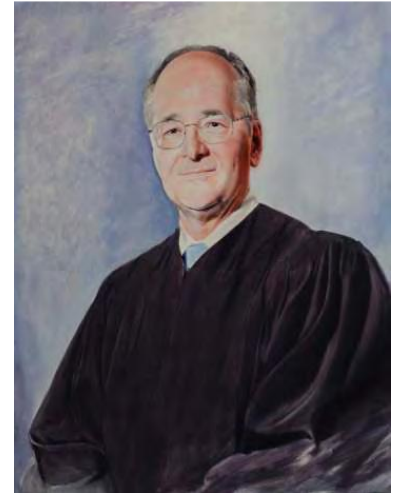
The Justices' portraits are a tradition that brings us face-to-face with the history of Florida's judicial system. Each portrait serves as a bookmark to the many significant stories that together make up the Florida Supreme Court's history. The first effort to build a complete set of portraits occurred around 1905, and a complete set was first achieved in the 1980's under Chief Justice Joseph Boyd.

As part of the portrait tradition, each sitting Justice's portrait is displayed in the Supreme Court Lawyers' Lounge until he or she retires. At that time the portrait is moved to the court room. This tradition, however, came to a halt when the Court no longer had funds available to commission the paintings of the four newest Justices. That is when the Society stepped in and funded the portraits of Chief Justice Jorge Labarga, Justice Charles Cannady, Justice Ricky Polston and Justice James Perry.

With assistance and support from the Justices and Marshall Dawson and his staff, the Society is continuing the portrait tradition and celebrating it. The Society, with the help of the Justices' family and friends, unveiled the newest portraits at the Annual Dinner in January, 2015. The Society also presented the portraits to the Court and the public at a ceremony on April 9. The April 9 Portrait Presentation Ceremony, held at the Florida Supreme Court, celebrated the important role the portraits play in preserving the Court's history through the words of three former Justices who lived that history. Justice Joseph Hatchett, Justice Stephen Grimes and Justice Major Harding shared stories about some of the most important times in Florida's and the Court's history.



*Chief Justice Jorge Labarga*



*Justice Charles Cannady*



*Justice Ricky Polston*



*Justice James Perry*

The Society also celebrated the important role the artists have played in preserving the Court's history. The artists of the four newest portraits, Jeff Bass and Darlene Williams, were honored for their work at the Annual Dinner and the Portrait Presentation Ceremony. Without these and other artists, we would not have these bookmarks which spark memories of days past and are things of value to be collected, preserved and admired.

One portrait artist herself became a bookmark in the Court's history. In the mid 1980's the Justices asked Clarabelle Jed to do a portrait of the Justice who left no photos - Justice McCrae. The Justices asked Clarabelle Jed to create a composite portrait using photos of Justice McCrae's descendants. Everyone thought she did but later, it was discovered Clarabelle painted a portrait of her uncle!

Stories like this one are entertaining. Others spurred on by the portraits provide insight into some of the most pressing

issues in Florida history and decisions that changed the course of history. For example the portraits of Justices B.K. Roberts, Stephen O'Connell, T. Frank Hobson, Harris Drew, B. Campbell Thornal, Elwyn Thomas and William Glen Terrell bring us back to *Gideon v. Wainwright*. Although the Florida Supreme Court initially declined to provide counsel to Gideon because he was not charged with a capital offense, the United States Supreme Court reversed and recognized that the Sixth Amendment right to counsel was a fundamental right applicable to state prosecutions pursuant to the Fourteenth Amendment. That decision ultimately led to the establishment of Florida's Public Defender system, the first statewide public defender system in the nation. However, it took some time before the Florida Supreme Court recognized that this right existed regardless of whether the crime charged was a felony or a lesser crime.

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# Florida Supreme Court Historical Society 2015 Annual Dinner



Gilbert King, author of Devil in the Grove



Fmr. Justice Joseph W. Hatchett



Sylvia Walbolt presenting award to Sandy D'Alemberte



Fmr. Supreme Court Clerk Tom Hall



Unveiling Justice Perry's portrait



Unveiling Justice Polston's portrait



Unveiling Chief Justice Labarga's portrait



Unveiling Justice Canady's portrait



Sandy D'Alemberte dinner address



Incoming FSCHS President Kelly O'Keefe



Fmr. Justice Major Harding, Justice Polston



Jeff Kottkamp, Caroline Miller, Mark Miller



Judge Patricia Seitz, Sandy D'Alemberte, Patsy Palmer, Alan Greer



Peter Webster, Justice Perry, Dr. Adrienne Perry, Janet Kahn, Judge Charles Kahn



David Nelson, Courtney Brewer, Jenny Richardson

# 2015 Annual Dinner

Please visit us online at [www.flcourthistory.org](http://www.flcourthistory.org) to see more photos and video highlights from our 2015 Annual Dinner



Pre-Dinner University Club Terrace Reception



Gwendolyn McLin, Jean Moyle, Jon Moyle, Serena Moyle & Jon Moyle Jr.



