

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

1. **Name:** State full name (include any former names used).

Edward L Artau Preferred Name: Ed Artau

2. **Position:** State the position for which you have been nominated.

United States District Court Judge for the Southern District of Florida

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Fourth District Court of Appeal  
110 S. Tamarind Avenue  
West Palm Beach, FL 33401

Residential City and State: Lake Worth, Florida

4. **Birthplace:** State year and place of birth.

1964; Yonkers, New York

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1985 – 1988, Georgetown University Law Center; Juris Doctor, 1988

1982 – 1985, Nova Southeastern University; Bachelor of Science (*cum laude*), 1985

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2020 – present  
Fourth District Court of Appeal  
110 S Tamarind Avenue

West Palm Beach, FL 33401  
District Court Appellate Judge

2024 – present  
St. Thomas University College of Law  
16401 NW 37TH Avenue  
Miami Gardens, FL  
Adjunct Professor of Law

2014 – 2020  
Fifteenth Judicial Circuit  
205 N Dixie Highway  
West Palm Beach, FL 33401  
Circuit Court Trial Judge

2004 – 2014  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406  
General Counsel (2014)  
Senior Litigation Attorney (2004 – 2013)

1996 – 2004  
Edward L. Artau, P.A. / Marks & Artau, P.A.  
2499 Glades Road  
Boca Raton, FL 33431  
Partner

1993 – 1996  
Proskauer Rose, LLP  
2255 Glades Road  
Boca Raton, FL 33431  
Senior Associate Attorney

1988 – 1993  
Hodgson Russ, LLP  
2000 Glades Road  
Boca Raton, FL 33431  
Associate Attorney

Summer 1986 and 1987  
Nason Yeager, P.A.  
1645 Palm Beach Lakes Boulevard  
West Palm Beach, FL 33401  
Summer Associate

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I registered for selective service upon turning 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Good Shepherd Award, Florida Chapters of the Federalist Society (2025)

Florida Jurist of the Year Award, Palm Beach County Hispanic Bar Association (2023)

Recognition of Founders, Federalist Society Miami Lawyers Chapter, 30th Year Anniversary (2019)

Jurist of the Year Award, Palm Beach County Justice Association (2017)

Honorary Doctor of Laws, *honoris causa*, Nova Southeastern University (2016)

AV Preeminent Rating from Martindale-Hubbell (2014 – present)

“Top Government Attorney”— *Florida Trend* (2012, 2013, 2014)

May Employee of the Month, South Florida Water Management District (2013)

Good Samaritan Award, South Florida Water Management District (2013)

“Top Government Attorney”— *South Florida Legal Guide* (2009)

“Outstanding Leadership and Dedicated Service” Award as Chair of the 15th Circuit JNC (1997 – 1998)

*Cum Laude* Honors Degree, Nova Southeastern University (1985)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Advanced Judicial Studies College, Florida Judiciary (2016 – present)

Dean (2024 – present)

Department Chair, Civil Studies Program (2017 – 2024)

Faculty (2016 – present)

Florida Judicial College, Florida Judiciary (2019 – present)

Department Chair, Circuit Civil Program (2019 – 2020)

Faculty (2019-present)

Appellate Court Rules Committee (2018 – 2024)

Member (2018 – 2024)  
 Parliamentarian (2021 – 2024)  
 Chair, Internal Operating Procedures Subcommittee (2021 – 2024)  
 Vice-Chair, Internal Operating Procedures Subcommittee (2019 – 2021)  
 Member, Criminal Practice Subcommittee (2019 – 2024)  
 Member, Civil Practice Subcommittee (2018 – 2024)  
 Member, General Practice Subcommittee (2018 – 2019)

Fourth District Court of Appeal Judicial Nominating Commission (2012 – 2014)  
 Vice-Chair (2014)  
 Commissioner (2012 – 2014)

Florida Bar, Appellate Practice Section (2005 – present)

South Palm Beach County Courthouse Committee, Chair (1997-1999)

15th Circuit Professionalism Committee, Member (1997-1999)

Fifteenth Circuit Judicial Nominating Commission (1995 – 1999, 2008 – 2011)  
 Chair (1997 – 1998)  
 Commissioner (1995 – 1999, 2008 – 2011)

Judicial Nominating Procedures Committee (JNPC), Florida Bar (1992 – 1996, 2011 – 2017)  
 Chair, Constitutional Revision Commission JNPC Subcommittee (2014 – 2017)  
 Vice-Chair (2013 – 2017)  
 Member (1992 – 1996, 2011 – 2017)

Palm Beach County Bar Association (PBCBA) (1991 – present)  
 Judicial Relations Committee, Member (2015 – present)  
 Director (1997 – 1998)  
 Member (1991 – present)

South Palm Beach County Bar Association (SPBCBA) (1988 – present)  
 President (1997 – 1998)  
 President Elect/Treasurer/Secretary/Director/Committee Chair (1989 – 1997)  
 Member (1988 – present)

