

## 10<sup>TH</sup> JUDICIAL CIRCUIT OF FLORIDA - COURT HISTORY



### INTERVIEW WITH JUDGE OLIVER L. GREEN, Jr.



### INTERVIEW BY JUDGE MARY CATHERINE GREEN December 5, 2008

MC GREEN: Today is December 5<sup>th</sup>, 2008, and I'd like to begin this by thanking Nick Sudzina, Court Administration, and Chief Judge David Langford for making this interview possible. And I am Mary Catherine Green. I'm a county court judge here in Polk County, Florida, and on November 18<sup>th</sup> the . . . what was known as the ceremonial courtroom was dedicated to Oliver Green and named for him and to further that dedication, I have Oliver Green, my father, with me today. We're going to talk about his history personally and with the court system and his contributions to the Tenth Judicial Circuit. Oliver, would you introduce yourself?

O GREEN: Oliver L. Green, Jr., Senior Judge, Second District Court of Appeals.

MC GREEN: Let's begin by talking about your family, about your parents, where they . . . where your family came from, who were your parents?

O GREEN: Well, I suppose we would start with my grandparents. And even before that on my father's side there's an infusion of Indians notably Chickamaugan who I understood were members of the Cherokee Nation two generations back. My . . . I never knew my grandparents. My grandfather on my father's side died when . . . when my father was very young. My grandmother perished I understand in a fire when he was young and he joined the Army when he was underage – I think sixteen – they took him and he had an excellent, a wonderful career in the Army – served, as I understand it, thirty-two years. But, as I say, I did not know my grandparents on my father's side. My grandparents on my mother's side . . . the family, the entire family was always nautical. My grandmother perished before . . . before I was

cognizant of her. I did not . . . I have no recollection of my grandmother on my mother's side. My grandfather I do have a recollection of. When I was young, he . . . he was quite old and was being cared for by my mother and her sisters in Savannah, Georgia – a place called . . . a location called Shipyard. And my grandfather, as I mentioned earlier, was always nautical. He had worked on Sprig Carol which was a transport vessel before the Cooper River Bridge was built from Charleston to Sullivan's Island. My father was serving in the Army at Fort Sumter on Sullivan's Island and I was born there in 1932 – November 19<sup>th</sup>. I was actually born in the back of the post library. My mother was librarian and there was an apartment behind that my parents used and a doctor . . . captain delivered me there on the post. Incidentally, that post is where Osceola is buried. But that's the extent. My mother worked for the State of Alabama and Georgia in the tax offices. Otherwise she was a housemother while we were growing up – myself and my three sisters, one sister having died in the late thirties.

MC GREEN:           Tell me about your father.

O GREEN:            My father was just a wonderfully nice man. I mean he was generous. He was physically very strong. He was a boxer at a time before . . . actually he won the world's championship of the Army and Navy in Kansas City in 1931 which was a year before I was born. And then when I was an infant, we had an automobile accident and the vehicle rolled over on his left elbow breaking it and that ended his boxing career, but he remained in the service and was always a soldier. In fact, he did a tour of duty in Korea after my return, which I think is interesting. He wasn't in combat but he certainly was there.

MC GREEN:           At what level did he retire from the military?

O GREEN:            Master Sergeant, NCO.

MC GREEN: Master Sergeant? And what were his feelings about being a Master Sergeant?

O GREEN:            He loved it. He loved his troops. His troops always came first. We lived on Fort Benning during World War II and at that juncture he was older. He was retained as a training officer, NCO. And also, he was with the Provost Marshall at Fort Benning.

MC GREEN:           And where were you raised?

O GREEN:            Well, as I say, Sullivan's Island until about the second grade and then the war cloud started gathering and we moved to Fort Benning in Georgia and that would have been when I was around eight or nine years old. And when the war was over we left Fort Benning and moved to Huntsville, Alabama. My father took a job as Chief Security Officer at Redstone Arsenal.

MC GREEN:           And what are your memories of childhood?

O GREEN:            All of my memories are good. The Army is a wonderful place for a

youngster to grow up. You aren't battered by some of the societal problems that children encounter otherwise. All of the children were in the same boat, whether they were offspring of officers or NCO's, or enlisted men. And we just had a wonderful time. I have no recollection of any bullying or the things you hear about now, and needless to say, never heard of drugs or any of that sort of thing. So while we had nothing – we of course grew up during the Depression – we were lucky to have an automobile, a second-hand automobile – my memories of my growing up were very positive.

MC GREEN:           What about the crab attack?

O GREEN:            Oh, well! Ha! On an occasion – my older sister's a very determined person - Nancy – and we were crabbing when we were youngsters on Sullivan's Island, and one of . . . a couple of boys came up and started shooting at us with BB guns and actually hit my sister on the leg and she ran after him with a basket of crabs and threw the crab basket all over him. And I was really impressed!

MC GREEN:           Where did you go to school?

O GREEN:            Well I went to school, of course, on Sullivan's Island – Sullivan's Island Elementary School and then otherwise I attended school at Fort Benning, Georgia, Columbus, Georgia, and then Huntsville High School.

MC GREEN:           What made you decide to enroll in the Army?

O GREEN:            Really I didn't have a lot of choices available to me. We had no money for college and while I played football in high school I wasn't college football material. And, so, I just decided - I really aspired to go to an academy to become an officer - but I aspired to go into the Army and eventually become an officer and I left for the service the day after our high school prom.

MC GREEN:           How old were you?

O GREEN:            Seventeen years old. I had my eighteenth birthday November 19<sup>th</sup> in Korea.

MC GREEN:           Tell me about that eighteenth birthday.

O GREEN:            I don't know about it. I have no recollection of my eighteenth birthday. I'm not sure it impressed me. I have no definitive recollection of the day. I know that I had my eighteenth birthday, and at the time I was impressed with it, but it was just another day.

MC GREEN:           Um hum. And you were in Korea at the time?

O GREEN:            Yes.

MC GREEN: Were you . . . what were you doing in Korea?

O GREEN: Well, um, I don't know what we were doing on the day, but . . .

MC GREEN: Not necessarily the . . . I mean at that time.

O GREEN: . . . in general we were in combat.

MC GREEN: And, tell me about . . . you eventually received medals for your combat. Tell me about the combat in Korea that you were involved in.

O GREEN: Well, it's kind of funny. We landed at Wansan in an LST which is a large ship for transporting tanks primarily, but it'll carry almost a battalion if not a full battalion. Anyway, it was crammed. And we left Japan for Korea and we landed at Wansan which is in North Korea and we advanced up to Hŭngnam and Hamhŭng – Hamhŭng – and then eventually my unit went out to a place called Sach'on-ni and we had episodes of encounters with what we thought were North Koreans but probably Chinese. And then on . . . while at Sach'on-ni in November . . . late November, the Chinese hit us with absolute certainty.

MC GREEN: And what happened then?

O GREEN: Well, they just came in and we fought. We fought them and they fought us.

MC GREEN: Is that when you received the medals? Or when, excuse me . . . is that . . .

O GREEN: The occurrence . . .

MC GREEN: . . . the occurrence.

O GREEN: that led to the medal, yes, was then.

MC GREEN: Let's go back to your . . . about your mother for a moment. Where was she raised? Where was her family from?

O GREEN: Shipyard at Savannah. It's located on, I guess you'd call it a bayou. It's a tidal river. It's a very useful river – when the tide's in – when the tide's out. You can walk across it and we often did, locating soft shell crabs and, you know, all the sea life that you can get in mud. And it's near, very near where Sherman met with his commanders and decided on what to do about sacking or not sacking Savannah. And of course I think they pretty much made peace with the town authorities and Savannah was spared. But Shipyard is a . . . is a historic place. I regret that I didn't buy the old home place when I had an opportunity, but the family was so glad to get rid of it. It was a complicated real estate scheme based on a difficult will that my grandfather wrote. It's gone now.

MC GREEN: Um hum.

O GREEN: The property's gone. And that's pretty much it. My mother played the piano always, and my daddy went to a church at Sullivan's Island and I don't recall why Mother was up there. I know her brothers lived in Charleston and she was up there visiting them. But she was a young lady and playing the piano and my father saw her in church and they became acquainted and the rest is history. Sounds like the way I met Momma.

MC GREEN: We'll get to that in a few minutes. With regards to Korea – what are your other memories of Korea?

O GREEN: Well, um, any combat person will tell you that, by and large, combat is made up of . . . of anxiety between encounters and usually, for myself and I think the people around me, we were most collected when we were engaged. But when you didn't know who was coming from what direction, you could get real anxious. But I was just a soldier doing what soldiers do. And incidentally, I might say that at that time Colonel W. D. Wilcox, who was our court administrator, was a Corsair Marine Pilot flying off a carrier and we had fighter protection including the Marine Corsairs. He and I have compared notes and it is believed that . . . that he flew support for us. And he got . . . he's a remarkable man . . . he . . . he went down near Pyongyang, which is the capitol of North Korea, trying to save a fellow aviator who had gone down earlier. Quite a story! But then, of course, we got pushed out of North Korea and on New Years Day, I think it was, we embarked for Pusan and went to Pusan which is the southern tip of Korea and then started back north and eventually I got wounded.

MC GREEN: Anything that I can draw out of you about being wounded?