Stanley Rosenblatt, John Kozzyak, Susan Rosenblatt



Yuleen Perry, Jaimon Perry, Willis Perry



Betty Joanos, Nancy Wallace, Peter Webster, Sylvia Walbolt, Jim Joanos



Chief Justice Labarga with his wife Zulma, and daughters, Stephanie and Caroline; Justice Canady with his wife Jennifer



Justice Polston, Justice Pariente, John Thrasher



Ryan Abernethy, Andrew King and John Mills



Justice Perry, John and Jean Thrasher, Jeff Bass



Devil in the Grove book signing



Justice Polston, Pam Anderson, Thomas Edwards & Paul Jess



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# Notes on the Annual Dinner

by Mark A. Miller, Executive Director

An evening of distinction and fellowship was experienced by a record number of both members and guests in attendance of the 2015 Florida Supreme Court Historical Society Annual Dinner on January 29. The evening began on the rooftop balcony of the University Center Club, where the group gathered for a reception while watching the sun set over Tallahassee. Upon assembling in the ballroom for the dinner and program, President Sylvia Walbolt introduced Past Society President and Master of Ceremonies Hank Cox.

Alongside many dedicated Historical Society Members were distinguished members of the Judiciary and notable guests such as former Justices, Members of the Florida Bar Board of Governors and the Young Lawyers Leadership Academy.

Ms. Walbolt warmly welcomed the group and noted special thanks to the Society's Immediate Past President Miles McGrane, and First Vice President Kelly O'Keefe. In addition, Ms. Walbolt offered special thanks to Ruth MacDonald for her service to the society.

As part of the Society's mandate to preserve and honor the rich and important history of Florida's Supreme Court, the annual dinner marks a key event in the work of the Society. Through the dedication and

support of the Board, Members, sponsors, guests and Event Chair Jeff Kottkamp, the Society is able to provide services like the educational videos on the merit retention process as an educational tool for the public and the commissioning of the portraits of the sitting justices.

Four new portraits of sitting justices debuted at the dinner. In dramatic fashion, the families of Chief Justice Jorge Labarga, Justice Charles T. Canady, Justice James E. C. Perry, and Justice Ricky Polston unveiled the portraits. Kelly O'Keefe, first vice president and chair of the Special Projects Committee recognized the Florida artists who were commissioned for the paintings, and Justice Perry's son, Jaimon, read a poem he wrote to honor his father. Artists Jeff Bass, of Pensacola and Darlene Williams, of Havana, FL were both in attendance for the unveiling.

Chief Justice Jorge Labarga addressed the State of the Courts and noted the continued hard work of Florida's judicial officers. Citing the Commission on Access to Civil Justice which had just been created, the Chief Justice suggested the Commission would address the poor and middle class population that falls outside the criteria for legal aid but cannot afford a lawyer. With an interim report expected in October 2015 and the final report due early 2016, the

Chief Justice announced his intention to effect positive changes in the area of access to justice.

The Honorable Joseph Hatchett, former Justice, introduced keynote speaker Gilbert King, author of *Devil in the Grove: Thurgood Marshall, the Groveland Boys & the Dawn of a New America*.

Awarded the 2013 Pulitzer Prize for general non-fiction, *Devil in the Grove* is a detailed chronicle of an episode of racial injustice in Florida. Mr. King noted his book is a tribute to lawyers and judges and he thanked the legal community for their input and patience, noting that the book could not have been completed without their assistance.