Federalist Society for Law and Public Policy Studies (1985 – present)  
 Member (1985 – present)  
 Broward County Lawyers Chapter, Member (2019 – present)  
 Palm Beach County Lawyers Chapter, Member (2018 – present)  
 Miami Lawyers Chapter, Member (1989-present)  
 Miami Lawyers Chapter, Leadership Committee (1989 – 2014)  
 Miami Lawyers Chapter, Co-Founder (1989)  
 First Inaugural National Lawyers Convention, Student Volunteer (1987)  
 Georgetown Univ. Law Center Student Chapter, Vice President (1986 – 1988)



10. **Bar and Court Admission:**

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Florida (1988)  
District of Columbia (1991)

There have been no lapses in these memberships.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Supreme Court (2007)  
Supreme Court of Florida (1988)  
District of Columbia Court of Appeals (1991)  
U.S. Court of Appeals for the Eleventh Circuit (2006)  
U.S. District Court for Southern District of Florida (1988)  
U.S. District Court for Middle District of Florida (1992)

There have been no lapses in these memberships.

11. **Memberships:**

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Georgetown University Alumni Club, Palm Beach/Broward, Member (1989 – 2014)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the above organizations currently discriminates or formerly discriminated, on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply copies of all published material to the Committee.

As an Editor of the *American Criminal Law Review* at Georgetown University Law Center, I performed typographical, style, and bluebook editing of law review articles published in Volume 25 of the *American Criminal Law Review*. See 25 AM. CRIM. L. REV. (Edward L. Artau et al. eds., 1987). The authors of those materials were responsible for their substantive contents. I also served as an Associate Editor of other volumes of the *American Criminal Law Review*.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I served on the Appellate Court Rules Committee of the Florida Bar and the Judicial Nominating Procedures Committee of the Florida Bar. I participated in committee discussions and votes on proposed rule amendments and other committee business that would have been sent for consideration to either the Florida Bar or the Florida Supreme Court, but I do not recall preparing or contributing to any reports, memoranda or policy statements.

c. Supply copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I served on the Appellate Court Rules Committee of the Florida Bar and the Judicial Nominating Procedures Committee of the Florida Bar. I participated in committee discussions and votes on proposed rule amendments and other committee business that would have been sent for consideration to either the Florida Bar or the Florida Supreme Court. However, I did not provide any testimony or official statements, and I do not recall any other communications in connection with my votes or participation with committee matters, nor do I recall anyone doing so on my behalf.

d. Supply copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech,

and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

February 1, 2025, Speaker, Acceptance Speech, Good Shepherd Award, 2025 Florida Chapters of the Federalist Society Conference, Orlando, Florida. I gave a speech accepting the award for my involvement with the Florida chapters of the Federalist Society. Audio available at: <https://fedsoc.org/conferences/2025-florida-chapters-conference#agenda-item-lunch-an-introduction-to-sheldon-gilbert>.

September 19, 2024, Panel Participant, Behind the Gavel Event Sponsored by the Broward County Hispanic Bar Association at Nova Southeastern College of Law, Fort Lauderdale, FL. Video available at: <https://www.youtube.com/watch?v=T0FTLub6ILk>.

September 13, 2024, Speaker, Annual Hispanic Heritage Cultural Bus Tour Sponsored by the Community Services Department of Palm Beach County, West Palm Beach, FL. I spoke about my role as an Appellate Judge serving on the Fourth District Court of Appeal. I have no notes, transcript, or recording. The address for the Community Services Department of Palm Beach County is 301 N. Olive Avenue, West Palm Beach, FL 33401.

October 18, 2023, Speaker, Investiture Ceremony for FL Supreme Court Justice Renatha Francis, Tallahassee, FL. Prepared remarks supplied.

October 4, 2023, Acceptance Speech, Florida Jurist of the Year Award Presented to Judge Ed Artau by the Palm Beach County Hispanic Bar Association, West Palm Beach, FL. Video available at: [https://www.youtube.com/watch?v=ITx9i1\\_3Mg8](https://www.youtube.com/watch?v=ITx9i1_3Mg8).

September 15, 2023, Speaker, Annual Hispanic Heritage Cultural Bus Tour Sponsored by the Community Services Department of Palm Beach County, West Palm Beach, FL. I spoke about my role as an Appellate Judge serving on the Fourth District Court of Appeal. I have no notes, transcript, or recording. The address for the Community Services Department of Palm Beach County is 301 N. Olive Avenue, West Palm Beach, FL 33401.

June 3, 2023, Keynote Speaker, 34th Annual Scholarships, Awards & Installation Gala, Broward County Hispanic Bar Association, Weston, FL. Prepared remarks supplied.

April 28, 2023, Panel Participant, Fourth District Court of Appeal Appellate Seminar. This was a question-and-answer panel discussion covering the topic of technological advancement at the Court. I have no notes, transcript, or recording. The address for the Fourth District Court of Appeal is 110 S. Tamarind Avenue, West Palm Beach, FL 33401.

March 31, 2023, Panel Participant, What Every Attorney & Judge Should Know About Preserving the Trial Record, Florida Law Con. Virtual CLE Presentation on Post-Trial Preservation of Error in Criminal Cases. PowerPoint presentation supplied.