O GREEN: Well, sure. Why not? February 15<sup>th</sup> we had advanced to a . . . to a main line which was a crest of a mountain – pretty high mountain. And I was . . . it was like four o'clock in the afternoon and, of course, all of this occurred during cold weather, and I was talking to a lieutenant about where he wanted . . . I was a machine gunner. I was in D company, machine gun platoon. And I was . . .

MC GREEN: Of what regiment and what division?

O GREEN: OK. Third Infantry Division, Seventh Regiment, First Battalion, D Company, First Platoon which was machine guns. And we were talking about where we would put our machine gun that night to uh . . . to uh mesh with his fire power – his troops and machine guns - and a shell hit between us. I saw the explosion and it knocked me down and my first recollection was to try to get my rifle to defend myself. I could only move one arm. And I looked and a soldier was kneeling down holding two Garands. I figured one of them was mine and I said, "I need my rifle." And he said, "You're not going to need your rifle." And either he or another soldier . . . We had two kinds of caps in Korea: one was rabbit fur and one was felt, and the rabbit fur was much better. And he says, "Can I have your hat?" And I said, "No. I'm

going to need my hat.” And he said, “You’re not going to need your hat.” And, so, the next thing I knew they put me on a stretcher and got me on a Jeep. Well there was no roads up this mountain, and how they got this Jeep up there I don’t know because going down was the worst experience I had in Korea. I kept feeling like the . . . the stretcher and myself were going to roll off that mountain. Well they got me down to the Battalion Aid tent, such as it was, and the doctor started taking off my boots, cutting my laces. And I said, “Doctor, I need my boots because I have a difficult size to fit and these boots fit.” And he said, “Well, you’re not going to need your boots.” We’re trying to save your leg. The next thing I realized, I was on the train going to Pusan . . . back to Pusan. And my arm was in a sling, and I was covered by an O.D. blanket. And a gray lady, which is a segment of the Red Cross that works with war-wounded was sitting or standing by me on the train and she asked if I wanted a ditty bag and I didn’t have any idea what a ditty bag was and didn’t particularly care. I said, “I want to know if I got my leg. And she looked down at my blanket and said, “Well, you have two feet so I’m sure you have a leg.” So everything got better after that. I ended up at Tokyo General Hospital and was flown back to the States.

MC GREEN: That’s how your hand got injured? That was the time . . .

O GREEN: Yeah it got my hand, my abdomen, my leg

MC GREEN: Um hum. And I suppose that the event that resulted in your receiving the medals was when you . . .

O GREEN: That was much earlier. That was in North Korea.

MC GREEN: That was in North Korea. And can you give a brief description of what happened?

O GREEN: Sure. We were at a place called Sach’on-ni which is inland from Cho-san reservoir. The Marines to . . . were to our . . . east of us and then on the other side of Cho-san was the Seventh Division and the Chinese hit us all pretty much simultaneously. The Seventh Division got massacred and they came at us and we beat them off. And during the event, I put down some soldiers and we . . . when they started shelling us, we were in the command post and I . . . my . . . my only encounter was right outside the command post. And there’s no question they were going to . . . they were going to destroy the command post. They had poles with charges on the ends of the pole with strings attached to the mechanism and I put them down before they had a chance to do that and kept the command post from being destroyed which, of course, meant that we . . . we had a lot of equipment in there – radios primarily. And so, then, the next day, I guess it was, our column was hit rolling out . . . away from . . . going to the east . . . and we fought them off. And we fought and we fought. And that’s about how it is in combat.

MC GREEN: How old were you when you were sent back to the States for rehabilitation . . .

O GREEN: Eighteen.

MC GREEN: . . . and surgery? Eighteen?

O GREEN: Eighteen.

MC GREEN: How long were you in the hospital and where were you?

O GREEN: Well, I was in the hospital twenty months and twenty-seven days – had eleven surgeries. I stayed in Tokyo General which was a beautiful hospital. I had a window – a picture window out to the countryside and it was just gorgeous, I remember. And they would come every day and trim my . . .the tips of my toes from being frozen. And they must have done a good job. I have no scars whatsoever. But they would trim my wounds and what have you just to get me squared away and then I was flown to Fort Sam, Houston, San Antonio, Brock General Hospital. No wait! And then, I was there and had surgeries – plastic surgery and what have you. And then I . . . they sent me to the Presidio, San Francisco – Letterman hospital there. And from there I went to Camp Cook, California, which I understand is no longer a base. And from there I flew to Fort Benning, Georgia, and I finished my hospital stay at Fort Benning.

MC GREEN: What did you do for your nineteenth birthday?

O GREEN: Well, that was at Camp Cook, California and I had not . . . you know, it was pretty lonely. I hadn't seen my parents in . . . in quite a while. And I was just sitting on a bed. In every barracks they had an NCO, also a patient, in charge, and this Sergeant – Buck Sergeant – three-striper – came over and said, "It's your nineteenth birthday!" I said, "Yep!" And he said, "Well, I have just the thing to celebrate with," and he came out with a pint of whiskey and we drank water and whiskey and celebrated my nineteenth birthday. I'll never forget him or that occasion. I've always wondered who he was and he'll never have any idea I guess he was so important in my life.

MC GREEN: What medals did you receive as a result of your combating career.

O GREEN: Well, that's a difficult question. I got the Silver Star but they also awarded me the Bronze Star during our period in South Korea with a parade and the whole thing. I have a newspaper article about it, but my service record doesn't reflect the Bronze Star so I do not claim it. Now, I did at one time before I learned that my service record doesn't support it. But anyway, to answer your question – the Silver Star.

MC GREEN: Now, the Bronze Star – what was that . . .

O GREEN: I don't know. You'd have to understand that they read these things – "Gallantry in Action" – and that's all that . . . I don't know.

MC GREEN: So you don't know which part of your service . . .

O GREEN: No and my . . . my Silver Star may have . . . have been the result of the Bronze Star being bumped. That happens.

MC GREEN: Ah.

O GREEN: I can tell you my service record . . . I've had people check and they can't tell.

MC GREEN: And you also received the Purple Heart.

O GREEN: Yeah, and the Combat Infantry Badge.

MC GREEN: Um hum. Now you went to college . . .

O GREEN: And a Good Conduct Medal.

MC GREEN: You got the Good . . .

O GREEN: Oh yeah!

MC GREEN: . . . well, I'm glad to hear that. Now, you did go to college, obviously. And how did that happen?

O GREEN: Well, I knew that a military career was out. Let me tell you – wounded people could stay in the service and they often do great things, but advancement of the kind that I wanted isn't always possible. In any event, I retired with a government disability of seventy percent and the V.A. bumped it to eighty percent and I took the retirement. But I started college while I was still in . . . at Fort Benning Hospital – University of Alabama extension courses. And then, when I got out with a V.A. Assistance - a V.A. Bill of Rights - I attended the University of Alabama. At the University of Alabama, myself and another fellow from Huntsville roomed in the archeology building for our rent. We stayed in the basement and made quite a little apartment for ourselves and stayed there the whole time. We became friendly with the Dean of Men who was in charge of people like us and I worked in the girls' cafeteria. I made . . . I made more Miracle Whip that you can shake a stick at. And I guarantee you, my Miracle Whip never had an eggshell in it! That was the meanest lady that supervised us you ever saw. But anyway, I worked there. And I had been at the University for three years and, back then, if you had three years of a credited college you could go on into law school and use your law school accreditation to receive a Bachelor of Science degree – an undergraduate degree. And that's what I did. When I had finished three years, Stetson accepted me – Stetson Law School. And so then I took that accumulation and applied a got a Bachelor of Science degree from the University of Alabama.

MC GREEN: What made you decide to go to law school?



O GREEN: Oh, interestingly enough I'd never thought about being a lawyer, but I took the required aptitude test with the VA and it indicated that one of the things I could do would be a lawyer. I . . . I guess I had a feeling for logic. And so when I found out that the V.A. would take care of the expenses, and then you'd have a monthly income I . . . you know, it was a no-brainer. That's what I decided.

MC GREEN: And where was Stetson Law School? Stetson Law School now has several different campuses.

O GREEN: Well, Stetson, of course . . . Stetson is a church school, of course and named after the Stetson hats that Mr. Stetson . . . and Stetson is in Deland – the primary school. It's still there, of course. And the law school is in Gulfport, which is a small community encircled by St. Petersburg.

MC GREEN: And that's where you went to law school?

O GREEN: Yes.

MC GREEN: Do you remember any important lessons that your law school professors taught you?

O GREEN: Oh, we had wonderful professors! We had a Professor Howes that taught . . . he taught torts and constitutional law. Never will forget – there's an old English case about running over a pig as to whether it's trespass on the case or direct trespass. And he asked what was the important thing about the case and everybody was holding up their hands – this aspect, that aspect – and he said, "You're all going to be sorry lawyers." He says, "Who cares about an old pig?" (laughing)

MC GREEN: (laughing)

O GREEN: But Professor Howes was something else! No, while I was there I had great friends, just wonderful friends and we were all supportive. It was a brand new law school in the sense that it'd just moved to Gulfport and so I was part of a new beginning.

MC GREEN: Hmm. About what year was this?

O GREEN: It was 1955. Graduated 1958.

MC GREEN: Now, you often tell a story about . . .

O GREEN: Now, when I say '55, it was '56, I think, when we started.

MC GREEN: You tell a story often about a commencement address that you sat through.

