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THE TENTH CIRCUIT PROFESSIONALISM COMMITTEE

Presents:

"HISTORY AND PERSPECTIVE"

A panel discussion about the history of the
Tenth Judicial Circuit

FRIDAY, MAY 15, 2009

The Oliver L. Green, Jr., Courtroom

CHIEF JUDGE J. DAVID LANGFORD, MODERATOR

PANELISTS:

STATE ATTORNEY JERRY HILL

PUBLIC DEFENDER J. MARION MOORMAN

SENIOR JUDGE OLIVER L. GREEN, JR.

ROBERT L. TROHN, ESQUIRE

Stenographically Reported by:

Sandra J. Dale, FPR

Videotaped by:

Jamie Hollingsworth and Robin Bence

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1 P R O C E E D I N G S

2 (11:39 A.M.)

3 CHIEF JUDGE LANGFORD: If we could have
4 everybody's attention we're going to go ahead and
5 get started. Even though we got folks coming in
6 through the door we need to get started so we can
7 get on through the program.

8 If I could have everybody's attention, please.

9 One more time. Thank you. We still have folks
10 coming through the door but we do need to get
11 started.

12 On behalf of the Judges of the Tenth Circuit
13 and the Professionalism Committee I would like to
14 bid you welcome and thank you for attending here
15 today on the "History and Perspective" of the Tenth
16 Circuit.

17 We do have a few preliminary matters that we
18 need to address before we launch into our program.
19 And for those of you that are coming through the
20 door please come on in, be seated, and we will
21 proceed.

22 If you have a cell phone -- and practically
23 everybody does these days -- I would ask that you
24 please check it to make sure that it's on vibrate or
25 turned off so that we can move through the

1 presentation here today without that distraction.

2 Also I would like to take this opportunity to
3 thank the Professionalism Committee for putting this
4 together today. And specifically Kevin Ashley and
5 Mary Catherine Green who are responsible for putting
6 this together today. And we thank them so much for
7 that.

8 This is an approved course for C.L.E. credit.
9 And you will be able to receive instructions
10 regarding how to apply for that. And our course
11 number if you need it is 45909.

12 Also we would like to thank Matt and David
13 Kaylor of the Kaylor Law Group for sponsoring our
14 lunch today. And I'm sure it's wonderful. I
15 haven't started yet. But thank Terri Lobb for the
16 catering of the lunch.

17 We would like to thank Sclafani Williams
18 Reporters for reporting the presentation today.

19 And we would also like to thank our Court
20 Administrator, Nick Sudzina; our Court Admin Staff;
21 Janie Hatfield with the electronic court reporting
22 and the folks that work with her; Janine Lewis with
23 our information technology person; Lieutenant
24 McDudden and all the bailiffs for the assistance
25 that they have provided today in our presentation.

1 And also immediately following this
2 presentation today at 1:00 o'clock -- and we are
3 talking about history here today -- there will be a
4 meeting on the ninth floor in our conference room
5 upstairs if you are interested in becoming a part of
6 a history committee. There will be a meeting
7 immediately following this at 1:00 o'clock.

8 We all enjoy practicing here and being here and
9 working here in the Tenth Circuit. And the reason
10 that we enjoy it to a large degree is because of the
11 people that we are privileged to work with. And we
12 should certainly consider and maintain a perspective
13 in regard to the history that has brought us to the
14 point where we are now.

15 Today's discussion will center upon four of the
16 distinguished members of the Bar and the Bench in
17 this Circuit who have been here for varying amounts
18 of time. But beginning with the one who has been
19 serving the longest as a member of the Bar here, Bob
20 Trohn to my far right. He's been a member of the
21 Bar for 54 years, practicing in Lakeland, Florida.

22 (Applause.)

23 He is founder of the Lane Trohn Law Firm, now
24 known as GrayRobinson. He'll be telling you more
25 about his experiences. And I'm hopeful that we will

1 be able to discuss this very building we're in and
2 the part that he played in regard to work on this
3 building.

4 To my near right Oliver Green. Member of the
5 Florida Bar for over 50 years and Circuit Judge
6 Emeritus here. Served as a Circuit Judge for many
7 years here in the Tenth Circuit. Then went on to
8 the Second District Court of Appeal. Now serves as
9 a Senior Judge. And as all of you are aware the
10 courtroom that we are in today was named last year
11 by our County Commission the Oliver L. Green, Jr.,
12 courtroom.

13 (Applause.)

14 To my near left Jerry Hill. Serves as our
15 State Attorney. Has served as our State Attorney
16 since 1984. Prior to that served as a Public
17 Defender from 1981 to 1984. And many years ago --
18 and I asked him about this just before we started.
19 He served as an officer over at Polk Junior College.

20 I told him my mother never threw anything away.
21 A few years ago she brought me some materials that I
22 had whenever I was taking orientation at Polk Junior
23 College. And part of that material showed Jerry and
24 Russ Knowles as the President and Vice-President of
25 the college student body. So you've been active

1 here in this community for many, many years.

2 And to my far left -- oh, excuse me.

3 (Applause.)

4 And to my far left Marion Moorman who serves as
5 our Public Defender. Has served since 1984, having
6 come here to Polk County since 1976. And has
7 served -- served with distinction as our Public
8 Defender for that period of time. We're looking for
9 many insights from Marion here today.

10 (Applause.)

11 This is a panel discussion. So we're not going
12 to be treating this like an interview. We're just
13 going to treat it as a panel discussion. And we're
14 going to start off. And I'm going to ask Judge
15 Green if he would just give us his recollection and
16 his participation in the history of this court.

17 Judge Green.

18 JUDGE GREEN: Well, I'm important in the
19 County. I'm the Justice of the Peace. And I don't
20 like defendants to contradict police.

21 Whether that's a good thing or not that is the
22 view that some hold of the so-called antiquated
23 judicial system that the four of us stepped into ...
24 for myself in 1958.

25 I came to Polk County for the first time as an

1 attorney. Never was here before. And went to work
2 with Oxford and Oxford.

3 We had a general practice which is what most of
4 the attorneys did at that time. Some of the ethical
5 constraints that were imposed on us would seem
6 laughable today. And there's no point in going
7 through them except that we held these ethical
8 standards in high regard, even the ones that no
9 longer exist.

10 The firm I went with, Oxford and Oxford, bore
11 some distinctions. I think it's fair to say that
12 our firm represented more African-Americans than any
13 other firm. And this was partly because of the
14 senior partner's interest in the African-American
15 community.

16 H. E. Oxford, who was the head of the firm, had
17 probably more mortgages in northwest -- north
18 Lakeland than anyone else. And I handled most of
19 his personal work real estate.

20 I'm not aware that he ever foreclosed a
21 mortgage on anyone except to clear title. He worked
22 with his tenants. He did things for them beyond
23 what even a -- a liberal person such as myself would
24 have done. I mean some of the people simply took
25 advantage of him. But he never lost his faith.

1 In addition to that I would say that our firm
2 handled probably the second largest domestic
3 practice, the largest being unquestionably Walter
4 Manley -- Walter Manley, Sr.

5 Now the judicial system into which I stepped
6 was interesting. All of the municipalities -- I'm
7 speaking Circuit wide. Hillsborough County -- had
8 their own Judges. And generally the Mayor was the
9 Judge.

10 For instance, in Mulberry there was a long
11 serving man by the name of Kid Ellis who was
12 employed at the mines as I understand it but had
13 been a professional boxer. And that's how -- how
14 the name Kid Ellis came.

15 Pat Wilson, Maxey Corporation, was Mayor of
16 Frostproof, Judge of Frostproof.

17 Lake Wales had a municipal judge who was not an
18 attorney. So did Fort Meade.

19 The larger municipalities tended to have
20 lawyers as Judges. And I'll address that in a few
21 moments. But let me say this.

22 We used reporters then much as we did now -- do
23 now. And so it was not unusual to take a reporter
24 into a non-lawyer judge courtroom.

25 But without exception. I'm not aware of ever

1 being treated in -- in any way but a professional
2 manner.

3 I -- I think -- I think these people did a
4 splendid job. And I say that even reflecting that I
5 became municipal judge of the City of Lakeland at --
6 at a later time.

7 But from the standpoint of race relations I
8 think the Tenth Circuit enjoyed a better -- a better
9 community feeling than a lot of others did. We
10 never had any great difficulty. We had difficulty
11 but not great difficulty in adjusting to Roe versus
12 Wade.

13 And for what it's worth I can tell you I was
14 raised on military bases. I never thought that
15 segregation was legally correct. I didn't think it
16 was even good for society. And fortunately that is
17 mostly behind us ... behind us legal wise anyway.

18 I practiced law for approximately fourteen
19 years, general practice, including personal injury,
20 probate, guardianship, and of course criminal and
21 domestic. Then I became a municipal judge.

22 The interesting thing about that I became a
23 municipal judge in about 1970. And I say about
24 because when I first began to practice Jim Welch, a
25 Lakeland attorney, was municipal judge. A

1 wonderful, wonderful man. A splendid Judge.