February 21, 2023, Speaker, Bench and Bar Committee, Broward County Bar Association, FT Lauderdale, FL. I spoke about appellate caseloads from Broward County and trends in

appellate practice for a colleague who could not attend. I have no notes, transcript, or recording. The address for the Broward County Bar Association is 1051 SE 3rd Avenue, Fort Lauderdale, FL 33316.

November 10, 2022, Speaker, Georgetown Alumni Luncheon, 2022 Federalist Society National Lawyers Convention, Washington, DC. This was a historical speech based on my personal experience as a student at the Georgetown University Law Center. I have no notes, transcript, or recording. The address for the Federalist Society is 1776 I Street, NW, Suite 300, Washington, DC 20006.

September 23, 2022, Speaker, Investiture Ceremony for Palm Beach County Court Judge Ori Silver, West Palm Beach, FL. Prepared remarks supplied.

September 15, 2022, Speaker, Annual Hispanic Heritage Cultural Bus Tour Sponsored by the Community Services Department of Palm Beach County, West Palm Beach, FL. I spoke about my role as an Appellate Judge serving on the Fourth District Court of Appeal. I have no notes, transcript, or recording. The address for Community Services Department of Palm Beach County is 301 N. Olive Avenue, West Palm Beach, FL 33401.

July 29, 2022, Speaker, Investiture Ceremony for Fifteenth Judicial Circuit Court Judge Darren Shull, West Palm Beach, FL. Prepared remarks supplied.

February 15, 2022, Speaker, Federalist Society Student Chapter, Nova Southeastern University College of Law, Virtual Presentation. The topic discussed was “Clerking 101.” I have no notes, transcript, or recording. The address for Nova Southeastern University College of Law is 3305 College Avenue, Fort Lauderdale, FL 33314.

October 14, 2021, Panel Participant, Pathway to the Bench, Palm Beach County Bar Association, West Palm Beach, FL. This was a question-and-answer panel discussion on the Florida judicial appointment process and the role of a judge as a career. I have no notes, transcript, or recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, FL 33406.

March 26, 2021, Panel Participant, Fourth District Court of Appeal Appellate Seminar, Virtual Presentation. This was a question-and-answer panel discussion covering the topics of “The Life of an Appeal” and “Brief Writing.” I have no notes, transcript, or recording. The address for the Fourth District Court of Appeal is 110 S. Tamarind Avenue, West Palm Beach, FL 33401.

March 9, 2021, Panel Participant, Road to the Bench Academy, Palm Beach County Bar Association, Virtual Presentation. This was a question-and-answer panel discussion on the Florida judicial nominating and appointment process. I have no notes, transcript, or recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, FL 33406.

November 17, 2020, Participant, Appellate Practice Committee, South Palm Beach County Bar Association, Virtual Presentation. This was a virtual “Meet-and-Greet” to introduce me as a newly appointed appellate judge and answer questions from the Committee members. I have no notes, transcript, or recording. The address for the South Palm Beach County Bar Association is 6111 Broken Sound Parkway NW, Suite 200, Boca Raton, FL 33487.

August 21, 2020, Panel Participant, Bench Bar Conference, Palm Beach County Bar Association, Virtual Presentation. This was a panel discussion on the topic of Personal Injury Law. I have no notes, transcript, or recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, FL 33406.

July 8, 2020, Moderator, Florida Supreme Court Roundup, Federalist Society Broward County Lawyers Chapter, Virtual Presentation. My role was limited to introducing the panel and serving as the moderator. The panel participants were attorneys Jason Gonzalez and Manuel Farach. I have no notes, transcript, or recording. The address for the Federalist Society’s address is 1776 I Street, NW, Suite 300, Washington, DC 20006.

August 2, 2019, Speaker, Federalist Society South Florida Lawyers Chapter, 30th Year Anniversary Gala Celebration, Miami, FL. Prepared remarks supplied.

June 28, 2018, Keynote Speaker, Naturalization Ceremony, U.S. Citizenship & Immigration Services, Palm Beach State College, Lake Worth, FL. Prepared remarks supplied.

November 16, 2017, Acceptance Speech, Jurist of the Year Award Presented to Judge Artau by the Palm Beach County Justice Association, West Palm Beach, FL. I have no notes, transcript, or recording. The address for the Palm Beach County Justice Association is P.O. Box 3515, West Palm Beach, FL 33402.

June 16, 2016, Presenter, Florida Chapters of the Federalist Society Reception at FL Bar Convention, Orlando, FL. I presented an award to the Chief Justice of the Florida Supreme Court. I have no notes, transcript, or recording. The address for the Federalist Society is 1776 I Street, NW, Suite 300, Washington, DC 20006.

May 13, 2016, Commencement Speaker, Nova Southeastern University Graduation Ceremony, FT Lauderdale, FL. Prepared remarks supplied.

January 23, 2016, Moderator, Federalism & Environmental Law, 2016 FL Chapters of the Federalist Society Conf., Orlando, FL. Video available at <https://youtu.be/r3tPaTzSgqc>.

January 20, 2012, Speaker, Investiture Ceremony for Palm Beach County Court Judge Robert Panse, West Palm Beach, FL. Prepared remarks supplied.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the

clips or transcripts of these interviews where they are available to you.