O GREEN: Well, yeah.

MC GREEN: I think that was the class right before you.

O GREEN: Dean Harold Sebring was our Dean and he was a remarkable man. He had been everything: Florida Supreme Court justice; he was on the Nuremburg war trial as a judge and what have you. A very dignified, proper person. And I think Perry Nichols came up to make a commencement address and was pointing out that his firm concentrated on B and B+ students for interviews and that A students were wonderful – they made great professors and real estate lawyers – but he says, “If you give me that C and D student that come in grinning,” he says, “I’ll give him a job.” And I don’t think Dean Sebring thought too much of that approach.

MC GREEN: (laughing) Now, obviously, you graduated from law school. What . . . what choices did you make then and who influenced you?

O GREEN: Well, there’s no question, it was interesting. Clint Curtis, I think, Clint was married to Flo Curtis while the . . . before Clint came to law school. Anyway, Flo was from Polk County.

MC GREEN: Um hum.

O GREEN: And I’d never been to Polk County but Flo was from Polk County so Clint came over here upon graduation and he called me and said that he had taken a position in Lake Wales, I think with a . . . with a notable lawyer who’s passed away - I don’t recall his name - and that there was another position that he had not taken, if I wanted to come over and interview.

MC GREEN: Now, how did you know Clint Curtis?

O GREEN: We went to law school together.

MC GREEN: Oh, OK.

O GREEN: He was one of those people that I was very close to. Anyway, so I came over and interviewed and took the position and that’s how I came to Polk County.

MC GREEN: And what position was this?

O GREEN: With Oxford & Oxford as an associate.

MC GREEN: Now who were the partners at Oxford & Oxford.

O GREEN: H.E. Oxford and Lon Oxford were brothers and they were both quite old. H.E. I think died when he was ninety-four. But there was another lawyer there, Ernest Townsend. He and I did the trial work and leg work primarily.

MC GREEN: Where was this law office?

O GREEN: It was East . . . I mean West Main Street at the first block going west on the north side from . . . from Florida Avenue and Main Street.

MC GREEN: Now you were on the second floor, is that right?

O GREEN: Yes.

MC GREEN: And was it typical for law firms to be on the second floor of a building back then?

O GREEN: Typical?

MC GREEN: Um hum.

O GREEN: Common, yeah I'd say so.

MC GREEN: Um hum.

O GREEN: I'd say so. And we had disabled clients and we'd go see them.

MC GREEN: At their home or wherever?

O GREEN: Yeah.

MC GREEN: And go see them?

O GREEN: Yeah. I've done that many times.

MC GREEN: Now, there were . . . are a lot of folks that were law enforcement that would come by and see you at the law firm there?

O GREEN: Yeah.

MC GREEN: Who were some . . . or who are some of those people?

O GREEN: Well, gosh it's hard to remember exactly but Jerry Whitehead, he's passed on.

MC GREEN: Ron Herring?

O GREEN: Yeah. Ron and I were acquainted. I don't recall him coming by the law firm, but we were still . . .

MC GREEN: You were acquainted at that time?

O GREEN: Um hum. But, yeah I had a lot of acquaintances. In fact, I represented the . . . the Police Benevolent Association which was the association of Lakeland police officers.

MC GREEN: Um hum. And what was your practice back then?

O GREEN: It was absolutely a general practice. I did everything from reading abstracts to trying personal injury cases.

MC GREEN: Now, when you say personal injury cases, was this at the beginning of the development of personal injury?

O GREEN: Yes. It was absolutely . . . that was . . . it was during an era when Perry Nichols became the king of torts in Florida and he really was the forerunner of the specialty now. But back then we didn't have our own investigators or anything like that. That came later.

MC GREEN: Um hum. But you were beginning your practice right at the time that a whole new area of law was being developed.

O GREEN: That's true. That's true.

MC GREEN: And who were some of the judges or attorneys that you worked with back then when you were an attorney?

O GREEN: Well, Don Register was on the bench. He was from Winter Haven. Gunter Stephenson, D.O. Rogers, Judge Love, Billy Love. I'm sure I've missed one, but those were the ones that I recall.

MC GREEN: Well, we'll go down in a few moments . . .

O GREEN: And Roy Amadon – Judge Amadon.

MC GREEN: We'll go down in a few moments to look at the photographs in the old courtroom and talk about some of the folks there. How about the attorneys?

O GREEN: Jimmy Hahn. Clint Curtis, of course. Tommy Langston, before Tommy was appointed. Charlie Mayer. I don't know. There's a lot of them.

MC GREEN: Um hum. And was it about this time that you met your wife?

O GREEN: Yes.

MC GREEN: And can you tell me about meeting your wife?

O GREEN: Well, I was dating a young lady in the clerk's office, Evelyn Walker, and my friend was coming down from Jacksonville to visit and so she arranged a date for him and Mona – Tommy Green and Mona – and I got to her house before anyone else, and I don't know why Tommy wasn't with me. Oh! We met him someplace, I think it was. And so, she opened the door and she was just the prettiest thing I'd ever seen my whole life. And she was wearing a blue denim dress – beautiful blue denim dress – simple dress – and it had "Mona"

monogrammed on a pocket. And she said, “Hi, I’m Mona,” and I said, “Hi, I’m in love!” And that was it.

MC GREEN: Now, you have three daughters: myself – I’m the middle child – Jackie – now Jackie Hill, who was my . . . is my older sister – and Miriam Green – my younger sister. And Jackie Hill – Mona had been married before and Jack Esterbrook was a pilot and was killed in an Air Force . . . airplane accident.

O GREEN: Yeah.

MC GREEN: And that was during training, is that right?

O GREEN: Well, yes it was during training. Of course Air Force pilots are always training, but yes it was during training, but it was my understanding that he was in a F-80 two place and he and another pilot were flying to someplace – Chicago or someplace up there and ran into weather and for some reason that I don’t know the aircraft went down and both were killed. And your mother was like seven months pregnant with Jackie, your older sister. And they were in Texas at the Air Force base, or she was in Texas. And so then she . . . when it happened, she came back home and gave birth to Jackie and when I met her Jackie was a toddler. And when we got married I immediately adopted Jackie. Judge Love was my judge for the adoption.

MC GREEN: And Mona came back to this area because her parents . . .

O GREEN: Yes . . .

MC GREEN: . . . were from Bartow.

O GREEN: . . . she’s from Polk County – her parents.

MC GREEN: And her family is from Polk County. In fact, her family is several generations Polk County and lived here in Bartow. Rowell was her maiden last name.

O GREEN: As you well know that was a colorful bunch.

MC GREEN: It was a colorful bunch.

O GREEN: Aunt Bertha!

MC GREEN: Aunt Bertha! How many siblings were there, nine? More?

O GREEN: I think so. I think so.

MC GREEN: And each one . . .

O GREEN: And every one of them a character.

MC GREEN: Yeah, every one of them different. And so, she was also related to the Albritton family and the Rowell family and so she moved back here.

O GREEN: Well, her mother was an Albritton.

MC GREEN: And her father – Morris Rowell. They’re buried here in Bartow. What . . . you left the law practice and became a municipal judge. And how did that happen?

O GREEN: Well, that was an interesting story. I . . . I was doing very well and we just were having . . . we had a wonderful time, I thought. And there was a retired FBI agent and I don’t recall his name and some day I’ve got to find it. But he was municipal judge and he had a lot of other activities so he asked me one day if I would sit in for him. And I said, “Sure.” And, so, I was part-time municipal judge. Well, right away he decided he didn’t want to do it anymore and so . . . so I became the municipal judge and enjoyed that very much.

MC GREEN: What year was this?

O GREEN: Oh, 1969 – 70. 70 when I became a judge.

MC GREEN: Where was this court located?

O GREEN: When I became municipal judge it was on Lake Hancock where it was just before the move to the new place on Massachusetts. But I had been a lawyer when the Court was on Lake Mirror. I had practiced law in the Court when it was on Lake Mirror.

MC GREEN: The Court was on Lake Mirror? Where . . .

O GREEN: Right where . . . if you know where the vacuum cleaner place is – repair place – and Jackson Feed. If you can imagine, there’s a parking lot there for a while and now they’re turning it into a garden area – you know, recreation area. The courthouse was right there and then, I think it was the fire station – courthouse.

MC GREEN: That’s behind where Lakeland Police Department is now, near the railroad tracks.

O GREEN: No, south of them. It’s south of the tracks.

MC GREEN: Um hum. And, so as . . . where you able to do law practice and municipal judge?

O GREEN: Yes, you . . . in fact, before . . . thank you . . . before Article V, you didn’t even have to be a lawyer to be a judge – a municipal judge. I handled many trials before nonlawyer mayors who were municipal judges. And by the way, I always felt like I got a fair shake and they did a good job.

MC GREEN: Non-lawyer mayors? You mean the mayor of the city would be a municipal judge as well back then?

O GREEN: Well, that was common.

MC GREEN: Um hum.

O GREEN: Yeah. That was . . . that was common, . . .

MC GREEN: Was . . .

O GREEN: . . . primarily in smaller communities.

MC GREEN: Right.

O GREEN: Like, I can tell you, I tried cases in Fort Meade, Frostproof. Pat Wilson, who recently died, was a judge.

MC GREEN: A municipal judge?

O GREEN: Well, he was mayor, yeah, of Frostproof.