2 And then when Judge Welch left the bench an
3 F.B.I. agent, whose name I don't recall, was a Judge
4 for an interim period. And we became acquainted.
5 And he asked if I would take his place on the bench.
6 And that's pretty much how I became municipal judge.

7 And I agreed to it without realizing that
8 ethically I had to give up my criminal defense
9 practice, which was fairly lucrative. But it worked
10 out. It all worked out.

11 The trials in municipal court were much like
12 the TBCs that you now experience in -- in a
13 courtroom. They -- they weren't different. And --
14 and I'm not aware that anybody of any race was
15 treated differently.

16 Having represented most of the African-
17 Americans, I can tell you that I don't recall a
18 single occasion that I feel that I came off any less
19 because of my client's standing or status.

20 In any event, the only occasion that I was ever
21 a witness -- and now we're getting to the war
22 stories. The only occasion that I was a witness in
23 any court that I recall came about like this. And
24 I'm going to tell it to you just as straight as I
25 can. And once you hear it you'll understand there's

1 no way to garnish it.

2 There was in Polk County at that time a man by
3 the name of Dudley Borders. Dudley Borders
4 originally had a service station at the corner of
5 South Florida and Orange I think. It may have been
6 Lemon. It's no longer there; the building is no
7 longer there.

8 But he developed a lot of important friends
9 and eventually did pretty well financially. But
10 Dudley was a very tough individual. He was an
11 ex-Marine and -- and really fit the mold.

12 He had one of the most beautiful vocabularies
13 of any person that I've ever encountered. I mean he
14 could -- he could use bad language and -- and make
15 it sound like a song.

16 The only other person -- the only other person
17 who had that ability in our realm was Marvin Woods.
18 If someone, you know, Marvin came up with the stuff
19 like, you know, finer than a frog's hair cut three
20 ways and things like that.

21 But Dudley tended to be profane except around
22 ladies I might say. He was something else around a
23 lady.

24 On an occasion -- on an occasion Dudley called
25 me. And he said I -- I need a character witness.

1 And I says all right. What sort of character
2 witness do you need, Dudley? He says a character
3 for peacefulness. I said do you mean peacefulness
4 as -- as in I don't fight unless I absolutely have
5 to? He said yeah, that's -- that's what I'm talking
6 about.

7 And I said well, Dudley, if you put me on the
8 witness stand I'll -- I'll testify that you'll fight
9 at the drop of a hat. He says -- he says -- and
10 then he -- he was profane. He said, Judge, I don't
11 need that.

12 He says well, let me ask you one other
13 question. I says sure, go ahead.

14 Will you testify as a character witness for my
15 dogs? And I said what do you mean? He says well,
16 let me tell you the story. And here was the story.

17 There was a very popular fellow that worked
18 with the post office, a young man who had national
19 standing as a trap shooter. He was a shotgun
20 shooter and also a hunter. And he and Dudley were
21 friends. I was merely an acquaintance.

22 Well, this fellow's wife called Dudley one
23 night when it was storming. And the fellow had gone
24 out the door, slipped down, and completely
25 dislocated his shoulder. And she called in a panic.

1 And Dudley jumped in his pickup truck. And his
2 cow dogs jumped in the truck. And they all went
3 over and got this fellow in the truck and headed to
4 the hospital.

5 This was when the emergency room was on the
6 south end of the hospital. And they were at that
7 time building the south parking lot which is there
8 today. And there was mud all over the place. It
9 was just pouring cats and dogs.

10 Well, Dudley went in with this fellow and was
11 sitting there when -- when a hospital security
12 officer came in ... who was armed by the way. And
13 which is no longer the case. But he asked who had
14 the dogs in the parking lot. And Dudley says well,
15 my dogs are in the truck.

16 Well, what had happened Dudley's dogs had
17 jumped out to get under the truck because it was
18 lightning. And the fellow said well, I thought I
19 was going to have to fire a warning shot. And
20 Dudley said don't you be shooting my dogs.

21 And the fellow tapped Dudley on the chest. And
22 this was not disputed. Tapped Dudley on the chest.
23 Says I want you to get out there and -- and -- and
24 get your dogs out of here.

25 And Dudley said well, I'm waiting on my friend.

1 I'm not going to do that. The dogs won't harm
2 anybody.

3 And so the fellow tapped Dudley a second time I
4 believe. And that's when Dudley laid him out.

5 Now the circumstance of Dudley laying this
6 fellow out. Well, there was -- there was a step in
7 front and -- and on the other side, on the outside
8 and the inside of the automatic door. And the
9 fellow went back and he hit that step and the door
10 opened and he went out the door. And he had on a
11 rain coat. And Dudley thought he was going for his
12 gun.

13 So Dudley stepped on the plate, jumped out on
14 top of the fellow to hold his arms. And the rest is
15 history. In fact, a big man pulled Dudley off.
16 And -- and so here's the court scene.

17 Now these dogs were cur dogs. If any of you
18 know the difference between pit bulls and cur dogs
19 they're a world apart but they have a similar
20 appearance. Cur dogs are manageable cow dogs
21 accustomed to working with anybody. I mean any
22 given day any cowboy can work another cowboy's cow
23 dog. And that's just the situation. And I knew
24 this to be true.

25 Dudley generally handled Larry McNeill's

1 cattle. Some of you might know Larry McNeill.

2 In any event, we're at trial. And Susan
3 Roberts is the Trial Judge. And of all people Jack
4 Edmund is representing Dudley and Peter Munson is
5 the prosecutor.

6 And so I've insisted on a subpoena. And -- and
7 so -- there's no such thing then as invoking the
8 rule. So we're all there.

9 And Dudley testifies. Dudley says, Judge, says
10 I thought he was going for his gun. So I stepped on
11 that plate and I jumped on top of him to keep him
12 from shooting me.

13 And by that time this thing is roller wrong
14 wrong. And Susan was absolutely covering her face
15 to keep from laughing.

16 And the fellow testified pretty much the way I
17 told you except the dogs were running around the
18 truck he claimed and not -- not under the truck.

19 And so eventually they called me as a character
20 witness for the dogs.

21 I testified that I knew -- I knew the three
22 dogs. I had worked with them. The dogs were not at
23 all dangerous to anybody and -- and it would be hard
24 for me to imagine them to even react to aggression,
25 to human aggression. I think they would probably

1 run away, which the Lord knows is what they do with
2 bad cows.

3 And the upshot was that Susan Roberts found
4 Dudley Borders not guilty. And actually had -- I
5 mean Jack Edmund had a -- had a win.

6 Well, after -- after it was over -- I probably
7 shouldn't say this. Peter Munson said I sure was
8 disappointed that you'd come in here and testify
9 about the character of dogs. I said Peter, trust
10 me. I didn't want to do it any more than you wanted
11 me there at that time. We both agreed on that.

12 A couple of other experiences from municipal
13 court. J. Hardin Peterson, Jr., who was also a
14 colorful man with the ability to paint pictures with
15 words, was the City Attorney and also the City
16 Prosecutor.

17 On one occasion when a street person by the
18 name of Dragline came before Judge Welch. Well,
19 Judge Welch says, Dragline, I've handled you so many
20 times and it just doesn't seem to make any
21 difference. He says how about if I let you sentence
22 yourself. What do you think is fair?

23 Dragline said well, Judge, says I didn't give
24 the officer any back talk. Says I think ten days
25 might be fair.

1 And he says all right. Have a seat. Ten days
2 it is.

3 Well, when -- when court reconvened -- now I
4 was there the second occasion. When court
5 reconvened -- no, I was not there that day. But I
6 was there on a later date that I'll tell you about.

7 When court reconvened the chair was empty.
8 Dragline didn't come back from recess. And so --
9 oh, shoot. I can't remember the name of the officer
10 that served process. But, anyway, he said you want
11 me to go get him? No, just pick him up next time
12 and bring him in.

13 So that's what they did.

14 And so when Dragline was before Judge Welch
15 Judge Welch says Dragline, I'm greatly disappointed.
16 He says I let you sentence yourself and then you
17 escape.

18 Dragline says, well, Judge, all of what you say
19 is true except I didn't escape. He says what do you
20 mean you didn't escape? He says well, I told you I
21 wasn't -- I didn't give the officer any resistance.
22 But when I sat down what I forgot to say is I wasn't
23 all that drunk either. So I reversed the sentence.
24 True story.

25 J. Hardin Peterson says Judge, I think he's got

1 you. So they just nailed him for that occasion.

2 Lot of -- lot of sad things. You get closer to
3 the people. A lot of sad things.

4 I mean we had a fellow that used to live at
5 Padgett's Garage on North Florida Avenue, what we
6 used to call Silvertown or something like that up
7 there.

8 Anyway, John was a commercial artist. Very
9 good. And he -- he would be arrested. Come in and
10 paint the police station and what have you. And
11 never was treated as a prisoner or anything like
12 that.

13 And one time I asked him I said John, your
14 sister comes over here from Orlando to look after
15 you. We do everything under the sun. The Padgetts
16 try to help you. Why don't you join the band and
17 help yourself.