Jane Musgrave, *3 Named County Circuit Judges; Governor Scott Named 3 Circuit Judges to Join; Circuit County; Bench; Three Lawyers Selected by Scott Tied to Governor or Republican Party*, Palm Beach Post, Dec. 24, 2014. Copy supplied.

Susannah Bryan, *Firefighter's Job on the Line – Hearings Planned*, Sun-Sentinel, Jan. 8, 2003. Copy supplied.

Susannah Bryan, *Firefighter Fights to Reclaim Job; City Says Man Was Engaged in 'Hostile and Harassing Acts,'* South Florida Sun-Sentinel, Sept. 30, 2002. Copy supplied.

Carolyn Susman, *Office Christmas Parties Emphasizing Sobriety*, Palm Beach Post, Dec. 16, 1997. Copy supplied.

Stephanie Smith, *Geographic Cure?: Though Judges Are Balking, Pressure Is Mounting to Create the State's Newest Jury District in South Palm Beach*, 38 Broward Daily Business Review 5 (Nov. 7, 1997). Copy supplied.

Stephanie Smith, *Greenberg Traurig, Blank Rome Set Up Operations In Boca Raton*, 38 Broward Daily Business Review 5 (Nov. 6, 1997). Copy supplied.

Victor Epstein, *New Head of JNC Must Deal with Debris from '95 Skirmish; Bar Talk*, 38 Broward Daily Business Review 4 (July 31, 1997). Copy supplied.

Gary Kane, *Accusations Over Wife's Bid Prompt Sachs to End Bar Post*, Palm Beach Post, Dec. 9, 1995. Copy supplied.

Steve Nichol, *Group's Conflict Deepens – Ex-Judicial Official Admits Political Favor*, Sun Sentinel, Dec. 8, 1995. Copy supplied.

Beth Reinhard, *Judicial Commission Ousts Its Chairman*, Palm Beach Post, Dec. 3, 1995. Copy supplied.

Gary Kane, *Judicial Panel Blasts Chairman for Comments*, Palm Beach Post, Nov. 21, 1995. Copy supplied.

Julia McLaughlin, *Boca Raton Candidates' Signs Stolen*, Sun Sentinel, Mar. 9, 1991. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I was appointed a Circuit Court Trial Judge on the Fifteenth Judicial Circuit in 2014 by then-Governor Rick Scott. The Fifteenth Judicial Circuit is the highest-level trial court in Florida with

general jurisdiction over major crimes and civil cases.

I also served two rotations as an Associate Judge of the Fourth District Court of Appeal by FL Supreme Court designations in 2016 and 2018 while still serving as a Circuit Court Trial Judge.

I was appointed a District Court Appellate Judge on the Fourth District Court of Appeal in 2020 by Governor Ron DeSantis. The Fourth District Court of Appeal is an intermediate appellate court with general jurisdiction over Palm Beach, Broward, Martin, St. Lucie, Indian River, and Okeechobee Counties.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over approximately 125 jury and non-jury trials as a circuit court trial judge on the Fifteenth Judicial Circuit. In addition, my role as a circuit court trial judge included presiding over approximately 100 appeals from the county court and administrative agencies. And each circuit court division I was assigned had a caseload of approximately 1500 cases at any given time. In other words, I presided over thousands of cases as a circuit court trial judge during the nearly 6 years I served at the Fifteenth Judicial Circuit. Moreover, as a district court appellate Judge on the Fourth District Court of Appeal for the last five years, I have presided over 2987 appeals while authoring over 58 majority opinions, 19 concurring opinions, 20 dissenting opinions, and 183 per curiam opinions written with my substantial participation.

The statistics reported below relate to my service as a trial court judge at the Fifteenth Judicial Circuit in Palm Beach County, FL.

- i. Of these cases, approximately what percent were:

jury trials:	57%
bench trials:	43%

- ii. Of these cases, approximately what percent were:

civil proceedings:	75%
criminal proceedings:	25%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

A list of citations to my opinions, including concurrences and dissents, is attached.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4)



the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

The following are the ten most significant cases over which I presided as a trial court judge serving on the Fifteenth Judicial Circuit Court:

1. *Shulman v. R.J. Reynolds Tobacco Co.*, No. 2007CA023832 (Fla. 15th Cir. Ct. Dec. 3, 2015).

In this complex litigation, the plaintiffs sued defendants seeking damages in a tobacco liability case under theories of strict liability, fraud by concealment, conspiracy to commit fraud by concealment, breach of an express warranty, breach of an implied warranty, and negligence. I oversaw a six-week jury trial, after which the jury returned a verdict of no liability in favor of the defendants.

Counsel for Plaintiffs:

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Fort Lauderdale, Fl 33316  
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Jonathan Gdanski  
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Thomas J. Seider  
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Stacey Koch Lieberman  
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Jason Keehfus  
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2. *The Fountains of Palm Beach Condo., Inc., No. 1 v. The Fountains Country Club*, No. 2013CA005683 (Fla. 15th Cir. Ct. Jan. 13, 2016).