MC GREEN: He was mayor and municipal judge in Frostproof? I didn't know that.

O GREEN: Sure was! And . . . but, when Article V . . . . By the way, non-lawyer judges were pretty much going out of . . . out before Article V a year or two, but . . . yeah.

MC GREEN: Now, you keep referring to Article V. What was Article V?

O GREEN: Article V came in – of course it was voted in before – but it came into effect in 1973. And post that date only lawyers could be judges and the only judicial positions were as it is now: county judges, circuit judges, district court of appeal judges and Supreme Court justices. But before that, you had probate court with Rick Bronson, you had juvenile court with Bowden Hunt.

MC GREEN: Were they lawyers?

O GREEN: Judge Bronson, I think, was. Bowden Hunt was not, and that's an interesting story. He tried to get the legislature to pass a special bill, somehow, to make him a lawyer and it never panned out.

MC GREEN: Weren't they grandfathered in after Article V?

O GREEN: Yes. Elray Delgado, for instance, was grandfathered in. He was justice of the peace in Winter Haven and somehow he got grandfathered. And then, Tim Strickland – Judge Strickland – ran against Delgado and prevailed and so we didn't have any more nonlawyer judges after that.

MC GREEN: Hmm! So did you have your law practice and you were a magistrate?

O GREEN: No. No. When we were appointed . . .

MC GREEN: Or muni . . . excuse me . . .

O GREEN: . . . magistrate, that was a full-time position.

MC GREEN: I'm jumping here. When you were in your law practice, were you also municipal judge as well, at the same time?

O GREEN: Yes.

MC GREEN: So you were able to do both?

O GREEN: Oh, absolutely.

MC GREEN: Was being municipal judge at night mostly?

O GREEN: We had day court which was traffic court.

MC GREEN: Um hum.

O GREEN: And then we had Wednesday night court which was trials.

MC GREEN: Weren't . . . weren't traffic tickets back then commonly criminal?

O GREEN: Yes.

MC GREEN: So you would have a criminal docket during the day and at night you would have other kinds of cases?

O GREEN: No, all of our cases were criminal.

MC GREEN: All of them?

O GREEN: Well, we had . . . we had . . . we had some ordinances like water problems – violation of water control – things like that – that were probably in the gray area. But municipal judges primarily dealt with a criminal docket.

MC GREEN: So running a traffic light back then was a criminal offense?

O GREEN: Yeah, it was, I guess. Hard to imagine that, isn't it?

MC GREEN: It is. And who were some of the attorneys that appeared before you as a municipal judge?

O GREEN: Well, actually, Tim Strickland was our prosecutor. Bobby Stokes was in there. Tim Strickland. J. Hardin Peterson, Jr. was . . . he was city attorney and he was a



prosecutor too. Peter Munson was prosecutor. And the defense lawyers . . . I mean, I can give you Herbert Casey's name. There were a lot of lawyers, but most of them are gone now.

MC GREEN: Now, it became a municipal court because most of these offenses occurred within the City of Lakeland?

O GREEN: Yes, and I think the most we could give was thirty days. The most we could give was thirty days.

MC GREEN: And were these Lakeland Police Department cases?

O GREEN: Yes.

MC GREEN: Now, at one point you discovered that the police officers weren't being paid when they were subpoenaed to court. That happened when you were a municipal judge?

O GREEN: I think it did. Yeah, they . . . the officers would work long hours and they weren't being paid and about that time there was a movement that police officers and I think firemen too should be paid time and a half, things like that. And so, I went in and represented them on some things. We never had to go to court because we always worked it out. I tell you this – Lakeland's always been blessed with good city government. I don't recall ever a time when Lakeland had a city government that wasn't honest, forthright, and that you couldn't work with them.

MC GREEN: Do you remember any particular stories as municipal judge? Any particular cases as a municipal judge?

O GREEN: Oh, I can tell you stories, sure. Yeah. You know, I guess most of our stories had to do with . . . with street people. We had one fellow, John, who was a commercial artist – very talented artist – and he would stay drunk and they would bring him in. But one time . . . we'd bring him in and have him paint the police department or paint this, paint that. And one time I asked him, I said, "John, you're a good artist. You're a good person." Basically, "Why do you do this to yourself?" He says, "Judge, I know that you care about me," and he says, "I know that you get disappointed in me, but," he says, "this is the life I want to live." He says, "I know I'm going to end up dead on the street one day, but that's what I want to do." MC

GREEN: Hmm. Well, you became a magistrate.

O GREEN: That is true.

MC GREEN: Now, what is the difference between municipal judge and magistrate?

O GREEN: Well, the magistrate . . . they developed two positions – Bill Norris and I were sworn in at the same time. Magistrate was a county . . . essentially a county position. And we dealt with misdemeanors and we were committing officers. We handled all of the warrants.

And that's how I became acquainted with Hal Higgenbotham – really acquainted. Hal had been handling the warrants. He had worked with Judge Bronson in probate. But with Bill Norris and myself, Hal handled all the warrants and kept us out of trouble in issuing warrants, because for two people, even back then, that was a massive undertaking. And you couldn't do it without a responsible assistant. But . . . and we tried misdemeanors.

MC GREEN:           What about first appearance? Did that come later?

O GREEN:            It came while we were magistrates. The U.S. Supreme Court made the pronouncement that people had to be brought before a judge within twenty-four hours. And so, not receiving any assistance from the circuit judges, Norris and I developed a rotating program so that we . . . we did that. We . . . either one or the other of us was always available to, you know, do a first appearance.

MC GREEN:           And that was on weekends?

O GREEN:            Oh, ab . . . well it was al . . . it has to be on the weekends.

MC GREEN: Well, my point is, you did first appearance during the week and the weekends?

O GREEN:            And the weekends, yes.

MC GREEN:           So you would rotate that responsibility between the two of you?

O GREEN:            Yes. Bill was always administrative judge. He was good at it and I let him have it.

MC GREEN: Um hum. There are still remnants of magis . . . of the magistrate language – or there was – in Florida Statutes. Did the office of magistrate go away or did it just change?

O GREEN:            It went away when Article V occurred. The magistrate court along with the so-called criminal court of record simply evaporated. It was no more.

MC GREEN: It used to be under the statutes for first appearance that it would . . . that the statute would refer to a committing magistrate. Do you recall that?

O GREEN:            Everybody's a committing magistrate. The Chief Justice is a committing . . . Any judge in Florida can be a committing magistrate.

MC GREEN: So while that word "magistrate" is being used, the office of magistrate went away after Article V?

O GREEN:            I don't think the word "magistrate" is particularly definitive any more so than "judge."

MC GREEN: And what happened to . . . how long were you a magistrate and then, I think you ran for Circuit bench?

O GREEN: Yes.

MC GREEN: How long were you a magistrate and how did that happen?

O GREEN: Well, approximately two years as a magistrate. When Bill and I became magistrates, it wasn't at all certain that Article V was going to pass. And then all of a sudden, that thing caught fire and the people changed the Constitution. And so, I think . . . it seems like we had an option of . . . I know that I made the decision to run for the Circuit Court and did run without opposition. And I don't recall whether Bill . . . I think he simply became a county judge. But in any event, if he ran, he didn't have opposition. I think he just became a county judge, and then later, of course, he became a circuit judge.

MC GREEN: The municipal or magistrate office – did that become County Judge?

O GREEN: No. Well, a municipal . . . no. Municipal judge simply went away.

Magistrate – I don't recall if that . . . seems like we had the option of being county judges and I elected to run for the Circuit Court. I don't . . . I just don't recall.

MC GREEN: That's what I recall – that you had the option of becoming a county judge and . . .

O GREEN: Could have been.

MC GREEN: Could have been, if that's what you chose. Now, before we leave municipal judge and magistrate, just to give a flavor of those courts, would you tell the story about Dragline?

O GREEN: Well, Jim Welch was a municipal judge for years and a wonderful man. I appeared before him as a trial lawyer most. And we had a street person – that's what we call them now – we had a street person called Dragline because he'd operated heavy equipment at one time or another. And J. Hardin Peterson was the prosecutor, and Dragline went before Judge Welch and Judge Welch said, "Dragline, I've been sentencing you forever and it just doesn't seem to do any good. I tell you what," he says, "I'm going to let you sentence yourself this time. What do you think is fair?" And Dragline thought about it and said, "Well Judge, I didn't give the officer any problems. I think probably ten days is fair," Because you know he didn't have any money. We never even thought about money.

MC GREEN: You're referring to fine and court costs . . .

O GREEN: Right.

MC GREEN: . . . which we impose often.

O GREEN: And so Judge Welch says, "OK. Have a seat over there." So Dragline sat down. And then they called a recess. When they reconvened court, there wasn't any Dragline.

And so the officer that was acting as bailiff said, "Well Judge, I can go get him if you want me to." "No, just bring him in next time." So eventually, Dragline came in. They brought him in and Judge Welch says, "Dragline, I'm just as disappointed in you as I've ever been in any man." Says, "Gave you the opportunity to impose a fair sentence. You did that and then you escaped! You escaped from Justice!" Dragline says, "Well Judge," he says, "I didn't escape." "Well, didn't you impose a sentence on yourself of ten days?" "Yes sir. I did that." "Didn't I tell you to sit down over there, that you were in custody?" "Yes sir. You did that." He says, "Well, what do you mean you didn't escape?" He says, "Well, I was sitting over there, Judge, and I got to thinking about that thing," and he says, "I decided I wasn't all that drunk and I reversed the sentence." And J. Hardin Peterson says, "Judge, I think he's got you!"