18 He says Judge, he says I know that all you say
19 is true. He says I know that one day I'm going to
20 be dead on the streets of Lakeland. But he says
21 that's what I want to do. Very sad.

22 Going from that of course in -- in the early
23 '70s -- we drummed up support for Article V which
24 changed the court system forever. And I think my
25 compatriots here are going to talk more about that

1 so I'll leave it -- I'll leave that, a lot of that
2 for them.

3 But let me say this. In all my experience in
4 the Tenth Judicial Circuit we -- we've had Judges
5 with different personalities. We had Judges with
6 mental limitations so that they should no longer
7 have been on the bench before Article V. But --
8 and -- and afterwards we've had Judges that
9 have occasionally, very occasionally, done things
10 that were embarrassing.

11 But never have I known a Judge in the Tenth
12 Judicial Circuit -- now I'm speaking about municipal
13 judges including non-lawyers, like Elray Delgado who
14 was in Winter Haven, Justice of the Peace.

15 Never have I known a Judge to disgrace the robe
16 on the bench. And I can tell you in my estimation
17 that's an admirable thing to be able to say after
18 all this time.

19 I don't know how much time I've used but let me
20 take a look. I think that just about completes my
21 allotted time. And I'll turn it over.

22 CHIEF JUDGE LANGFORD: Thank you, Oliver. I'm
23 going to call on Bob next. He's the longest serving
24 member of the Bar here. And his reflections and
25 perspective in regard to his view of the history of

1 the courts here in Polk County.

2 MR. TROHN: Well, it differs from Oliver's in
3 some respects.

4 Um, Oxford and Oxford had a very colorful group
5 of people before -- before Oliver came here. And
6 they did mostly criminal work. I'd see him -- I was
7 Judge Barker's law clerk in Federal Court. See him
8 there. And then I was Assistant County Solicitor
9 here for a while.

10 And to call them colorful is too mild a term.
11 I would just say that if Faulkner were writing about
12 H. E. Oxford, Lon Oxford, and some of the other
13 people there you'd say he's overdoing it. It's just
14 un -- too unbelievable.

15 But there were a lot of characters in the Bar
16 then. And those of us who, like Buddy Campbell and
17 myself who came at that time, felt that we were here
18 at the best time. We sort of came when the
19 depression was ending, when you could look forward
20 to at least feeding your family.

21 And there were a group of lawyers who -- many
22 of whom were characters. But we all got along.
23 There was a good deal of fellowship. There were
24 parties that I went to on a couple of -- couple of
25 years and then they ended it. Because they sounded

1 the docket and then would have a party at the
2 Mulberry Pool for the lawyers. And there were quite
3 a few alcoholics among us at that time. And they
4 held up their end of their reputation.

5 Um, I was an Assistant County Solicitor for a
6 very brief period of time before Judge Kelly became
7 a Circuit Judge and moved to Highlands County. And
8 that was a part-time job.

9 And many of us were fortunate enough to have
10 part-time jobs because that gave us an assured
11 income of some sort. And when Judge Kelly became
12 the Circuit Judge, Judge Wilson said you're a fine
13 guy, Bob, and I hear good things about you. But I
14 owe my job to Walter Woolfolk, and he named a few
15 other people. And he said I can't keep you.

16 So I didn't know what I was going to do to feed
17 my -- well, I knew what I was going to do to feed my
18 family. The same thing I'd been doing. My wife was
19 making about \$250 a month as a teacher. And that
20 was most of our income. So that didn't disappear.

21 But fortunately at that time there was a regime
22 change at the City of Lakeland. And they kicked out
23 the old City Manager and the City Attorney and
24 Assistant City Attorney. And J. Peterson became the
25 City Attorney and I was the Assistant City Attorney.

1 And the way city court worked was this. We
2 were over the old fire station. And we would have
3 it two days a week. And usually either J. or I were
4 there as prosecutor. Sometimes Judge Welch was
5 there. But not infrequently one of us would handle
6 the whole thing.

7 And we would start off with taking pleas. We
8 had a lot of the same customers who were public
9 drunks and they needed a place to spend a couple of
10 nights to dry out. And we would handle them. If
11 there were anything serious we'd have a Judge and a
12 prosecutor and it would be handled correctly.

13 I could spend an hour telling you stories about
14 J. Peterson. I mean he was ... just city court.

15 Like one time somebody saying he'd put his hand
16 in a bucket of -- in a bucket of snakes under oath.
17 And the Police Chief, Leo Booker, had a plaster of
18 Paris rattlesnake on his desk. J. got it and put it
19 in a wastepaper basket, brought it in and said put
20 your hand down in there.

21 Of course it was -- it was -- it was a
22 different time. But I think we handled the criminal
23 matters efficiently and fairly.

24 And Article V changed everything. The Public
25 Defender system changed everything.

1 I was one of -- I was an early Assistant Public
2 Defender. The assistant -- the assistants at that
3 time were part-time jobs. And that was one of the
4 part-time jobs that I had.

5 The State Attorney had I think two assistants
6 at that time. Glen Darty had Billy Ellsworth in
7 Lakeland and Joe MacBeth in Sebring.

8 The Public Defender, when that position was
9 created, was Leroy Horton. And that was a part-time
10 job. And Kingswood Sprott was his assistant. And
11 at some point in time I became tired and bored with
12 the Assistant City Attorney job and Sprott became
13 bored with the Assistant Public Defender job. And
14 we swapped -- we swapped jobs. And I was -- did
15 the -- I handled Highlands County for two years.

16 The State Attorney's office and the Public
17 Defender's office have grown immensely. And that's
18 changed everything. And I think for the -- for the
19 good. Although I can't say that in 54 years I came
20 across somebody who was -- I thought was not guilty
21 and was found guilty.

22 And I asked Stokes, who had a great deal of
23 criminal experience as a criminal lawyer, criminal
24 defense lawyer and as a Judge, if he ever had any
25 doubt about anybody. And he could point out to one

1 person. So...

2 But times have changed. The population's
3 changed. And Article V changed the whole court
4 system ... probably for the good. But there are a
5 lot of things to be said for the old system.

6 I'll tell you this. In Federal Court some of
7 the best trials that I've ever seen were cases that
8 were tried by appointed counsel by the Federal
9 Judge. If you were appointed to defend somebody in
10 Federal Court, you set aside everything else and you
11 did the best job you were capable of doing.

12 Do you want me to say anything about the
13 courthouse itself?

14 CHIEF JUDGE LANGFORD: Well, I was going to ask
15 you to address that at a later point if we got to
16 it. But right now would be a good time.

17 MR. TROHN: Okay.

18 CHIEF JUDGE LANGFORD: In regard to this
19 particular building we're in.

20 MR. TROHN: Well, I tried cases, you know, big
21 cases, or at least long cases, throughout my whole
22 career. And in 1987 -- I've been trying cases for
23 the County at least since 1979 or '80. And in 1987
24 the County Attorney, Irvin Cowie, said there's a
25 dispute between the contractor and the architect as

1 to who is responsible for some leakage around some
2 of the windows. And I want you to attend a meeting
3 with the County Administrator and the contractor and
4 everybody.

5 And they were talking about things that I knew
6 nothing about. And it seemed as if a little
7 caulking around the windows would solve the problem.
8 But the question was who was going to pay for it.
9 And they couldn't agree on that.

10 And one thing led to another. And it became
11 apparent that it was more serious and something that
12 wasn't going to go away.

13 And I employed the best experts I could find in
14 the country and they got to work. And the more they
15 investigated the more problems they found.

16 I can claim with some pride that I did not
17 design this building. It was thought by many
18 citizens when it was first built that it looked like
19 the world's tallest Howard Johnson's because at that
20 time it had a red roof, tile roof.

21 One thing led to another. It ended up with the
22 courthouse having to be evacuated and essentially
23 torn apart except for the skeleton, the concrete
24 skeleton.

25 And the original cost of the courthouse was

1 \$29 million. The experts in investigation and in
2 designing, reconstruction and supervising the
3 reconstruction, cost something like 7 million. The
4 reconstruction itself cost \$37 million.

5 And -- and the lawsuit that I became involved
6 in lasted over ten years -- over a ten year period.
7 And it was like fighting with a swarm of bees -- the
8 contractor, subcontractors, insurance companies.
9 And a lot of folks on the caught too by the way. So
10 nothing was ever short or easy.

11 And the general contractor, who had been a very
12 large contractor, nationwide contractor, had in a
13 recession in the '80s gone -- become insolvent. But
14 they wanted to stay in business.

15 And as a consequence of mediation eventually we
16 settled with them for \$5 million and some other subs
17 for perhaps 3 or 4 million.

18 And in the meantime everybody was -- not
19 everybody. But there were certain people who were
20 suggesting to the County Commission, Commissioners,
21 sotto voce that we were trying to eat up all the
22 money out of the courthouse settlements and they
23 were providing us with a living.

24 At that time I think they were paying us \$125
25 an hour -- or paying me. And it was taking pretty

1 much all my time.