The plaintiffs (several condominium associations) sued the defendant (a country club) for a declaratory judgment declaring that the plaintiffs could amend their respective declarations so as not to require the condominium owners to purchase mandatory memberships from the country club. Because the evidence established that (1) the defendant country club was not a party to the declarations, (2) the defendant country club was not the primary and direct beneficiary of the mandatory membership—a fact which the country club’s attorney had relayed to the country club when the mandatory membership clauses were first added to the respective declarations—and (3) agency

principles estopped the country club from seeking to enforce the mandatory membership clauses, I agreed with the plaintiffs and entered final judgment in their favor.

Counsel:

Gene D. Lipscher  
1025 W Indiantown Road Suite 106  
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Jupiter, Fl 33478  
(561) 478-7600

Patrick M. Boland  
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Fort Myers, Fl 33912  
(239) 561-2828

3. *Sorino v. JFK Med. Ctr. L.P.*, No. 2016CA006680 (Fla. 15th Cir. Ct. Dec. 21, 2017).

This case involved claims for medical malpractice. The plaintiff sued the defendants (hospital and doctors) on behalf of the decedent in a medical malpractice action for failing to properly diagnose the decedent, leading to his death. I presided over a two-week jury trial. The jury found the defendant hospital liable but did not find any of the defendant doctors liable. The jury awarded the plaintiff \$500,000 in damages for the hospital's liability.

Counsel for Plaintiff:

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(305) 374-6366

Counsel for Defendants:

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4. *Marino v. Centex Homes*, No. 2014CA005369 (Fla. 15th Cir. Ct. June 13, 2017), *rev'd* by 267 So. 3d 403 (Fla. 4th DCA 2018).

The plaintiffs sued the defendants for damages related to alleged construction defects. While the plaintiffs served their statutorily required pre-suit notice before the expiration of the statute of repose, they did not file suit until after the statute of repose expired. I applied the plain and ordinary meaning of the applicable statutes in concluding that the action was barred by the statute of repose. Specifically, the statute of repose required the “action,” meaning “civil action or proceeding,” to be filed within the necessary time period established by the statute of repose. § 95.011, Fla. Stat. (2014); *see also* § 558.002(1), Fla. Stat. (2014) (defining an “action” in the context of a suit “for damage to or loss of real or personal property caused by an alleged construction defect” as “any civil action or arbitration proceeding”). In interpreting the text of the statute of repose, I concluded that an “action” did not include the pre-suit notice requirement because the relevant statute specifically required a plaintiff to serve the pre-suit notice “before filing any *action*[.]” §558.004(1)(a), Fla. Stat. (2014) (emphasis added). By concluding that the plaintiffs’ “action” was not commenced within the statute of repose since their complaint was not filed by the deadline, I gave effect to the Legislature’s directive, as evidenced through the text of the relevant statutes, that such suits were to be considered time barred. On appeal, the District Court of Appeal applied a broader definition of “action” to the statute of repose.

Counsel for Plaintiff:

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Counsel for Defendants:

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Miami, Fl 33156  
(305) 670-1101

5. *Mayo v. Village of Tequesta*, No. 2016CA011794 (15th Cir. Ct. Apr. 13, 2018)

This case concerned whether non-economic damages were available under the public “Whistle-blower’s Act.” I concluded that the text of the statute limited damages to “lost wages, benefits, or other lost remuneration.” In doing so, I noted that another whistleblower statute not at issue in the case allowed a court to award “lost wages, benefits and other remuneration” as well as “[a]ny other compensatory damages.” I explained that going beyond the statutory text “would disable any ability for the legislature to determine in their wisdom appropriate remedies for the statutory causes of action they may choose to create.”

Counsel for Plaintiff:

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Counsel for Defendant:

Scott D. Alexander  
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6. *Davis v. Dep't of Highway Safety & Motor Vehicles*, No. 2017CA011092 (15th Cir. Ct. Aug. 15, 2018) (Artau, J., dissenting), *rev'd*, *Dep't of Highway Safety & Motor Vehicles v. Davis*, 264 So. 3d 965 (Fla. 4th DCA 2019)

This case involved the question of whether a hearing officer was required to invalidate the results of a petitioner's blood alcohol test in an administrative appeal of a driver's license suspension when the petitioner was in a hospital and had consented to a blood draw. I dissented because in my view the majority had failed to properly interpret and apply the limited statutory scope of the hearing officer's review. On review, the Fourth District Court of Appeal agreed with my analysis. *See* 264 So. 3d 965 (Fla. 4th DCA 2019).

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7. *Letterman v. Nat'l Truck Ctr., Inc.*, No. 2015CA001204 (Fla. 15th Cir. Ct. Oct. 8, 2018)

This case involved claims by the plaintiff seeking damages for the wrongful death of the decedent, allegedly caused by the defendant's negligent manufacturing of a pumper truck which was allegedly allowed to be placed on the market with a dangerous defect. The plaintiff moved for partial summary judgment on the defendant's affirmative defenses, but I concluded that the defendant was permitted to present its defenses to the jury. Following a two-week jury trial, the jury found the defendant liable for damages of approximately \$15,000,000.