MC GREEN: Now, you have a case . . . you have a story that you tell from your time as municipal magistrate judge of a woman that was charged with battery and her case was set for bench trial.

O GREEN: What was her name? Anyway, I had this woman that had a daycare center and on the weekend, she liked to fight. Had a charge of battery and it's Wednesday night and call her name and Officer Crow I think was the bailiff and he says, "Judge, the victim's not here," – whatever her name was. What was her name? Anyway, I said, "Well, just have a seat and we'll call it again later." Well, we were about through court and I call the clerk who, by the way, was Bobby Womble. I call . . . call her name and the victim still wasn't there. And so, this lady said, "Judge, I know right where that woman is and if you want me to I'll go get her and bring her down here." I said – I know this lady's name . . . first name was Mary – I said, "No, Mary. We'll go ahead and dismiss the charge against you. And if she has a reason for not being here, you might hear from us." That was the end of it. But she was going to go get her.

MC GREEN: Now, you ran for Senate at some point, didn't you?

O GREEN: Yes, I did. I think in 1970 I ran for the Senate. Interesting story – there were two other candidates and I had heard that one . . . one was Bobby Brannen. And I knew Bobby and I actually liked him. You couldn't help but like him. But I understood that his company was in trouble. And so, we had the other candidate – his first cousin, same family name, was senator – and I didn't think . . . and it was his first to run too . . . I didn't think . . . I wasn't sure that he had a great chance. But, anyway, I did throw my hat in the ring and got eliminated. And then on . . . in the runoff, Bobby Brannen did win and then he actually got arrested for things related to financial problems. But it was all over then.

MC GREEN: Now you . . . I suppose your election to Circuit was after that . . .

O GREEN: Yes.

MC GREEN: . . . Senate race. And the Senate race probably assisted you in your race for Circuit? In getting your name out?

O GREEN: Oh, there's no question about it that once you run a campaign, it makes it easier to run subsequent campaigns. You are more knowledgeable. You have a lot of things ironed out that you don't have to readdress. Sure.

MC GREEN: And you were elected in what, 1973?

O GREEN: Two.

MC GREEN: 1972 to the Circuit Court? And your office was here at the Historic Courthouse?

O GREEN: Right.

MC GREEN: And . . .

O GREEN: No. No, my first assignment was to take over the juvenile division. And so, my first office was in the old juvenile court building which is near where City Hall is now.

MC GREEN: Now, did you take that over from Bowden Hunt?

O GREEN: Yes. Yes, I was the first judge to handle juvenile after Bowden.

MC GREEN: Well, let's talk about juvenile. What was juvenile court back . . . like back then and how is it different from what it is now?

O GREEN: Oh, it's as different as night and day and it was better then. I guess the biggest difference is we had . . . we had a category of child called a "child in need of supervision" which was . . . which was a child who was very difficult for parental control but wasn't criminal, and might be criminal but the child hadn't been caught, so to speak. And we had a mechanism to assist the parents in controlling a child . . . a difficult child. And if a child were adjudged to be "in need of supervision" a second time, that became a delinquent offense and we could deal with it in a punitive way. When I say punitive - with probation - even commitment. But eventually they eliminated that category. And even now, parents will complain that they can't get any assistance in dealing with difficult children and I tell them, "You know, you need to address your legislature. No judge is going to help you. We can't. We don't make the laws and there's nothing to enforce."

MC GREEN: What were some of the problems back then that you saw in juvenile court as compared to nowadays?

O GREEN: I would say that when I first took the juvenile bench in '73 - and this was true in the adult division - drugs were not a primary reason for . . . for the accused to be in court. And now, drugs are pervasive, If they are not . . . if drugs don't form the primary charge, they at

least contribute to the offense in most instances. That is a big difference is the infusion of drugs now.

MC GREEN: What about alcohol? Was that a factor . . .

O GREEN: For juveniles?

MC GREEN: . . . back then?

O GREEN: No, that wasn't . . .

MC GREEN: Or a factor in the home?

O GREEN: Oh, absolutely! I mean alcohol in the home was . . . was . . . always has been and always will be a problem. But I thought you meant from the standpoint of child offenses.

MC GREEN: Sure. Well, I . . . substance abuse, whether it's by the child or the family, has taken different forms, but do you see that substance abuse has remained a strong factor with regards to juvenile problems – juvenile delinquency?

O GREEN: Oh, sure. And I'll tell you this: It wasn't long after I became juvenile judge and maybe moved on to other divisions that . . . that the ugly problem of drugs became manifest in society. It was awful. I mean, when it hit, it hit like a bomb. It didn't . . . it didn't just accumulate a little at a time. It just exploded.

MC GREEN: When was this?

O GREEN: I would say in the mid to late seventies.

MC GREEN: Did you see a correlation of changes with other areas like in domestic relations court?

O GREEN: Alcohol was the primary factor in domestic relations. You know, an alcoholic, abusive husband or father more so than drugs back then. But, of course, today, when you hear about abuse, you're as apt to hear about drugs as alcohol. Alcohol is a drug – but other drugs. What, what's next?

MC GREEN: Well, getting back to juvenile and domestic relations – what other changes have you seen in how the courts address those societal issues?

O GREEN: Well, when I was Chief Judge in 1979, Jimmy Adkins was Chief Justice, and I think Jimmy, for personal reasons, became interested in alcohol rehabilitation. And Jimmy was convinced that judges could develop programs and operate programs better than the executive branch which ordinarily, obligations . . . societal obligations of that sort fall under the Governor. And he came to me . . . came to Bartow. I met him out at the airport. He told me he

wanted to establish a DUI Counterattack school. I mentioned, “Well, I’m not sure that’s what judges ought to do.” And he says, “Well, that’s what judges are going to do.” And I said, “Yes sir!” And so we developed the program and I guess if anything like that can be considered a success, we did a good job at it and just like he said. And from that, programs just exploded. I mean now, under Nick Sudzina’s direction, we have all kinds of rehabilitation programs. We have Drug Court. We have Anger Management. And all of that can be traced back to Justice Adkins.

MC GREEN: So that was a real change in the judiciary from just deciding a case and having the cases come before us to . . .

O GREEN: Oh, the thought of . . .

MC GREEN: . . . administering programs?

O GREEN: . . . the thought of . . . the thought of being part of a program . . . I used to sit on the board – I sat on a lot of boards – but the Restitution Center in North Lakeland where we would send non-dangerous criminals to work and pay restitution and live in a center . . . I mean the thought of sentencing somebody to a program like that and then participating in the management of the program by being on the board was historically unthinkable. Judges just didn’t do that.

MC GREEN: Well, times have changed since that time as well . . .

O GREEN: Yeah.

MC GREEN: . . . in that judges aren’t on those boards anymore – the programs that they are . . .

O GREEN: Yeah.

MC GREEN: . . . responsible for referring people to.

O GREEN: But we still manage programs.

MC GREEN: Sure, it’s still under Court Administration or under the court system. That was the beginning of a big change. Now, staying with judicial philosophy – how do you see the role of judge as far as when you sit on the bench?

O GREEN: I don’t know. I’ve been doing it so long. I don’t think of it. I’m not conscious about it. But there’s no question – a judge has to be respectful to everyone, and of course . . . well, that’s only difficult if people are not being respectful to you. And, you know, I think respect is the first thing – respect for not necessarily the individual but the position of the individual, the defendant who is entitled to constitutional rights. You respect those rights regardless of any personal biases you might have and to make certain that everyone has their day in court. It may not be the day they believe they are entitled to, but at a minimum, the day that

they are entitled to by law, and make a decision. Make a decision. Sometimes there's not a too good . . . too good choice. It's very difficult to decide on and you have to pick one and be decisive. You have to be decisive. I mean, being decisive doesn't mean that you have to be dishonest. You can say, "Look! Either one of these could be the correct answer, but I'm picking B. B's going to be it."

MC GREEN: One thing that you stress to me is that a judge is not there to give sermons to people. At least that's not . . . that's your point of view.

O GREEN: Judge's were elected to judge. They weren't elected to sermonize. It's not my place to tell somebody how to live their life. I have done it from time to time, I confess, but as a general rule, I try to avoid that.

MC GREEN: Sure. And another thing you've stressed is every time a person leaves you after their case is heard you try to end it on a positive note, even if it boils down to just saying, "Have a good day," or "Good luck to you," or something positive.

O GREEN: Let me tell you, the worst thing a judge can do when . . . when being confronted is react in kind. You just have to stay above that. And if you meet anger with levity, that is, you stay composed . . . I've been called everything in the book just like most judges and never once have I held anybody in contempt. Most often it's the result of a mental problem or frustration. It could be direct anger or contempt. I usually tell them, "I want you to go back and tell your friends what you think about me „cause that's exactly what I am and that's what they're going to expect." You know, you say things to them to divert their attention. And I do that when I've nailed somebody for a criminal act. You've done all you need to do. You've done all you need to do.

MC GREEN: I'll never forget one time an attorney told me that in court, two attorneys were arguing and you told them to sit down, and that diverted their attention from the argument and discharged the situation.

O GREEN: Yeah.