2 We ended up with Motions for Summary Judgments
3 against some subcontractors, a claim against
4 Reliance Insurance Company, an all-risk builders
5 risk policy. That if you know anything about
6 insurance they had placed 100,000 -- I mean \$1,000.
7 They had reserved the case for \$1,000 which meant --
8 that includes defense costs. So that meant they
9 thought the case had no value.

10 And word kept getting back to the County
11 Commissioners that it was costing money to maintain
12 these suits. And I told them that I thought when
13 the Summary Judgments were over that fall they would
14 get 3 or 4 more million dollars and they ought to
15 ride that out. But otherwise they could pay me on a
16 contingent fee basis. And I told them about the
17 Reliance Insurance Company case and the defenses and
18 all that. And I said on top of that they pay, if I
19 do happen to win, they pay attorney's fees.

20 The upshot of it is that we got a Jury verdict
21 for everything we asked for. It was tried by
22 myself, Jon Trohn, and we were assisted by Christine
23 Casingal Daly, as a one year associate, against 21
24 lawyers, 13 paralegals, and some other folks which
25 were -- they were stepping on each other's feet all

1 the time which I thought was a big help in the
2 trial.

3 We got the verdict for everything we asked for.
4 And with the magic of prejudgment interest we got
5 another \$9 million for a total of 35 million.

6 The Reliance appealed. And we were very
7 confident about the appeal. And they kept -- they
8 made -- well, they made the first offer of anything,
9 of a million dollars, after one week of trial. At
10 the end of trial they made an offer of \$6 1/2
11 million. And the County told me to settle if I can
12 get them up to 9. And they wouldn't budge.

13 So, anyway, we had a judgment for 30 -- 35
14 million. And the only way I got through the trial,
15 which I think lasted four -- four weeks. And I was
16 working day and night and had been for months -- was
17 to say I'll never do this again in my life. That's
18 the only way I lived through it.

19 But the upshot is on appeal they finally
20 offered 35 million. With interest accrued and
21 attorney's fees at that point, if we had waited
22 through appeal we would have gotten 43 million. But
23 the County Commissioners at a closed meeting said
24 we've covered every cost we have in this case.
25 Let's close it out. That's what we did.

1 So the building was rebuilt. The engineers
2 promised me -- I made them promise me if nothing
3 else the place didn't leak. It's still not any
4 prettier than it was to start with. But it's a
5 functional courthouse and now graced by the Oliver
6 Green courtroom.

7 CHIEF JUDGE LANGFORD: Thank you, Bob.

8 Jerry, we're going to call on you next since
9 you're the longest serving elected official up here
10 in the Tenth Circuit. And your perspectives in
11 regard to the history of the court here and maybe
12 some reflection on the move to the temporary
13 courthouse.

14 MR. HILL: Thank you, Judge.

15 I'm going to be briefer than these gentlemen.
16 They -- they've covered a lot of history.

17 I had -- I had the absolute, looking back I
18 realize, joy of starting to practice law in January
19 of 1973. That's when Article V was implemented.
20 Leroy Horton had of course been the Public Defender.
21 Served right out his office in Lake Wales for years.
22 Jack Johnson had just been elected as the first
23 Constitutional Public Defender under Article V.

24 Interesting days. It's so true that a lot of
25 this system operated off of part-time prosecutors,

1 part-time public defenders. Again some colorful
2 names through the years.

3 But Jack Johnson decided it was time to hire
4 full-time people. And the first person Jack Johnson
5 hired was a lawyer by the name of Jack Wilkins. And
6 Jack had been a prosecutor. Had been in the
7 Solicitors office for a period of time.

8 I met Jack Wilkins when ... you know that
9 awkward period of time between taking the Bar and
10 getting the results. And it used to be -- even be
11 longer years ago. And I had got a job teaching a
12 course. It was for the University of Florida but it
13 was taught over in Lakeland, a real estate course.
14 And I met Jack over there because he was also
15 teaching.

16 And he says I'll put in a good word for you
17 with Jack Johnson. And -- and he did. And I -- I
18 guess I wasn't the second. I was actually the third
19 lawyer that Jack hired full-time. A fellow by the
20 name of Linton Sloan. Still lives here in Bartow.
21 Served as a full-time Public Defender for years.

22 And I came onboard and -- and there was no
23 training. There was no preparation. Get out of law
24 school and you've just got your ticket punched and
25 they give you an assignment.

1 And my first assignment was as a juvenile
2 prosecutor. Nowhere near the main courthouse, which
3 in those days was the Hall of Justice and the old
4 courthouse. But it was in an off-street, an old
5 converted house, a couple blocks to the east of us.

6 And the Judge at that time was a gentleman by
7 the name of Oliver Green, Juvenile Judge. The
8 prosecutors -- one was being replaced by another --
9 was a fellow by the name of John Laurent being
10 replaced by a fellow Hardy Pickard.

11 Hardy just retired after 35 years in this
12 business a couple months ago. All he ever did was
13 prosecute. He loved it.

14 I was down there. Didn't know come here from
15 sic 'em about the system. And Oliver Green had some
16 patient days with me and he had his inpatient days
17 with me.

18 There are stories about him coming over the
19 bench. He never did that to me. But I think I took
20 him right to the edge on more than one occasion.

21 I can remember some kids that put rather large
22 rocks on the railroad track that I -- I was
23 defending. It wasn't a big deal. It was a big deal
24 but I mean the case wasn't anything particularly
25 noteworthy.

1 But they brought in a railroad detective to
2 testify. And I can -- I can simply remember, after
3 Hardy got through with him, I looked at the
4 detective and said did you see those kids put those
5 rocks on that railroad track? He said I didn't see
6 that. I said well, Judge. And I can remember
7 Oliver Green saying you get behind that table over
8 there and you sit down if that's the only question
9 you got.

10 I did not win that case. But you know what, I
11 wasn't down there very long and Jack Johnson hired
12 another lawyer to come in behind me. And his name
13 was Dennis Maloney. And I remember it so well.
14 They had a little juvenile facility that's now I
15 think a facility for older folks, rehabilitation and
16 whatnot, not too far from the Juvenile Center. And
17 I can remember Dennis and I going down there to
18 interview these folks.

19 And honest -- I honestly remember thinking this
20 guy ought to last just about two weeks. I was
21 certainly wrong. He lasted a lot longer and made a
22 lot of contributions.

23 Hadn't been down there for just a couple of
24 weeks. I had never seen a jury trial. I got a call
25 one morning and says the lawyer that was supposed to

1 try this case didn't want to be here. Do you want
2 to try it? Yeah. And I came over to the Hall of
3 Justice. And it was a carrying a concealed firearm
4 case.

5 And that's the way you learned the business in
6 those days. I honestly had never seen a jury trial.
7 But I got through it. Got through it just fine
8 quite frankly.

9 Never tried misdemeanors. Went from a month in
10 juvenile to trying felony cases over here in the
11 Hall of Justice. Which was a great place to
12 practice here and trying cases in the old
13 courthouse. It was just -- I wish -- I wish every
14 lawyer had that experience. It's a great, great
15 place.

16 But there were some just -- just good names and
17 fine folks.

18 I hadn't been with the Public Defender's office
19 long and got a call from a group in Orlando by the
20 name of Billings, Frederick, Wooten, and Honeywell.
21 And said we understand you like to try cases. Are
22 you interested in a job. And I -- they had hired a
23 lawyer just before me by the name of Mel Martinez.
24 And I went up there and practiced with them for a
25 while.

1 And Orlando might as well have been 3,000 miles
2 from home. Great, great law firm. Great lawyers.
3 I loved them. But I was so miserable.

4 Along about that time in Winter Haven -- and
5 some of you will remember this -- a lawyer by the
6 name of Billy Ben Holland passed away. And sole
7 practice on the fifth floor of the Old Village
8 Professional Building in downtown Winter Haven.

9 Now you talk about location, location,
10 location. This location was nothing to identify
11 you. I don't know how anybody would ever find you.

12 But I had a chance to purchase his practice.
13 And I did.

14 The funny thing about that was on the floor
15 just below me was a lawyer by the name Ray Mattox.
16 Ray at one time served as the Dean of the Florida
17 Legislature. He had been there longer than anyone
18 else. And I ended up subsequently running against
19 Ray for the State Attorney's job.

20 But I can remember Ray coming to visit with me.
21 And he was such a likeable guy. You couldn't help
22 but like Ray Mattox. You might question his
23 competence but, nonetheless, you couldn't help but
24 like him.

25 But I can remember him saying Jerry, he says a

1 little public defender experience, a little bit of
2 private experience. You've only been practicing a
3 year and a half or so. I said yeah, that's right.
4 He said well, how would you like to be partners with
5 me?

6 I can honestly tell you that I was not swept
7 off my feet like I -- like I had been with Billings
8 and Frederick. But the punch line, the thing that
9 solidified it, was he said we'll be partners. Not
10 50/50. He says but we can keep this quiet. We
11 don't need to put your name on a letterhead or
12 anything like that just yet. It's a little too
13 early.