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8. *Farrington v. Delray Medical Center*, No. 2016CA9442 (15th Cir. Ct. June 17, 2019)

This case involved medical malpractice claims. I granted the defendants' motion to dismiss the claims with prejudice for failure to provide the pre-suit statutorily qualifying corroborating expert opinion. This was fatal to the plaintiff's claim because the statutory limitations period had run. Thus, I concluded that the procedures in chapter 766 are "more than mere technicalities" because "the statutory text reflects enactment to ensure prompt settlement of legitimate [malpractice] claims and to eliminate frivolous claims."

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9. *In re Juveniles*, No. 2018CJ002659 et al. (Fla. 15th Cir. Ct. Mar. 25, 2020)

This case involved a total of thirty-one consolidated cases brought by juveniles. The Juveniles moved for the court to appoint the Juvenile Advocacy Project to investigate the Florida Department of Juvenile Justice. Following an evidentiary hearing, I denied the motion on Separation of Power grounds. I explained that our constitutional form of government is premised on there being separation of powers between the three branches of government and the judiciary “is not charged with administering or supervising the juvenile commitment programs.” Accordingly, I concluded that the motion had to be denied because it would have placed the judicial branch of government in the role of investigating, supervising, and directing the actions of the executive branch of government.

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10. *Brooks v. State*, Case No. 2019AP000106 (15th Cir. Ct. Mar. 26, 2020) (Artau, J., dissenting)

This case involved an appeal from the county court on the burden of proof when moving to dismiss a criminal charge based on Section 776.032, Florida Statutes (2019), which is also known as Florida's "Stand Your Ground" law. The majority concluded that a criminal defendant was required to present prima facie evidence to support a claim of self-defense. I dissented because I concluded that the statute required only a "prima facie claim," or a facially sufficient motion supporting the elements of self-defense as explained in *Jefferson v. State*, 264 So. 3d 1019 (Fla. 2d DCA 2018). After I was appointed to the Fourth District Court of Appeal, I served on a panel that later adopted my interpretation in *State v. Cassaday*, 315 So. 3d 705 (Fla. 4th DCA 2021).

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- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

The following are the ten most significant opinions I have written while serving as an appellate judge on the Fourth District Court of Appeal:

1. *Broward Cnty. v. Fla. Carry, Inc.*, 313 So. 3d 635 (Fla. 4th DCA 2021) (Artau, J., concurring)

This case concerned the interpretation of the Joe Carlucci Uniform Firearms Act and whether it preempted a Broward County ordinance from prohibiting the carrying of guns at its airports in areas that do not include passage through the security checkpoints to board a commercial flight. The majority concluded that state law preempted the Broward County ordinance, affirming an injunction against Broward County's enforcement of its unlawful ordinance.



I concurred fully with the majority and wrote separately to explain that the Legislature has preempted the entire field of firearms regulation, “asserting itself as the exclusive legislative body that could regulate in this field in view of its overriding concern” that any regulation not abridge the Second Amendment right to bear arms.

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2. *In Re: Final Report of the 20th Statewide Grand Jury*, 343 So. 3d 584 (Fla. 4th

DCA 2022)

This case concerned whether a statewide grand jury's report exceeded the scope of its subject matter jurisdiction. The Florida Supreme Court, at the request of Governor DeSantis, empaneled a statewide grand jury to investigate systematic misconduct, mismanagement, and misuse of public funds earmarked for school safety initiatives following the mass shooting at Marjory Stoneman Douglas High School. I concluded that the grand jury had authority to publicly release findings of misconduct by public officials in a report or presentment consistent with the text of the statewide grand jury statute which codified the practice as "was prevalent in the American colonies and continued after the ratification of the United States Constitution."

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3. *Lopez v. State*, 397 So. 3d 1035 (Fla. 4th DCA 2024) (Artau, J., concurring)

This case concerned the issue of whether it violated a defendant’s constitutional rights under the Confrontation Clause to allow a witness to testify by Zoom. The majority concluded that the trial court erred by allowing a U.S. Marshal to testify via Zoom because it violated the defendant’s Confrontation Clause rights, but also concluded that the error was harmless because the testimony offered by the U.S. Marshal was limited and the government offered other compelling evidence. In my concurring opinion, I explained that “our Constitution is not a fungible document that can be selectively enforced based on public policy preferences. Certainly, public policy considerations can provide the impetus for a movement to amend our Constitution pursuant to the process established by its Framers, but judges are not at liberty to substitute their personal policy preferences for that of the Framers.”

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4. *H.S. v. Dep’t of Child. & Fams.*, 384 So. 3d 280 (Fla. 4th DCA 2024)

This case concerned the statutory and traditional common law right of parents to direct the upbringing and moral or religious training of their children. The trial court had removed the child from the custody of his father, who was a Christian minister and youth pastor, because the father had lawfully opposed the child’s desire to “pursue gender transition.” The mother and father lived separately, and there had been no findings of abuse, abandonment, or neglect as to the father. Before hearing the father’s motion on his right to direct the upbringing of his child, the trial court judge used female names to refer to the child, told the child that “you are one smart, strong[,] [t]ogether, young lady,” and to “[c]hin up, sister.” The petitioner father sought a writ of prohibition disqualifying the trial judge. The petitioner father argued that the trial court judge had prejudged the case.