MC GREEN: Now, there's some stories that circulated . . . have circulated about you. One is calling you Batman. Can you tell us about being Batman?

O GREEN: Well, there wasn't a great deal to it. We were having some kind of court which involved imposition of sentence. Early on, after '73, we didn't have, necessarily, the formalized appearances as we now have. Things weren't categorized as heavily. But I had a fellow before me for sentencing and he was a muscular fellow, there's no question about that. And I never will forget – the probation officers were in there in the court – and we were in courtroom A in the Hall of Justice – and I had two bailiffs – I can't think of their names – but both of them had some kind of physical impairment, including one had a developing brain tumor.



But they had this man – one on each side – and I was about to impose sentence, and he shoved one way, shoved the other, and turned around and said, “Do what I told you, girl!” All of this was on record. So I guess he expected a confederate. None . . . none actually developed. I had a lot of people in court. And so I stepped up on the bench and jumped on top of him and the bailiffs, by then, were . . . between the three of us . . . I never will forget, Bob Wesley was on the front row. Bob Wesley is now Public Defender in Orange County. And he’s . . . he’s a tall fellow.

MC GREEN: A tall, big guy.

O GREEN: He stepped over the rail like it wasn’t there. And, you know, the fellow, unless he had outside help, wasn’t going anywhere. But the interesting thing is, I told them to stand him up and I walked back around. Sherry, who was later married to Hal Higgenbottom – Sherry Higgenbottom was the clerk, and it’s on the record – she said, “Good God! There goes Green!” But anyway, I walked around back up on the bench and honestly, it wasn’t that big a deal to me. It wasn’t . . . and I went ahead and imposed the sentence that I had intended to impose. And they appealed the sentence saying that I should not have imposed the sentence under those circumstances, but the Second District affirmed the sentence, and that was the end of it.

MC GREEN: Well, you had robes flying while you were . . .

O GREEN: Well, yeah! I was in my robes.

MC GREEN: . . . vaulting? So you . . . while you were vaulting over the bench to help the bailiffs. Now, Mean Judge Green the Time Machine – tell me about that.

O GREEN: You know, that was a young fellow, I understood, wrote that on a holding cell wall in the Hall of Justice. He was a perennial . . . he was a perennial criminal, and he wrote that on the wall before he came in before me and it stuck.

MC GREEN: Mean Judge Green the Time Machine.

O GREEN: That’s right.

MC GREEN: I heard a clerk in Lakeland recently tell me that there . . . a fellow walked into your courtroom with a t-shirt years ago saying “I survived Judge Green.”

O GREEN: I don’t recall that.

MC GREEN: T-shirt! Anyway, so you were a Circuit Court Judge for how many years before you went to the Second DCA?

O GREEN: I don’t know. ‘73 to ‘97, ‘98, whatever that would be.

MC GREEN: And then you were appointed to the Second District by Judge . . . by, excuse me, Governor Lawton Chiles. And how did it come about that you decided to apply for the Second?

O GREEN: Well, I had applied before and my name had gone up and on this occasion, I . . . I just didn't. And then at the very last of the time within which to apply someone came to me and said, "I think you ought to apply," and almost as an accommodation I – of course I had an application just like everyone does who has previously applied and hang on to those applications and just update them – so I updated mine and sent them in and my name went up with two other applicants. And one of the applicants was appointed after me. And that's the way it happened.

MC GREEN: And what was the difference for you in being a Second District Court of Appeal judge as opposed to a trial judge?

O GREEN: It's like night and day. You control your own docket. As an appeal judge . . . they work hard. One of the biggest misconceptions in . . . among the bar association, if not the general public is that staff attorneys do all the work. This simply isn't the case. Staff attorneys do a lot of work and they're wonderful, but they don't do anything unless the judge directs them to do thus and so. Marvelous job. But you're in control of your own time better. But I'll tell you, people have a misconception about judges working on the trial bench – you know, vacant parking lots and things like this. Judges, by and large, put in long hours, and that's true for appellate judges.

MC GREEN: One rule of thumb that I think you've had throughout your life is to stay current with the law and to review the case before you walk into the courtroom. And there's many stories of your having conversations with attorneys about their motion or about the case and what the issues were before you even . . . between entering the courtroom and sitting down at the bench. Do you have any observations about that?

O GREEN: Well, I've read – and I do read – from Florida Law Weekly religiously. I never . . . I guess it's fair to say that I've reviewed every case that's come out of the appeal courts within . . . as long as the Law Weekly's been published. And it's the only way to stay on top of your hearings. It's preparation.

MC GREEN: You've been active in judicial ethics throughout the years, and that's one of the things that people admire about you. The first committee I think you were on was the Committee of Conduct Governing Judges, now known as Judicial Ethics Committee. How has judicial ethics changed over the years?

O GREEN: Oh, I can remember when a lawyer would be criticized if they made their waiting room comfortable for clients. Other lawyers would consider that solicitation. And I'm not kidding. We had a sign on our office at Oxford & Oxford that said, "Air Conditioned for Your Comfort," and one of . . . an attorney mentioned that to Lon Oxford in a derogatory way.

Now, of course, we . . . lawyers advertise and this is a great difference from the way things used to be in the bar. But I will tell you this: In the Tenth Circuit, our bar association has not changed dramatically from when I first took the oath. We are blessed with an excellent bar, and, if you don't believe that, you just go try being a judge in some other locations.

MC GREEN: For a judge who sees himself as having such a conservative role in the courtroom, I've . . . it's my belief that you believe that the courts serve the community. And can you talk about that – talk about your contributions to the community throughout the years through the court system?

O GREEN: I think that's one of the reasons I've had no better public service than that of a municipal judge or magistrate – I was never a county judge, but I've done the things that county judges do – and these are people's courts, and you have to be respectful of people. For instance, if I've got a what's called a cattle call court and there are a few lawyers in there, if I'm going to take the lawyers first, I explain to everybody in the bleachers that the lawyers are due in other courtrooms and have other business. They're not given . . . being given preferential treatment for any other reason and . . . because the public sit out there and, you know, they're . . . that's the last place they want to be. They're anxious to get their business taken care of and get out of there. And they see you calling up lawyers and preferencing. If you don't tell them the reason you're doing it, it's not a good thing. And you owe it to them, I believe. But now we have virtually everybody in the criminal sector represented by counsel. But in claims court, I tell people that.

MC GREEN: The SPCA – I believe that you were a part of bringing the SPCA around . . .

O GREEN: Yeah, we developed the SPCA.

MC GREEN: . . . as well as some other things in Polk County. Can you talk about that?

O GREEN: Sure. I had an acquaintance in South Lakeland that wanted to develop the SPCA and I did the charter work and then became interested. And I never did anything hands-on. I was always at the board level, and I kind of regret that. But I never will forget – we developed a euthanasia program and actually had the device built locally. And that was a . . . those were tough times. But now it's become . . . become a big thing and the County has jumped in doing the things that we used to do.

MC GREEN: What year was that?

O GREEN: It was while I was practicing law. It would have been in the sixties.

MC GREEN: Now, one of the things that I've always admired about you is that you've led a balanced life. You have been a successful trial judge, a devoted husband, and involved in the community. Your friends have been attorneys as well as members of the community. Can you

give any words of advice to someone who wants to have a life that encompasses several different areas?

O GREEN: Well, develop your interests. You know, I've tried things that I didn't have a sustaining interest in and I went on to something else. But don't be deterred by, you know, if you get on this board and you realize that that's not for you, go pick another charity because they're out there. They're out there and there are needs. But Mona and I both served where we could. Interestingly enough, between the two of us, we were president of the PTA's at seven different schools. We were the first PTA presidents at the junior high school down the road from us and they have a brick commemorating . . . commemorating that. But just keep plugging. Keep plugging.

MC GREEN: Speaking of keeping plugging, you were recently recognized as a fiftyyear member of the Florida Bar, and you just talked about your contributions to the community and your interest in the community outside of work. That's no small thing to juggle – that along with raising three children.

O GREEN: Yeah. Well, I had a little help.

MC GREEN: Yeah. Now, in the 19 . . .

O GREEN: I was usually on your side.

MC GREEN: (Laughs). I have always appreciated that!

O GREEN: Your momma would get mad!

MC GREEN: In the 1970s, you and Mona built a house on Lake Miriam Drive – 415 Lake Miriam Drive – and that house, in my opinion, has been an important part of socializing with our local bar. I remember back in the 1970s and „80s you would have parties at the house. I remember parties where you would invite the local bar and we didn't even have carpet down in the living room. And the attorneys would play guitars and we'd sing songs. And Lakeland Bar Association has been having some annual events at your house. So your house has been part of the local bar for twenty, thirty years. Tell us about how you picked that land and how that house got developed.

O GREEN: Well, essentially, Bud Coker, my next-door neighbor, told me that the land was available and so I'd sold an interest in a grove.

MC GREEN: Now, Bud Coker – he worked with the State Attorney's Office . . .

O GREEN: Yes, he was . . .

MC GREEN: . . . at the time? And . . .

O GREEN: . . . well, he was County Solicitor and State Attorney, yeah. And . . .

MC GREEN: Now, not State Attorney . . . Bud Coker worked for – was he State Attorney at one point?