To complete the evening, President Walbolt presented Sandy D'Alemberte with the Florida Supreme Court Historical Society's Lifetime Achievement Award. She noted that as a young law student Sandy was an upperclassman and she was in awe of him. As she stood there, some 50 years later, presenting him with a most deserving award, she commented that she wholeheartedly "remains in awe of him and what he has accomplished." (*See award inscription on the front of the newsletter*)

## Thank you to all of our 2015 Annual Dinner Sponsors

*A special thank you to our sponsors for their generous contributions that make this event possible.*

### Double Platinum

Stanley & Susan Rosenblatt

### Platinum

Akerman - Bill Schifino with Burr Forman - Carlton Fields Jordan Burt - Critton Luttier Coleman  
Holland & Knight - Jacquelyn & Bruce Rogow - Searcy Denny Scarola Barnhart & Shipley PA

### Gold

Bedell Firm - Berger Singerman - Cole Scott & Kissane, P.A. - D'Alemberte & Palmer PA - Grossman Roth, P.A.  
Wayne Hogan - Law Office of Sheldon J. Schlesinger, P.A. - Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A.

### Bronze

Arnstein & Lehr, LLP - Tod Aronovitz - Baker Donelson - Boies Schiller & Flexner, LLP/Steve Zack - Bruce Blackwell - Tim Chinaris  
Coker, Schickel, Sorenson, Posgay, Camerlengo & Iracki - Colson Hicks Eidson - Dean Mead - Domnick Law - Greenberg Traurig, PA  
Halitzer Pettis & Schwamm - Harrell & Harrell - Hill, Ward & Henderson - Jones Foster Johnston & Stubbs - Kenny Nachwalter, PA  
Kreusler-Walsh, Compiani & Vargas - Liles, Gavin & George, PA - Moseley Prichard Parrish Knight & Jones  
Nance, Cacciatore, Hamilton, Barger, Nance & Cacciatore - Richman Greer - Russomanno & Borrello, PA - Sedgwick, LLP - Neal R. Sonnett, PA  
Spohrer & Dodd, PA - Thompson, Sizemore, Gonzalez & Hearing, P.A. - Wagner McLaughlin, PA - Weiss Serota Helfman Cole & Boniske, Popok, PA

*Special Gifts - TRAKAmerica - Nancy Baldwin - Ron Richmond*





# Sandy D'Alemberte's “doggerel”

*(which he defined as “verse in irregular rhythm that is badly written”)*

Delivered by Talbot “Sandy” D'Alemberte  
January 29, 2015

## **Justices before whom I have practiced:**

To the court, we lift our merlot,  
Soon enough if correct, but often quite slow.

Thomas, Adams and, of course, B.K.,  
To Drew and Thornal, we lift our cabernet,

O'Connell was the last that Collins appointed,  
Governor Bryant then Caldwell anointed,

Richard the Great, Wade the Lad,  
Vassar, Jimmy and Joe —then McCain the Bad,

Hal the Unfortunate, then Four Horsemen of Reformation,  
Ben, Arthur, Alan and Joe took up their station,

We toast Reubin, for his merit selection,  
He toasted with water, which we do with affection,

Karl, Alderman then Parker Lee,  
Ray, Leander and Rosemary,

Bright Grimes and Kogan and bow-tied Harding,  
Wells, Anstead sadly departing,

Like others, achieving constitutional senility,  
Retiring despite their continued ability,

Barbara Pariente, Fred Lewis and twice appointed Quince,  
Followed by continued excellence,

Cantero, Bell and Canady,  
Polston, Labarga, Perry -- no further can we say.

But what I can say and I say with pride,  
Is that it has been, for 52 years, a truly great ride.  
Thank you for this honor.

## Merit Selection and Retention

*continued from page 4*

Finally, the interviews will provide you with insight into the thinking of those Florida Jurists and individuals we all hold in the highest regard. For example, we were surprised to learn that Sandy D'Alamberte once ran for governor but withdrew once he met Rueben Askew. Sandy also explained that former Governor Collins disagreed with Governor Askew about giving up the governor's absolute power to make judicial appointments.

Justice Barbara Pariente described the 2012 retention election campaign as "down and dirty" in the way the three Justices were targeted. Justice Pariente further explained how the social media changed the landscape for merit retention elections and how frustrating it was for the three Justices who could not campaign together or run a coordinated campaign, because of ethical restrictions. As Justice Perry noted, "merit retention was supposed to allow for judges to be independent of any kind of pressure from political, financial and otherwise." Former Justice Rosemary Barkett added that some Justices and appellate judges do not have the personality to campaign and that her campaign was particularly grueling since they needed to cover the whole state.