This opinion upheld the right of a parent to lawfully oppose not only “gender transition before adulthood, but also to [lawfully oppose] any form of sex-reassignment treatment” and made clear that the trial judge’s remarks implied a foregone conclusion, before hearing the father’s motion, that the trial judge was supportive of the child’s gender transition before adulthood and opposed to the father’s reliance upon his moral or

religious beliefs to otherwise direct the child's upbringing."

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5. *Alexander v. Trump*, 404 So. 3d 425 (Fla. 4th DCA 2025) (Artau, J., concurring)

This case concerned whether a Florida trial court correctly concluded that it had personal jurisdiction over claims by President Trump against members of the Pulitzer Prize board who were not residents of Florida. The majority concluded that the exercise of personal jurisdiction was proper. I wrote a concurring opinion to explain that the President pled sufficient facts to establish for jurisdictional purposes that the non-resident Pulitzer Prize board members conspired with a Florida resident board member to defame the President by publishing a statement that was actionable as one of fact. The statement detailed both the procedure the Pulitzer Prize board members followed to conclude that they would not rescind the 2018 Pulitzer Prizes in National Reporting and the reasoning for not rescinding the awards by vouching for the truth of debunked facts in publishing the statement. I also explained that the "actual malice" standard from *New York Times Co v.*

*Sullivan* did not comport with the original understanding of the First Amendment while acknowledging that inferior courts have no authority to overrule precedent from the United States Supreme Court.

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6. *Penna v. State*, --- So. 3d ----, No. 4D2020-0345, 2025 WL 1242154 (Fla. 4th DCA Apr. 30, 2025)

This case involved the question of whether a defendant knowingly and voluntarily waived

his earlier-invoked *Miranda* rights when the defendant “reinitiate[d] contact” with law enforcement and made various incriminating statements about the murders and other crimes he had committed. This case followed the court’s earlier decision in *Penna v. State*, 344 So. 3d 420 (Fla. 4th DCA 2021) (Artau, J., dissenting), which was later reversed and remanded by the Florida Supreme Court in *State v. Penna*, 385 So. 3d 595 (Fla. 2024). In the first case, the majority reversed the defendant’s convictions on the grounds that the prior precedent from both the Fourth District Court of Appeal and the Florida Supreme Court required the statements to be excluded from evidence. Judge Artau, however, did not join the majority’s opinion and instead wrote a separate opinion suggesting that the Florida Supreme Court revisit the question because the prior precedent was not consistent with the Supreme Court’s totality of the circumstances test. He also dissented because he opined that the admission of the statements constituted harmless error. On review, the Florida Supreme Court agreed with Judge Artau that the prior precedent was wrongly applied and receded from it. On remand, Judge Artau, now writing for the majority, explained why under the totality of the circumstances test, the admission of the defendant’s incriminating statements was not erroneous, and required affirmance of the defendant’s convictions.

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7. *Bartels v. State*, --- So. 3d ---, No. 4D2024-0728, 2025 WL 1318637 (Fla. 4th DCA May 7, 2025) (Artau, J., concurring)

This case concerned an appeal by a criminal defendant convicted of multiple counts of rape of a child less than twelve years of age. After being convicted by a six-person jury, the defendant appealed. The defendant argued that he was entitled to a twelve-person jury because the amended Florida Statute treats rape of a child less than twelve years old as a death penalty eligible capital felony entitling him to a trial before a twelve-person jury. The majority concluded that the defendant had failed to preserve this argument and that the use of a six-person jury did not constitute fundamental error. In the alternative, the majority concluded that any error was harmless. I concurred in result with the majority opinion based on harmless error, but I wrote separately to explain that the State had waived the preservation issue. Thus, I concluded that under Florida law, rape of a child less than twelve years of age is a capital felony for which the State may constitutionally

seek the death penalty. I also explained in my separate concurrence, that a defendant charged with such a capital offense is entitled to a twelve-person jury under Florida law, regardless of whether the death penalty is sought.

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8. *Burns v. State*, 361 So. 3d 372 (Fla. 4th DCA 2023)

This case concerned an appeal by a defendant who was charged with aggravated assault with a deadly weapon for openly carrying and loading his firearm in the yard of his own home. At issue was whether he was entitled to Stand Your Ground immunity from prosecution for his non-deadly use of his firearm during a confrontation with some tree-cutting crew workers, one of whom had made sexually suggestive gestures towards defendant's fiancée and another of whom had waved a running chainsaw towards defendant's dogs. I concluded that the defendant had the right to openly carry the firearm he displayed and loaded on his own property, and even if he had not been on his property, it would not have been unlawful for defendant to briefly display his firearm in anticipation of possibly needing it for his protection during the confrontation.