14 So I thought to myself I really should just
15 keep doing what I'm doing.

16 But in those days Jack Johnson hired me back as
17 one of those part-time Public Defenders. Probably
18 the best job I ever had. That and the City of -- or
19 Town of Eagle Lake. They hired me as their town
20 attorney. I see Bob Young grinning. There's Bob
21 Antonello is here. There's a -- there's a number
22 that have served as town attorney for Eagle Lake in
23 the past.

24 I was still fairly young and fairly new. And
25 this happened more when I ... really when I was

1 there the first time in the Public Defender's office
2 and full-time.

3 If you were arrested and you were booked into
4 the jail they asked you do you want to talk to a
5 lawyer. Now they didn't mean in the next day or two
6 after first appearance. They meant right then. I
7 don't care if it was 3:00 o'clock in the morning.

8 And they had a list of numbers. And I, you
9 know, I'm young. I'm naive. And I thought my phone
10 rang a lot.

11 I can remember the night Willie Darden was
12 arrested. Got the call to come talk to Willie.
13 Willie didn't have much to say but I had a few
14 things to say to him.

15 But I -- I found out about two days after that
16 visit with Willie Darden that no -- the calls were
17 on a rotation basis. They'll go down until somebody
18 answers.

19 And all those old-timers at the Public
20 Defender's office had little cut-off switches on
21 their phones. I didn't know that. I did figure out
22 how -- how you got those installed.

23 I continued in private practice for a number of
24 years until I ran for the Public Defender's office.

25 There were -- it seemed like the good times

1 continued. I'm just going to mention a couple of
2 cases and maybe a couple of significant events that
3 have occurred in the development. And it has been a
4 development in the State Attorney's office and the
5 Public Defender's office. And there were just a
6 handful of Judges back in those days. Maybe when I
7 started maybe four Circuit Judges. Just -- just a
8 very, very few.

9 But the cases I can remember I honestly
10 believe -- and Gunter Stephenson was the Judge on
11 this particular case. And you tried cases all over
12 the place. You tried jury trials in Winter Haven.
13 You tried cases in Fort Meade. Certainly in Haines
14 City. I think Frostproof came up to Haines City.
15 But Mulberry. Just -- it was all over. Auburndale.
16 Tried cases in Auburndale.

17 I had this rather elderly gentleman and his
18 wife come visit with me. He says I'm a pastor. And
19 he said we sometime back took this young lady in to
20 live with us who needed help. She had to have a
21 place to reside. We thought we'd do the right thing
22 and we brought her in with us.

23 Well, sometime later -- maybe it was ten months
24 later -- she delivers a child. And the child -- and
25 I never could, you know, men really aren't. Oh, I

1 think that baby looks like so and so. I -- I've
2 never been good at that. But I got to admit this
3 baby did look like the pastor. And in those days
4 they didn't have D.N.A. tests.

5 We had a jury trial. Gerri Carlton and Charlie
6 Carlton used to do a lot of that work. And Charlie
7 Carlton was representing the girl. And Gunter
8 Stephenson was on the bench. And we impaneled a
9 Jury.

10 And I can remember that Charlie put his case
11 on. One of the things I didn't know was that the
12 little girl had managed to keep supposedly a diary
13 of dates and locations that certain events had
14 transpired. And they brought the baby in and they
15 showed the cute baby to the Jury.

16 Can you imagine trying a paternity case. We
17 just don't do that anymore.

18 And Gunter Stephenson is sitting up here. He
19 turned his hearing aid up and he was taking it all
20 in.

21 At lunchtime -- McDonald's wasn't too far from
22 the old courthouse. And Judge Yancey, Judge Steve
23 Yancey, says Jerry, what are you going to do this
24 afternoon? I said Judge, I don't know.

25 I went down to McDonald's and got me a sandwich

1 and Coke. And Charlie came in. And Charlie was
2 laughing at me. And I don't blame him. If I'd have
3 had his case I'd have been laughing too.

4 But the long and short of the story is we went
5 back and we argued to the Jury. And -- and
6 everybody in here knows that you can't predict what
7 a Jury is going to do. Often there's no rhyme and
8 there's no reason to what a Jury does.

9 But the Jury said no, he's not the father.
10 That part was good.

11 But I can remember Gunter Stephenson sitting
12 behind the bench. And when -- when that was
13 announced ... you know how Judges are so gracious
14 for juries and they want to thank them for their
15 service and they tell them it's been an imposition
16 on their time, and, gosh, you got to see a case well
17 tried. And, you know, Judges do those things.

18 Well, Gunter Stephenson when that was announced
19 he looked one time over at us at the table and he
20 got up and he walked straight out of the courtroom.
21 It was over as far as he was concerned. He was
22 upset with that verdict.

23 To my knowledge that's the last -- to my
24 knowledge -- the last paternity case that was jury
25 tried in Polk County, maybe even in this Circuit.

1 There were a couple other cases of interest
2 that I -- and one I know that Judge Green will
3 remember because he was the Trial Judge on it. And
4 that was Charles Edward Ball. A fellow released
5 from prison that his sister had taken him up in
6 Inverness or somewhere. No, the -- the bondsman was
7 from Inverness. And she had a relationship with a
8 bondsman. He was married and he was kind of keeping
9 her up on the side.

10 But, in any event, Charles Edward Ball for no
11 particular reason that I could ever discern -- we
12 had a reason for trial as I recall. But for no
13 reason that I could really discern killed the lover.
14 He had just gotten out of prison.

15 And I can honestly remember Judge Green being
16 upset enough for that case to promise him that he
17 was going back to prison. He was going back to
18 prison. I don't think he ever did go back to
19 prison. And Judge Green recovered from that.

20 But just one of those -- one of those strange
21 verdicts.

22 The State Attorney's office in January of '85
23 when I stepped in, when Quillian Yancey was leaving,
24 probably had 29 prosecutors in it. Up until the
25 recent economic downturn we had gone as high as 94

1 prosecutors. We're now down to roughly 80.

2 We now have ten lawyers in Sebring; there was a
3 time we had two in Sebring. We have three lawyers
4 in Wauchula; there was a time we had one. And of
5 course the day of specialization really has hit. I
6 think it's -- it's been a necessary thing. And I
7 think it's by and large and a good thing that it's
8 occurred.

9 Probably -- probably the most controversial
10 thing that I think happened since '85 had to do with
11 our intake system.

12 When I arrived -- and it was not uncommon
13 around the State. Each one of these trial lawyers
14 was doing their own intake. And it was incredibly,
15 incredibly inefficient and incredibly time
16 consuming. You got to get ready for a case and yet
17 you got officers that want to talk to you about
18 filing new charges.

19 There was a day in this Circuit -- and again
20 not uncommon -- when law enforcement would write out
21 their affidavit, drop it off at the State Attorney's
22 office, and honestly forget about the case. Forget
23 about it. If something had to be done they --
24 they'd be notified there was going to be a trial.

25 We -- we changed that system and set up a

1 full-time I think professional intake unit. And
2 their job was to put that file together. To make
3 sure we had, oh, my gosh, sworn statements, witness
4 statements, um, and other things, you know, lab
5 reports.

6 And -- and law enforcement really, really did
7 have, I mean they honestly did have a tough time
8 with that. It was -- it was a new day. And it's
9 done all over the state now. It's common. But
10 it was a -- it caused a lot of resentment. And I
11 honestly didn't believe there would be a reelection
12 after pulling that stunt with law enforcement. But
13 that worked out.

14 Two years after I had been in office we had a
15 Sheriff by the name of Dan Daniels that was acting
16 in an interesting fashion. I remember Judge Norris
17 asked me one day, Jerry, what are you going to do
18 about that? And I thought do about what, Judge?

19 But I knew that we had a problem and it had to
20 be dealt with. And I really was fairly new. And I
21 can remember getting in my car and driving to
22 Gainesville to talk to a State Attorney by the name
23 of Gene Whitworth. I had wanted to go to
24 Jacksonville and talk to Ed Austin but Ed wasn't
25 available.

1 And I went in to see Gene because he had been
2 around a long time and was well regarded. And we
3 chatted for a few minutes. He asked me why I was
4 there. And I said I got to tell you I -- I got a
5 real problem with the Sheriff in Polk County and I
6 just kind of was seeking your advice. I -- I notice
7 that around the State a lot of times the State
8 Attorney will conflict off political and high
9 profile. And I just -- I just wanted your advice
10 on -- on what do you think, what -- what should be
11 done.

12 And Gene didn't say a lot. But he thought
13 about it a second and he looked at me and says
14 Jerry, remind me what they elected you to do down
15 there. And that pretty well summed it up.

16 And it pretty well established our philosophy
17 from that point forward to deal with these things.
18 It didn't matter who, what, where. There -- there's
19 a job to be done. Period. It doesn't have to be
20 personal. It doesn't have to be emotional. Just do
21 the job.

22 I think the most heart-rendering case -- I know
23 the most heart-rendering case that I got involved in
24 had to do with Bud Dixon who I dearly loved. I
25 thought the world of him. I think he's probably one

1 of the better politicians that this County has ever
2 had. And the difficulty he had and the fact that
3 the County Commission was doing nothing. Sitting on
4 it, looking at it, and let time go by. Nothing.
5 And I can remember the day that I said, you know,
6 it's got to be looked at.