O GREEN: Honey, before Article V we had a County Solicitor and a State Attorney and Bud was working for the . . . I think he was with the . . . Arthur Meeks was with Glen Doherty and Bud was with the County Solicitor. But anyway, Arthur and Bud later worked for the State Attorney after Article V.

MC GREEN: Right. And that State Attorney was . . .?

O GREEN: My heavens! We've had a lot of them. Glen Doherty was the State Attorney. Anyway, talking about the house . . .

MC GREEN: Alright. Getting back to the house.

O GREEN: Yeah. Bud wanted me to buy the property and so, I always say . . . I always did what Bud said, so I went and bought the property. And there's fifteen acres there so we have enough room. And we would actually dig a big pit – big as that table – and cook . . . put grates on it and cook, you know, cook barbecue hogs and anything, including wild game . . .

MC GREEN: That you and Hal Higgenbotham would go . . .

O GREEN: Yeah, we went hunting.

MC GREEN: Now . . .

O GREEN: We would have had a good time together!

MC GREEN: . . . who did you buy the house from . . . I mean, the property from?

O GREEN: Well, a banker had it and I went to him. I can't . . . just don't recall his name right now.

MC GREEN: And you and Mona designed the house. Who was the architect?

O GREEN: Ernie Straughn.

MC GREEN: Ernie Straughn? And tell us about the center beams that form the dome area of that house.

O GREEN: Well, the living room has heavy beams and they simply lean against each other with nothing connecting them. And when the builder was going to pull the support out he . . . he thought the whole thing was going to come down, but it didn't move.

MC GREEN: I think he yelled for everyone to get out of the way.

O GREEN: Yeah. Well, they actually tied a rope to the post and to the bumper of a truck and pulled it out that way.

MC GREEN: And that's reclaimed phosphate land?

O GREEN: Yep. Reclaimed.

MC GREEN: And what do you recall of the Bar parties back in the „70s and „80s?

O GREEN: Oh, we used to have ones that were musicians that would play and we would sing. We just had a great time. I never will forget – one time we put a log on the fire and a snake crawled out of a crevice in the log. And I got the snake. It was just a black snake. And I never realized people were so terrified about snakes. So I finally let the thing go.

MC GREEN: Is there anything else that . . .

O GREEN: No. It's been a wonderful life and I wouldn't trade any minute of it for something else. I've done what I wanted to do and I'm perfectly happy and I appreciate this interview.

MC GREEN: Well, as we say here in Polk County, we ain't done yet. We're going down to the old courtroom and I wanted to talk about those photographs of the folks that worked here.

(Change in location to the main courtroom on the second floor of the Historic Courthouse to the wall where pictures of the Circuit Judges are displayed.)

O GREEN: This is Don Register. Now this indicates that his last service was 1957. I became a lawyer in 1958, but I had seen him before his death and I think he expired close to that time. So I never had a close acquaintance, but I recall him as a very bright, pleasant judge.

MC GREEN: What court did he sit in?

O GREEN: Oh, circuit court. These were all circuit court judges, except for Bowden Hunt there. D.O. Rogers, as he was called – David Rogers – was an elderly judge on the occasion that I was in his court from 1958 on. But he had been a judge since 1940 and eventually he retired. But I think his . . . his mind wasn't as clear as it had previously been and he had difficulty remembering.

MC GREEN: What do you recall of their personalities or anything about them . . .

O GREEN: OK. Yeah. Judge Rogers was just a wonderful man. He was just pleasant to everybody. If I had to compare two judges that were similar, it would be . . . similar in personality . . . it would be D.O. Rogers and Billy Love. Billy Love was a very kind man as was Judge Rogers. But Bowden Hunt was a . . . a juvenile judge in an era when the juvenile system developed into a program that he helped foster. Judge Bowden Hunt was on the national

committee having to do with juvenile justice, and he formulated . . . he was responsible for a great deal of the legislation that came out nationwide, not just in Florida. He had influence elsewhere. And he was a non-lawyer, as I mentioned, but don't think for a minute that he didn't know every segment of juvenile law and procedure. He certainly did. He did a wonderful job, and . . . and . . . but he . . . he went out in '82 . . . oh, he expired in '82, I guess. But he went out with Article V, and I . . . I took the juvenile division. I was the next judge, so to speak, after Bowden left.

MC GREEN:               What do you recall of his philosophy towards juvenile work?

O GREEN:               Innovative. Innovative. He wanted . . . his whole attitude in working with juvenile delinquents and depressed children was rehabilitation. He was heavy on rehabilitation, and he helped foster the programs in the juvenile detention centers statewide that . . . betterment of children. Among those was to see that they are . . . they had continuing education while they were in custody and meaningful things like that.

Judge Allen – I did not practice before Judge Allen. He was appointed to the Second District Court of Appeals when . . . when it came into being. And so I only knew him – he was a friend of your mother's family – and I knew Judge Allen, but I never practiced before him. He was a wonderful judge obviously to receive that appointment. He was one of the first judges on the Second District.

Gunter Stephenson was a remarkable man. He had been an FBI agent and then . . . I don't know if he went to law school before or after because FBI agents have to have an advanced degree and a good many of them are lawyers who never practiced. But Judge Stephenson was a very decisive man. The common saying about him is that he might be in error but he is never in doubt. And if ever there was a judge that applied to it was Gunter Stephenson. I never will forget – one time . . . one time a lawyer from Lakeland went in to see Judge Love – they were friends – and asked him to see why Judge Stephenson was displeased with him, because whatever it was, he wanted to correct it. So Judge Love went and asked Judge Stephenson why he was displeased with this lawyer, and Judge Stephenson says, "I don't think I recall who that is." Judge Stephenson, by the way, was from Winter Haven. The lawyer was from Lakeland. But he was quite a . . . quite a . . . a great judge.

MC GREEN: Do you think that impression was left on the lawyer because of his decisiveness?

O GREEN:               Well, the lawyers knew that when they went in there, they were going to get a ruling. It might not be the ruling they wanted, but they were going to get a ruling. Yes, he was admired for that.

Judge Love was one of the nicest men that you would ever meet, as I have mentioned. He handled the adoption for my oldest daughter and we were always quite close. I will tell you a story about Judge Love. His wife and my wife – we went to a University of Florida football

game and he'd mentioned on the way up that he had had problems with the . . . internal problems . . . urinary problems, and while we were up there, it became obvious that he had problems. When he came back, he was diagnosed with cancer and expired from cancer. Wonderful, wonderful man!

MC GREEN:           What was his area of interest?

O GREEN:            What?

MC GREEN:   What was his area of interest in . . . as a circuit judge? He was widely respected . . .

O GREEN:            Judge Love and all these . . . both of these were chief judges. You have to understand that during this era, judges were judges and that was it. I mean, they didn't meddle in anybody else's business. It wasn't until I came along in . . . in '73, judges started branching out and serving on community boards and what have you. I was . . . for instance, Judge Stephenson was big in his church in Winter Haven and he would not take up collections because he didn't think judges should take up collections.

MC GREEN:           Judge Love – did he prefer a family division, or felony division, or . . .

O GREEN:            Oh, I'm sorry.

MC GREEN:           . . . did you notice anything about Judge Love . . .

O GREEN:            Judge Love . . .

MC GREEN:           . . . as a circuit court judge?

O GREEN:            . . . Judge Love preferred anything but the family division. And both of these judges, and both of these judges did not like working in juvenile.

MC GREEN:           Well, as I recall, Judge Love was well-known for being a gentleman . . .

O GREEN:            Oh, he was a perfect gentleman.

MC GREEN:           . . . and being well-liked?

O GREEN:            Yeah. He was . . . he had to get used to the ladies coming in court in . . . in pants. It was tough with him. He thought ladies ought to wear dresses. Clifton Kelly, World War II . . . by the way, Billy Love was World War II . . . he was a bomber in the sense that he . . . he furnished bombs for aircraft and he was in the Normandy invasion, and there were some stories about that that were quite interesting.

Clifton Kelly, of course, World War II combat veteran, and a wonderful judge. He . . . we . . .



Sebring, Highlands County, had never had, I guess you'd call it, a progressive judge, and Judge Kelly agreed that if he was elected he would go down there and serve. Well, circuit judges, of course, are elected in three – the Tenth Circuit – three counties. And he did. He moved down to Highlands County and then he was . . . he became the resident judge. And he became an icon in Highlands County. They just love him.

MC GREEN: Didn't he create the Consequences of Crime program?

O GREEN: Oh, yes! He tried . . . he tried a murder case involving some teenagers that murdered this homeless man and he decided that school children weren't being taught the consequences of crime and so he wrote books, which I still have, by the way. And it went into the school system.

And Jesse Wilson was . . . I just love Judge Wilson! He was a very . . . he could be very stern. I never will forget – one time, I was trying to find out about this husband's holding in the Federal Agricultural Savings Association. It used to be on Memorial Boulevard. And I subpoenaed one of the people from there to a hearing, and the man told Judge Wilson – says, "This is a Federal agency. We're not permitted to divulge that kind of information." And Judge Wilson said, "Well, young man," he says, "I want you to understand that if you don't divulge that information you're not going back to this agency. I'm going to put you in the county jail until you do divulge it." And the fellow said, "I have it with me."

Allie Lane went into practice, of course, with Bob Trohn, and he again . . . he and Billy Love were very similar. They were both gregarious people who just loved the public . . . and a marvelous judge.