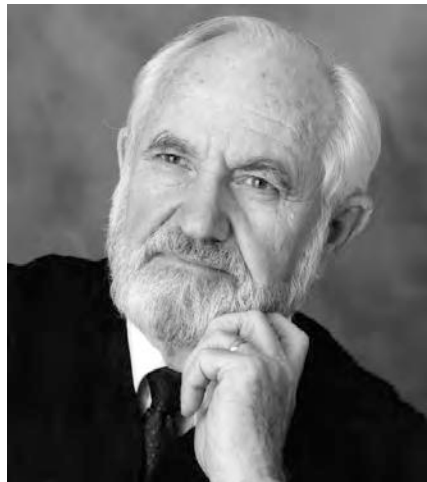
*Justice Pariente described the 2012 campaign against her, Justice Lewis and Justice Quince as "down and dirty."*

Justice Fred Lewis described how the Justices became "virtual punching bags" during the retention election because the judiciary cannot defend itself against the "battle of lies" by responding with the truth. He said he carried around a "rock in my stomach for two years." In describing his 2010 merit retention election, Justice James Perry refers to himself and Chief Justice

Labarga as "sitting ducks... waiting to be plucked off." Justice Peggy Quince noted that the system would be improved by following the federal system of lifetime appointments, or alternatively, twelve or fifteen year appointments. Justice Pariente also suggested the need for reform since the process of merit selection and retention is not working as intended.

Chief Justice Jorge Labarga explained how Governor Askew gave up his unbridled power to appoint Justices, but the process for selecting the members of the Judicial Nominating Commissions has changed dramatically since the time of Governor Askew. The Chief Justice believes merit retention should also be extended to trial judges. Governor Askew also stated that Florida should extend merit retention to the trial level and he expressed his hope that Florida would restore his original merit selection and retention system to ensure an independent judiciary.

The late Justice Ben Overton emphasized the partisan nature of the current merit selection process and that qualified people will not even apply to the JNC if not from the "right" political party, since they know they will not be selected by the Governor. Justice Overton similarly expressed the need to go back to Governor Askew's nonpartisan merit selection.



*An Interview was held with the now late, former Justice Ben Overton*

*Please visit the Florida Supreme Court Historical Society website at [www.flcourthistory.org](http://www.flcourthistory.org) and learn more about judicial merit selection and retention in Florida.*

## Justice's Portraits

*continued from page 5*

The portraits also remind us of the evolving role the Florida Supreme Court has played in affording Florida's citizens access to justice, as demonstrated by the Justices' remarks at the April 9 Portrait Presentation Ceremony. Justice Hatchett, the first African American Justice who served on the Court from 1975-1979, described how Virgil Hawkins' resolution through many battles in the Florida court system led to the recognition of African American's civil rights in this State. After a long court battle, Hawkins withdrew his application to the University of Florida College of Law in exchange for a Florida Supreme Court order desegregating the University of Florida's graduate and professional schools. Justice Grimes, who served on the Court from 1987 to 1997, described the changes to the court system brought about by Article V of the Florida Constitution. Article V established the two tier judicial system for trial courts, created Judicial Qualifications Commissions and Judicial Nominating Commissions, and required that judges work full time and be paid by the state. All of these changes improved the public's access to Justice. Finally, Justice Harding, who served on the Court from 1991 to 2002, provided a personal account of the amazing things he experienced during the 2000 election. His remarks "recounted" how the Florida court's successfully upheld the rule of law, which is the foundation for justice and gives citizens the opportunity to have their voices heard, exercise their rights and hold decision makers accountable.

Justice Harding also brought a little levity to the event by describing how his portrait might have turned out differently. Justice Harding's first cousin, Mary Timberlake "Mary Tim." Parker, painted his portrait as well as those of Justice Barbara Pariente, Justice Fred Lewis and Justice Peggy Quince. However, her prior subjects had consisted primarily of wildlife and other animals. Justice Harding explained that she kindly offered to add a squirrel on his shoulder but thankfully, he declined!

Chief Justice Labarga's closing comments at the Portrait Presentation Ceremony included a description of the Court's current access to justice initiatives. The Court's struggles and initiatives to assure that all have equal access to justice will continue to be a significant part of the Court's history and the Justices' portraits will continue to serve as bookmarks to these and other historical advancements along the way.

# SHOW YOUR COMMITMENT TO THE FLORIDA SUPREME COURT HISTORICAL SOCIETY

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