7 This had to do with an automobile accident you
8 may recall and the County paying a sum of money.
9 And Bud suggesting that one of the reasons the
10 County should pay it was that he was on County time;
11 he was doing County work when it occurred.

12 But I'll never forgot going into his office
13 just across the way here and saying Bud, I wanted to
14 look you in the eye and say we're going to look into
15 that. And I know he swallowed hard. And he says --
16 boy, he says Jerry, he says your dad and I have been
17 friends for a long time. I hate it. But if you got
18 to do it do it.

19 And -- and we know what the result of that was.
20 Bud ended up leaving. Left with his pension intact.
21 I was very concerned about that. I really think
22 penalties ought to -- ought to fit the crime that is
23 involved.

24 But that was just a sad thing and it was -- it
25 was very bothersome.

1 Um, I suppose that's about it. I -- I look out
2 here and I -- and one of the fun things is the
3 number of people in this room that I've had the
4 opportunity to -- to practice with.

5 I see Judge Radabaugh sitting on the front
6 seat. And I -- I can tell you that I was Public
7 Defender and heard about he and his wife possibly
8 wanting to relocate.

9 Sometimes you just hear about things and, you
10 know, it just sounds right. And I can remember --
11 and I don't ever remember doing this before or
12 since. Driving to Miami because I wanted to meet
13 him and I wanted to talk to him and I wanted to see
14 what he thought of them coming to Polk County. And
15 we did. And I'd make that same drive again. I'm
16 glad we got him.

17 I saw John Liguori come in a while ago. John
18 used to be a prosecutor. A lot of people are doing
19 defense work today. I don't know how they do it
20 that used to be prosecutors. Never understand that.

21 I see you laughing, Al Smith.

22 But without telling any stories. John Liguori
23 used to do a lot of child sex prosecutions. And
24 I've heard some interesting discussion about
25 cigarettes, smoke, and anatomical dolls. If it goes

1 any further, John, you get to tell it. Okay?

2 That's it for me. Thank you, Your Honor.

3 CHIEF JUDGE LANGFORD: Thank you, Jerry.

4 (Applause.)

5 And I'm sorry that your rock defense didn't
6 work out there. Because when you told that it
7 reminded me of a story I heard one time.

8 Oliver mentioned about Marvin Woods and that
9 those who speak. And I wasn't there. But it was
10 reported to me by one of my friends that was. And
11 Marvin confirmed this later when I saw him years
12 ago.

13 That he was in the Everglades camping in the
14 Everglades National Park. And they had a fire in
15 the National Park there at the camp. And apparently
16 you weren't supposed to have one. And the Park
17 Ranger came up and said I'm going to write a ticket
18 to somebody for this. And Marvin says you're not
19 going to write one to me. He says you're going to
20 have to take me to the Federal Magistrate in Key
21 West if you're going to do anything. And when we
22 get down there I'm going to ask you two questions:
23 Did you see me build the fire? Did you see me put
24 anything on the fire? And the Park Ranger turned
25 around and left.

1 I'm sorry it didn't work out for you but it
2 worked out for Marvin.

3 We're going to move to Marion.

4 Marion, give us the benefit of your historical
5 perspective here with the County and with the
6 Circuit.

7 MR. MOORMAN: Well, I don't know if I actually
8 have much perspective having been practicing only
9 since '76 in the County. But a lot of that time was
10 with a lot of you people who are here. And I see a
11 good number of my assistants who are here. And of
12 course I'm sure that had nothing to do with the free
13 food that was offered.

14 But, in fact, one of my former partners, Jack
15 Wilkins, Jerry's mentioned.

16 Jack, in addition to being a fine defense
17 attorney and -- and reconnoiter -- told some
18 interesting stories. And Jack never let truth stand
19 in the way of a good story that he could embellish.
20 And so I'm not going to tell you any stories that I
21 don't have firsthand knowledge about. But I want
22 you to ask Oliver Green about these stories: Ron
23 Merritt and the raccoon story. Oliver Green and the
24 new Oldsmobile and the vomiting dog story. And
25 Oliver Green and the small boat and the alligator

1 story.

2 Like I say I wasn't there. But these are all
3 great Oliver Green stories that I'm sure bear a
4 kernel of truth somewhere.

5 And speaking of Oliver Green. Those of you who
6 practiced in the old Hall of Justice you remember
7 that small circular courtroom and -- and when Oliver
8 used to do pretrials there. He was such a master at
9 explaining to clients what they really needed and
10 wanted to do.

11 And -- and Oliver -- you -- you'd take your
12 client up before him. And you would announce that
13 you were going to go to trial. And, you know, you
14 were rejecting the State's ridiculous offer. And
15 you -- you'd turn to leave. And you're going
16 through the gate and your client would be almost to
17 the door. And Oliver would say um-um, Mr. Moorman.
18 You know, I've just been looking through this
19 probable cause stuff. And this doesn't look too bad
20 to me. This looks like something that maybe I could
21 give probation for. Of course if it went to trial
22 and I heard all the bad stuff. But -- but, you
23 know, maybe you'd be willing to talk to your client
24 a little bit about that.

25 And the client always wanted to talk to me

1 about that. It was very, very effective.

2 We've -- we've heard about all of these Judges
3 that we've all practiced before who -- who were so
4 magnanimous and courtly and gentlemanly. But if
5 you've ever been on the other side of some of that.

6 I can remember the wrath of Ed Threadgill when
7 we were in the Hall of Justice and an out of town
8 lawyer. He -- he was a Polk County person but he
9 practiced out of town.

10 Warren Dawson had a robbery case. And Warren
11 did the unmentionable and the unthinkable.

12 All of us that do criminal work understand how
13 ridiculously unreliable eyewitness identification is
14 particularly when it's cross-racial.

15 And so for the trial Warren had his client sit
16 in the audience and had a ringer sit next to him at
17 counsel table. And of course the witnesses came in
18 and dutifully pointed that they were certain and
19 sure that that person at counsel table was the
20 person that robbed them.

21 The Jury went out and convicted that person.
22 And Oliver -- I mean. Excuse me. Ed Threadgill --
23 is calling him forward and everything. And -- and
24 Attorney Dawson at that point points out that his
25 client was not the one that just got convicted. And

1 Judge Threadgill just went straight up. I mean he
2 was frothing at the mouth.

3 So he did the only natural thing that a Judge
4 can do under those circumstances. He remanded the
5 person who had just been found guilty. He wasn't
6 charged with anything. He had him taken to the
7 County Jail. And Lord knows he wanted to put Warren
8 in jail too.

9 And there were further proceedings had after
10 that. But ultimately it all worked out.

11 The -- the only thing worse than making a Judge
12 mad is getting on the bad side of their secretaries.
13 We used to call them secretaries. They used to call
14 them secretaries. Now they're judicial assistants.

15 And in the Hall of Justice I can't remember
16 quite the layout. But you -- you walked through
17 this narrow little hall back to the Judge's office.
18 And there were two J-A's offices on either side of
19 it. And I had managed to really make Polly mad and
20 I had made Linda mad. And -- and as I would walk
21 the gauntlet through that to get to the Judge I
22 would get glared at by both of them. And of course
23 I couldn't get any hearings set for weeks and weeks
24 and weeks.

25 Even before I came to Polk County in the Tenth

1 Circuit I was practicing up in the Sixth Circuit
2 in -- in what you would think is the cultural
3 backwash of Pasco County. And -- and the first
4 derogatory thing I ever heard about Polk County was
5 sort of this God factor.

6 A friend of mine had had a case down here. And
7 he represented people that hauled limestone. And
8 they had been hauling it through Polk County. And
9 it had been blowing out as they passed through and
10 they had gotten ticketed, a number of tickets.

11 And he had come before Judge Amidon on this.
12 And his claim before Judge Amidon was that this was
13 not allowing the load to get lost on the highways of
14 Florida but merely was an act of God.

15 Well, at that point my friend said Judge Amidon
16 became enraged. Said that if he was going to play
17 God for this criminal act he was going to put him in
18 jail and that that was not to be mentioned again.
19 So that was pretty much the heart of the defense of
20 that case.

21 I ran into my own -- my own God problem with
22 Judge Norris when I was trying a case. I was
23 defending this fellow whose ex-wife had had the poor
24 taste to pick up a -- a interested young man and
25 bring her to her house, which my client still

1 considered his because he was still paying the
2 mortgage on it.

3 And -- well, the facts of it were kind of
4 interesting because he had come into the house using
5 his still maintained key and made enough noise that
6 he had disturbed the people who were disporting
7 themselves in the rear bedroom.

8 So she puts on a bathrobe and comes out while
9 the young man in the back bedroom figures this is
10 not a good place for him to be and he should leave.
11 But he had left his clothes in the front of the
12 house and he was in the rear of the house. And he's
13 trying to get to his clothes.