Gordon McCalla was the County Solicitor when Article V came around, and he ran for the County Court and became a county court judge and did a wonderful job.

John Dewell . . . John came in with me in 1973 and he had been County Attorney, and had done a great thing as County Attorney – wonderful work – and became circuit judge and he was just idolized by the lawyers. Just a wonderful judge! What else can I tell you?

MC GREEN: What do you recall about trials or proceedings in this courtroom?

O GREEN: Well, in the first place, when I first came into this courtroom, the bench was arranged as it is now, but a short time after I became a judge here, we changed it and it was . . . it was . . . it ran across from that wall to this wall. In other words, it wasn't set up the way it is now. And I don't recall why we did that, but it worked out.

MC GREEN: You probably got better light from the windows.

O GREEN: I don't recall.

MC GREEN: What trials do you recall, or . . .

O GREEN: As a lawyer, the . . . as an attorney I represented a young fellow, a teenager named . . . last name was Hatfield, I remember. And he and another young fellow had schemed to murder this man and rob him of his things. And one of them threw a blanket over his head and the other one shot him with a .22 rifle. And we tried it in here. I don't recall. I think . . . I think I got it down to second degree murder for my client and I think he served a youthful sentence and was released eventually.

MC GREEN: What types of cases were heard in here? All types of cases?

O GREEN: I think this . . . this courtroom was diverse in that we heard criminal and civil cases. The courtroom at the end . . . at the west end of this floor was primarily criminal. My recollection is we tried most . . . almost always we tried criminal cases down there.

MC GREEN: And do you recall the case of the fellow that was airlifted out of that prison in Arizona? Where was that case tried?

O GREEN: The what?

MC GREEN: The fellow where they attempted that prison break out of Arizona?

O GREEN: Oh, that was . . . no, that was in the Hall of Justice we tried that.

MC GREEN: That was in the Hall of Justice? Do you recall any other trials down at the end of the hall?

O GREEN: In the Hall of Justice?

MC GREEN: No. Here in this courthouse.

O GREEN: As a judge or a lawyer?

MC GREEN: Any of them.

O GREEN: Sure! I mean, as a lawyer . . . Well, let's see. I tried a civil case involving an agricultural machine that injured someone and I think that was in the . . . actually, I think that was a civil case. It was in that west courtroom which was primarily used as a criminal courtroom. But as a judge, this is where I tried all of my cases.

MC GREEN: Were there benches here? How did the public sit and watch?

O GREEN: There were benches out here. There were benches out here. And I'll tell you something else. I think this . . . I think the courtroom was much smaller. I think this . . . this area here were offices. In fact, where you're standing right now was Tommy Langston's office for years when he moved over from the Hall of Justice. Yeah, this . . . this . . . this may be like

the original courtroom and I suspect it is, but it's not . . . it doesn't look like the courtroom that we . . . that we had.

MC GREEN: Well, then there was probably a wall right here and . . .

O GREEN: Oh, absolutely!

MC GREEN: . . . all of this was still open . . .

O GREEN: Yes.

MC GREEN: . . . and this is where the cases were tried?

O GREEN: Yes.

MC GREEN: But this was mostly used for civil you say back in the . . . when you were here?

O GREEN: Civil trials, yeah. I can remember . . . well it . . . I guess it was . . . I remember, they tried Glenn Darty's daddy in here, in this courtroom. So it was used for both.

MC GREEN: What was courthouse life like back when you were here?

O GREEN: Well, there was no security and really no problems. We just didn't have any problems that I can recall security-wise.

MC GREEN: Now, one big security feature of this courthouse is the rotunda area. And it's interesting - the new courthouse has a much larger opening from the second floor down to . . . looking down on the first floor. But, as I recall, the bailiffs used to stand in the rotunda and they'd watch what was going down on the first floor.

O GREEN: Well, we used to have a lunch stand down there and . . . that was managed by blind people. And yeah, but you . . . you didn't have the buzzing activity then that you do now. And bear in mind we also had the Hall of Justice and when . . . when this courthouse and the Hall of Justice became congested, we actually tried cases in the muni . . . Bartow municipal . . . the old Bartow municipal courtroom in the police station.

MC GREEN: Where was the Hall of Justice located?

O GREEN: Where the Sheriff is now.

MC GREEN: What's now known as Lawrence Crow Building?

O GREEN: Yes. Yes.

MC GREEN: And where was your office in this courthouse?

O GREEN: In this courthouse?

MC GREEN: Yes sir.

O GREEN: My first office was in the . . . in the northeast corner of this floor, and then later on after Gunter Stephenson left – he had the . . . he had the office in the southeast corner – I moved into that office for some reason, and I think . . . I think those two offices was the only ones I had.

MC GREEN: So we had the judges here. We had the Clerk’s office in this building.

O GREEN: Yeah, the Clerk’s office was downstairs.

MC GREEN: And who else was in this building?

O GREEN: The Court Administrator was one. The State Attorney and Public Defender – they were in the Hall of Justice.

MC GREEN: So court was held in these two courtrooms – one at the end of the hall and this one. Judicial offices were on this floor as well. Clerk’s office was on the first floor. Now, there may be . . . I think there might be some offices upstairs from here?

O GREEN: That’s Court Administrator.

MC GREEN: And that’s where Court Administrator was.

O GREEN: Colonel Wilcox.

(Change of location)

O GREEN: You know in reviewing my background – self analysis – some defining occurrences might have been left unmentioned. I was born on a military base – I think I mentioned that – Fort Maultrie, South Carolina. And being military brats – myself and my sisters – family – moved around a good deal. And I think, probably in my second grade we relocated to Georgia around Fort Benning. And . . . and one year I think I was moved from one school to another maybe seven times. I recall having counted that. I don’t mean to say that my childhood was in any ways unpleasant, in fact, to the contrary. I never thought about these things until later. But the fact is that we . . . we school . . . schooled war brats – and that’s what we were, because my more meaningful years were during World War II, including the time before we actually ended the War – the United States. But finally, at the end of the War, I went into high school at Huntsville – Huntsville High School – and joined the football team, was a . . . a player – right guard – and we did quite well. And playing football was one of the single things I believe that made me interested in other people on a lasting basis.

I still have fond recollections. I go back to reunions – high school reunions – as do most people. But I think in a way the . . . the high school reunions may mean more to me than most. Defining people in my life would be my drill instructor at basic training which he taught us many things – integrity. He taught us discipline. He taught us to be a man. And I attribute whatever success I

had in combat to the training and his leadership at Fort Knox, Kentucky. When leaving the service, I wish to express unbounded appreciation to the VA for guiding me into the career that I eventually selected, that is, law school and the things that have occurred since. And I am particularly indebted to the people that . . . the friends that I made in law school. We have remained close since. And, of course, meeting my wife was the highlight of my life. I fell in love with her instantly and have never had any moment of . . . been anything but completely in love with her. She is a remarkable woman. And that's about it. I'm sure there are other events that occurred that I've overlooked, but those are the things that are important to me.

MC GREEN:               What about football and the story about Billy Love in World War II?

O GREEN:               Well, Judge Love . . . . By the way, I've got to get a copy of his picture for our church. He was on the vestry in there. I need a copy. But Judge Love was . . . I think people who influenced my life certainly included the judges who were on the bench when I was practicing law, Judge Love being one of them. But I ended up purchasing guns that Judge Love had including a service .45 Colt automatic pistol that he had, I think, in England, but in service. He told me about going into Normandy after the beach invasion. His . . . he was in the Air Force.

His job, as I understand it, was that of a . . . what they call a bomber. His responsibility was to see that the right kinds of bombs were . . . were delivered to these several small airfields in Normandy that were set up after the invasion. He told me a story about he and a driver in a Jeep – they were in a Jeep – this driver . . . they were going from one location . . . one base to another and they heard trucks. And the driver commented that the trucks didn't sound like Allied trucks. And, of course, having trained in England they were familiar with British trucks, American trucks, and these trucks sounded different.

So they pulled into a hedge – thick hedge – pulled the Jeep in and waited. And then a bombardment started. They felt like it was their own artillery. In any event, they crawled under the Jeep for protection. And after a long while, the barrage lifted and they were about to get out from under the Jeep when they heard the trucks coming. And these trucks passed right by them – the same road that they had been using, and they were full of German soldiers. So they stayed there a while and eventually pulled out and moved on to the next airfield. But Judge Love was marvelous as were all of the judges who were serving at that time.

MC GREEN:               What about football? You had mentioned that football was a . . .

O GREEN:               Oh, yes. Well, football was the first time . . . football in high school was the first time that I had really bonded with . . . with my peers – really and truly bonded – first time I had the opportunity to do that. And while the importance of it didn't strike me at the time, I look back now and realize just how . . . how important it was in my life.

MC GREEN:               How was it important?

O GREEN: Well, to be comrades – I think that poured over into my service in the military, and to rely on each other to accomplish a goal.

MC GREEN: I remember that your father would talk about the esprit de corps and how important that was to him.

O GREEN: Yeah, my father – I may have mentioned this – was a soldier for – I think he had thirty-two years combined. He went into Korea after I did. He wasn't in combat, but he served in Korea for a year during a period after I had gone into the hospital. And my father has the distinction – in 1931 he won the world's welter-weight championship in boxing at Kansas City, Missouri. Beat a man named Sailor Sullivan, the Navy's proponent. But both of my parents were wonderful, wonderful people.