14 And there's some movement in the house and he
15 realizes he's not going to do that. The best he can
16 do is to crouch naked behind this kitchen door. And
17 my client and his ex-wife engage in this 20-minute
18 discussion of her behavior and how he shouldn't be
19 there and how, you know, he shouldn't have any
20 concerns about this.

21 This poor guy's legs are cramping now. He --
22 all he -- now all he wants to do is to make a dash
23 for the garage and try to get to his truck and out
24 of there. Which he eventually has to do. But
25 because his legs are cramping he sort of cramps up

1 on the front lawn and my client carves him up with a
2 knife. Doesn't hurt him badly. But it -- it's
3 serious enough to be aggravated battery.

4 And not having much defense to this in closing
5 argument I'm making the point that there is a higher
6 law than man's law. There is -- and at that point
7 Judge Norris called me to the bench and said if
8 God's law comes out of your mouth you're going to
9 jail, Mr. Moorman.

10 I did not go to jail. And it was just one of
11 those things.

12 I've been practicing long enough that I've had
13 for a long time a tape recording -- because we
14 didn't use Court Reporters in the Justice of the
15 Peace Court -- of the first hearing that I ever did.
16 And I used to play it for people who were practicing
17 in more sophisticated areas. And -- and they would
18 listen to it. And it would sound pretty much like
19 a -- a regular type of hearing. But in the middle
20 of it there would be this dinging and then there'd
21 be a break. And no one could ever figure out what
22 that was.

23 Well, what that was was the J-P going out to
24 pump gas because this was at a gas station in
25 Lacoochee. And that was the car running over the --

1 the hose.

2 It was good practicing before Article V's
3 adoption because we didn't have to mess with
4 anything except felonies. There was no juvenile
5 court. There was no misdemeanor court. And right
6 out of law school you handled all the serious stuff.

7 There was no breaking in period as -- as Jerry
8 mentioned. You were handed a stack of files and
9 that was it and you went to it. As Gault and
10 Hardsinger came along we adapted and -- and started
11 practicing in those areas too.

12 But I am proud to say that I have been
13 practicing so long that I can remember having
14 Motions to Suppress granted by Judges. That was a
15 long time ago.

16 I tried my first case at the age of fourteen.
17 I was pro se representing somebody ... um, myself.
18 Pro se at -- at fourteen and before Chief Allen
19 Hunt. High speed chase by the Highway Patrol,
20 speeds up to 110 miles an hour. While I was not
21 found not guilty I was able to maintain my learner's
22 permit. So I figured that was a moral victory and
23 that perhaps I might have a future in advocacy.

24 Today of course Jerry would probably file me on
25 the appeal as an adult and I'd never go to law

1 school and probably gotten a, you know, maybe a
2 first prosecution but maybe not.

3 Left Pasco County and came back. I -- I grew
4 up in Polk County. And Bob Young and I had
5 practiced in -- in Dade City for close to five
6 years. And his girlfriend Marlene and my wife Carol
7 they knew that we were ready to move on to try
8 private practice. And the only proviso was that my
9 wife said I'll go with you anywhere except Winter
10 Haven, Florida. Because your mother lives there and
11 my mother lives there. And that is not where we
12 will go. And so of course we ended up in Winter
13 Haven.

14 It's a nice area. About 50,000 people living
15 in the area. But most of all Polk County had a high
16 crime rate, something that I was looking for.

17 Thought I would do criminal practice. Got
18 appointed to some cases. And in those days we used
19 to do preliminary pretrial hearings. Very informal.
20 In fact, we would sort of agree on these things. We
21 would be in the room -- out of the courtroom with
22 the Judge and prosecutor. And everything would get
23 settled amicably before we would go into the
24 courtroom.

25 Needless to say the clients were not present.

1 And most often you'd hear the Judge saying something
2 like well, Jeff, you can do better than that. You
3 can give him something better than that.

4 And this one case I announced that I was ready
5 for trial. And the Judge looked at me, and looked
6 down at the case, and said, Mr. Moorman, you're
7 court appointed on this case. I said yes, Judge
8 Langston, I am. Well, you'll never get another
9 court appointment from me. And I did not.

10 We -- I did some part-time prosecuting for
11 Quillian Yancey between '78 and '80. It was
12 full-time work but part-time pay, which was kind of
13 a good arrangement I guess for Quillian.

14 The background check was exhaustive in those
15 days. Um, Bud Coker would eventually call you in
16 and say what Church you go to, boy. And that was
17 it.

18 There were some characters in the State
19 Attorney's office in those days. Oh, boy. Mark Orr
20 was one of the prosecutors that I practiced with.
21 And -- and Mark had a sense of humor that was
22 bizarre to say the least. Maybe not. Maybe it was
23 better.

24 We had a young prosector in the office from up
25 north who wasn't used to all of Florida's pomp. And

1 he had a deathly fear of cockroaches.

2 So whenever he would be in court and Mark would
3 not be Mark would trap a cockroach. And then with a
4 loop of transparent tape tape that kicking cockroach
5 to the ear piece of the telephone. And when the
6 young man would come back from court Mark would call
7 his extension. And we would hear these curdling
8 screams as he would run to Quillian and demand that
9 Mark be fired.

10 You can always get a conviction if you're a
11 good enough prosecutor I think. And Mark proves
12 that in one case where a reluctant defendant had to
13 be brought in. He was an elderly gentleman who had
14 apparently been robbed or something. And
15 identification was going to be an issue as it is in
16 any criminal case. And Mark called upon this --
17 this elderly gentleman to identify the man that had
18 strong-armed -- strong-armed -- not strong-armed.
19 Robbery against him.

20 And the older gentleman starts looking around
21 the courtroom. We're in that little courtroom,
22 little circular courtroom, which is very intimate.
23 And -- and Mark started to worry because there was
24 no reason for this guy to be looking around.

25 And so Mark moves over and stands behind the

1 defendant and asks the question again. And the
2 guy's still looking around. And the guy's in the
3 witness chair right here. The bench is here. The
4 defense table and the State table were out here.

5 And finally the guy looks around. And then he
6 looks up to Judge Bronson. And he says you've
7 changed you hair but it's you. I know you.

8 Well, identification wasn't the only issue in
9 that case. Mark got a conviction in that case.

10 The -- the harm didn't end there though. Mark
11 could hurt anybody. And he ran back to the office
12 and was so overjoyed. He hugged Mary Reckaway and
13 either bruised or broke a rib when he -- when he did
14 that.

15 Mark had -- he -- he feared spiders. He didn't
16 like spiders. And in his house in one -- one corner
17 of his house -- the whole wall and ceiling was blown
18 out. And he explained to me as we were having a
19 beer that he had been offended by seeing a spider
20 there. And so his shotgun was handy and so he...

21 Likewise, he had an old rattletrap Mercedes
22 that had holes in one door because he had taken care
23 of an offending bug with his revolver in that
24 situation.

25 Glen Brock was a colorful attorney. Glen is no

1 longer with us. But Glen prosecuted and defended.
2 And it was as a defense attorney that he ran afoul
3 of a thin-skinned group of Judges.

4 Apparently Appellate Courts don't collectively
5 have much of a sense of humor. And they're not used
6 to the -- the things that trial judges have to put
7 up with on a daily basis. And Glen had been
8 defending this case. And he had won on his Motion
9 to Dismiss or whatever it was at trial level. The
10 State had taken an appeal.

11 Well, it was at about that time that the
12 District Court of Appeal had issued a letter to all
13 the people having pending matters before it that, by
14 God, it was going to start enforcing its time
15 periods. And that if you didn't follow the time
16 periods in court your matter was going to get thrown
17 out of that court. It'd just be dismissed.

18 So Glen waited and the State never filed a
19 brief. And he waited some more. They never filed a
20 brief. So he filed something saying, you know,
21 essentially hey, Court, you going to make the State
22 file their brief. They had ignored it.

23 And he did everything he could to get the
24 Appellate Court to rule on the merits of the appeal
25 that was before it. And frustrated I guess.

1 And we only learned of this when Glen showed up
2 at our office with this paper saying he had to
3 appear at a grievance hearing that afternoon and did
4 he think that Jack could go with him to represent
5 him on this.

6 The -- the nature of the grievance that Judge
7 Grimes and the other people on that Court had found
8 offensive was the letter that Glen had written to
9 the District Court of Appeal referencing their own
10 rules and their threat to enforce their own rules.
11 Glen's letter had begun: Your Honors, whorehouses
12 and red neck bars have posted rules that they
13 follow. And went on to suggest that the Court
14 should do what it said it was going to do.

15 His apology was accepted.

16 I -- I got out of private practice when two
17 things happened. The mines started laying people
18 off and that pools of people who had savings in
19 their credit account and still could be depended
20 upon to slap around their family members and get
21 into trouble but still be able to hire a lawyer was
22 sort of drying up. And it was also about that time
23 that the Spanish speaking family members showed up
24 in the -- in the -- in the office demanding their
25 retainer back and -- and had automatic weapons to

1 sort of augment their argument.

2 They didn't understand that their retainer did
3 not include the bribe to the Judge and that the
4 person that they had posted the retainer should not
5 have gone to jail. That -- that shouldn't have been
6 involved in the thing.

7 The Public Defender's job was going to be
8 vacant and so I ran for that. Was elected for the
9 '85 term. And I took office when Jerry vacated in
10 '84 to become State Attorney.

11 The office of the Public Defender has been a
12 source of a great deal of pride and entertainment to
13 me over the years. And I often speak to public
14 groups. And they -- they often wonder how can I do
15 this kind of work and, boy, how this must be
16 difficult. And I either humbly say, oh, yes. Well,
17 we have to defend the constitutional rights of
18 everybody. Or I'm honest about it and say what a
19 great job I've got to be paid decent salary to
20 actually, you know, tweak the tail of the government
21 and make sure that everything is being done right.

22 And we play to win. You know, we -- we do
23 that. And I've had assistants over the years that
24 have done a great job. And we've had colorful
25 assistants.

1 Oz Caldwell comes to mind. Oz with his famous
2 woofometer.

3 Oz had this device that he had fashioned and --
4 and he could go over to a stack of files in his
5 office -- or in anybody's office -- and he could run
6 it up and down those files. And all of a sudden the
7 woofometer would start barking. And he would be
8 able to pull out the file which was least defensible
9 on -- on the basis of the woofometer's barks.

10 I think that when Jerry and I took office it --
11 it did sort of mean sort of a shift in some
12 attitudes.

13 I can remember the Chief Judge calling us in --
14 I don't know if you remember this, Jerry. But the
15 Chief Judge called us into a -- to a meeting and
16 explained to us, or told us, that one of us had to
17 hire a certain person as their secretary -- or as a
18 secretary in their office. And this person's wife
19 was a County Commissioner's family member.

20 And Jerry and I looked at each other. And we
21 didn't know that this was going to be the subject of
22 the meeting. And we turned back to Judge Norris and
23 we said if the system needs to hire this person the
24 court needs to hire this person.

25 And I think from that day on it was sort of

1 established that the Public Defender's office and
2 the State Attorney's office were going to operate
3 truly independently. And that we would be at the
4 table, and we would be there respectfully, but that
5 we did not work for the court.

6 I think that we've tried to maintain that
7 respected business over the years. And I think the
8 system has benefitted from it.

9 Judge Strickland in the past, even in his
10 bizarre orange hair days, always had a great sense
11 of humor about criminal work. And when I was a
12 prosecutor, and maybe when some of you were in the
13 Public Defender's office or the State Attorney's
14 office, there was a period of time when -- when he
15 would award the leash for the guy or gal who had
16 brought in the worst dog case for prosecution of
17 that particular period.

18 A friend of mine asked me why this was going to
19 be five middle-aged white guys up here talking about
20 the history of the Tenth Circuit. Well, it's
21 defensible I suppose because Susan Roberts I
22 understand was invited and had the good sense to
23 demur. And, on the other hand, to a large extent
24 I -- I appreciate being called middle aged at my
25 age. I'll take what I can get.

1 Things are different today. My first trial --
2 and I worked before a Judge who truly was whacked
3 out and weird. This was not in this Circuit; it was
4 in another Circuit. But we had a system where we
5 had trials sort of every other month if the Judge
6 felt like it.

7 And on this first trial docket where I was
8 going to actually have to try a case there were 63
9 cases set. His rule was -- and he was a former
10 prosecutor. And he delighted in the fact that he
11 had a document stating that he was sane because he'd
12 had to be examined by the jury in an impeachment
13 proceeding.

14 His rule was that you had to have all of your
15 witnesses present for docket sounding. And you had
16 to be ready to go on any case. And that the State
17 got to call the docket. They got to decide what
18 went next.

19 I had 63 cases on the docket. I knew the case
20 that I wanted to try first. And by agreement with
21 the State we were going to try that case first. And
22 then at the last minute things got switched up and I
23 was going to have to try another case.

24 I had to send my wife across the county
25 43 miles to bring a witness over to be ready for

1 trial because I had no investigator.

2 I had a secretary. And I had a desk that I
3 shared with her and a phone that I shared with her.
4 And I had a desk only because I had gone out to the
5 county surplus place to get a desk because the
6 county there didn't take as good a care of us as
7 they did later in Polk County.

8 So things have changed. I have to think that
9 things are a lot better than they used to be.

10 I have 90 assistants. We have probably 25 of
11 those are in the Appellate division and the balance
12 in the Trial division. We have Appellate offices in
13 Largo. I bet most of you didn't know that. You're
14 welcome to visit any of our offices if you can find
15 them. Sebring and Wauchula of course.

16 Mel McKinley holds court down there. Had a
17 trial the other day. Now he says everybody in the
18 Hardee County Jail wants a trial. That's the nature
19 of our business.

20 I looked through the list of people that have
21 gone through our office. And it -- you can't -- two
22 things struck me. Lots and lots of really great
23 lawyers and a handful of people that I'd like to
24 fire all over again. Like the -- like the one that
25 couldn't go to arraignment because they were drunk

1 and passed out under their desk the first week they
2 were on the job.

3 But Allen D'Bramowitch, now Regional Counsel
4 for D.C.F.

5 Andrew Bowers was the first of his tribe to
6 become an attorney. And we were honored to be able
7 to -- to hire him right out of St. Thomas.

8 A number of Judges. Jesse Barber. Charles
9 Davis. Carolyn Fulmer. Jim Brax, a Bartow person
10 who Jack Johnson offered a job. But he took a job I
11 think prosecuting in Daytona instead. He was a
12 Circuit Judge up there.

13 Anne Kaylor. John Kirkland. Dennis Maloney.
14 Mike McCarthy. Bob McDonald, Circuit Judge over in
15 Sarasota. John Radabaugh. Michael Raiden. Steve
16 Rushing, Circuit Judge in the Sixth Circuit. Susan
17 Sexton, Federal Judge. Her then husband or
18 boyfriend, Tom Sherwood.

19 Funny story there before I became Public
20 Defender. But this is part of the office legend. I
21 think Sam might have been in the office then. Maybe
22 some of the others of you.

23 Tommy got really bent out of shape with -- Tom
24 Sherwood -- because Tom had told -- Tom Langston had
25 told everybody not to leave the courtroom. And Tom

1 had wandered off. And -- and Judge Langston wanted
2 to start and couldn't. And -- and so he was going
3 to hold Tom in contempt. And he set the purge
4 amount at \$25. And then he became worried because
5 Tom was making calls and nobody was calling back
6 from the Public Defender's office.

7 And as it turned out it wasn't that none of his
8 compatriots wanted to not help Tom get out of jail
9 but it was just that collectively they couldn't come
10 up with the purge amount. That was the shape.

11 Doug Wallace from Bradenton who is now on the
12 District Court of Appeal. And he used to write
13 appeals for us.

14 Judge Robert Williams. Judge Carla Wright.
15 Former Judge Joe Young -- to name a few people.
16 Magistrate Robin Matis Jackson.

17 I see a lot of people who presently are
18 prosecuting on here too. What -- what does that
19 say?

20 Jerry left. Jerry hired some great people.
21 And -- and a good number of them stayed; a good
22 number went with him when he became State Attorney.

23 And, you know, one of the things that we did
24 differently when we took over as Public Defender is
25 we started a major emphasis on capital defense, and

1 started a capital defense team with a dedicated
2 investigator, secretary, paralegal, what have you.
3 And Austin Maslanik, Juan Trogolo, Robert Norgard
4 and others who have come through that have -- have
5 done a great job over the years on our more
6 significant cases.

7 It's been my joy to serve as Public Defender.
8 I've enjoyed working in the Tenth Judicial Circuit.

9 People ask me when I speak to groups do you
10 still handle cases. And I generally say no. But,
11 you know, actually I always have one or two cases.
12 And always the -- the one or two strange cases that
13 have some interesting quirk to it that makes that
14 case sort of stand out and -- and strikes my
15 interest.

16 I did, before I finished law school, I did
17 spend five years teaching special needs children.
18 And probably it was working with and -- and gaining
19 an understanding of the emotionally disturbed --
20 that has helped me through the years with this work
21 because I think I'm better able to deal with Judges
22 and prosecutors.

23 (Applause.)

24 CHIEF JUDGE LANGFORD: Members of the panel, I
25 had six docking points up here. We've covered one.

1 We're fifteen minutes over on our time.

2 I'd like to thank Marion Moorman, Jerry Hill,
3 Oliver Green, Bob Trohn, for being with us today.
4 Thank you each and every one for being here. We
5 look forward to more of these sessions in the
6 future. Thank you.

7 (Applause.)

8 (Proceedings concluded 1:17 p.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA
COUNTY OF POLK

I, Sandra J. Dale, FPR, do hereby certify I was authorized to and did report in Stenotypy and electronically the foregoing proceedings and evidence in the captioned case and that the foregoing pages constitute a true and correct transcription of my recordings thereof.

IN WITNESS WHEREOF, I have hereunto affixed my hand DATED THIS 25th day of May, 2009, at Lakeland, Polk County, Florida.

SANDRA J. DALE, FPR
My Commission expires 09-30-2009
My Commission Number: DD 459896
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