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9. *Acad. for Positive Learning, Inc. v. Sch. Bd. of Palm Beach Cnty.*, 315 So. 3d 675 (Fla. 4th DCA 2021) (en banc) (per curiam)

This case involved a school board's voter referendum to levy ad valorem taxes dedicated to funding school safety and other expenditures for public schools to the exclusion of charter schools. This occurred in the wake of the mass shooting at the Marjory Stoneman Douglas High School. We concluded, en banc, that the school board's referendum violated the statutory requirement under Florida law that students enrolled in a charter school must be funded "the same as students enrolled in other public schools in the school district."

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10. *Q.H. v. Sunshine State Health Plan, Inc.*, 307 So. 3d 1 (Fla. 4th DCA 2020) (Artau, J., dissenting)

This administrative law case involved a question of whether a Medicaid recipient was entitled to elective growth hormone treatment. I dissented, concluding that the Florida Legislature expressly designated the Agency for Health Care Administration as the single state agency authorized to administer and provide stewardship over taxpayer dollars used to cover Medicaid program expenses, and it would violate principles of federalism and the separation of powers in our constitutional form of government for the courts to reject the prior authorization criteria for growth hormone treatment employed by the agency as a reasonable utilization control that is not inconsistent with federal statutes and regulations.

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e. Provide a list of all cases in which certiorari was requested or granted.

To the best of my knowledge, certiorari was not requested or granted in any of the cases I presided over as a trial court judge or in any of the cases for which I participated as an appellate judge.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

In the five years that I have served as a District Court (Appellate) Judge on the Fourth District Court of Appeal, I have not been reversed by a reviewing court, nor have I been criticized by a reviewing court while being affirmed.

In the nearly six years that I served as a Circuit Court (Trial) Judge on the Fifteenth Judicial Circuit in Palm Beach County, FL, I was reversed as a circuit court judge in the following five cases:

*Nash v. Fla. Atl. Univ.*, 213 So. 3d 363 (Fla. 4th DCA 2017) (affirmed in part, reversed in part). This case involved a dispute over a university's rejection of a professor's application for tenure. The parties went to arbitration, and the arbitrator awarded the professor tenure. I concluded that this exceeded the arbitrator's authority and vacated the award of tenure. The court of appeals agreed that the arbitrator exceeded his authority in awarding the professor tenure, but it reversed and remanded for the circuit court to direct the university to review the professor's application using the correct criteria.

*Nikolits, as Prop. Appraiser for Palm Beach County v. Haney*, 221 So. 3d 725 (Fla. 4th DCA). The issue in this case was whether a property appraiser was impermissibly "seeking to make corrections based on a change in value [of the taxpayers' home] due to an error in judgment[.]" rather than seeking to change a "clerical" or "mathematical" error pursuant to Florida Administrative Code Rule 12D-8.021(2)(a)(12). I concluded that the property appraiser was impermissibly seeking corrections based on an error in judgment without giving the taxpayers the due process right to challenge the correction. The District Court of Appeal concluded that the increase in taxes on the property was permitted because it concluded that the error was instead a "clerical" or "mathematical" error. However, the appeals court "agree[d] with [my ruling] that [the taxpayers] should be allowed to make that challenge [to the corrected valuation of their home] and were denied due process."

*Sherman v. Savastano*, 220 So. 3d 441 (Fla. 4th DCA 2017). The issue in this case was whether, under Section 768.79 of the Florida Statutes, a plaintiff was required to pay attorney's fees after not accepting an offer of judgment from the defendant and the judgment obtained by the plaintiff was at least 25 percent less than such offer. The defendant's offer had been conditioned on an unattached "joint stipulation," the terms of which were not expressly set forth in the offer of judgment. The District Court of Appeal concluded that the offer was sufficiently clear to allow the plaintiff to make an informed decision without requiring additional clarification of the offer or attachment of the missing "joint stipulation."

*Gindel v. Centex Homes*, 267 So. 3d 403 (Fla. 4th DCA 2018). The issue in this case was whether the complaint asserting a construction defect had to be filed within the statute of

repose's 10-year cut-off or whether it was sufficient to issue a pre-suit demand notice before the expiration of the statute of repose. I concluded that a complaint needed to be filed within the statute of repose. The District Court of Appeal concluded that the demand notice was sufficient.

*Lenmar Realty, LLC v. Sun Electric Works, Inc.*, 317 So. 3d 125 (Fla. 4th DCA 2021). In this case, the District Court of Appeal “affirm[ed] the final judgment [of the circuit court] in all respects but one—we reverse that portion of the judgment denying Lenmar’s motion to obtain rental monies that Sun Electric deposited in the court registry during the pendency of the litigation.” Although I handled the bench trial in this case, by the time the motion to obtain rental monies deposited in the court registry was heard, I had been transferred to cover another division of the Fifteenth Judicial Circuit by the Chief Judge. Thus, another judge decided that motion. Although my decisions in the case were not reversed, I have included the case here in an abundance of caution.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

All the opinions I have written as an appellate judge are published in the Southern Reporter and are available on Westlaw. The opinions are also available on the court's website.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

*Bartels v. State*, --- So. 3d ---, No. 4D2024-0728, 2025 WL 1318637 (Fla. 4th DCA May 7, 2025) (Artau, J., concurring).

*Hillstrom v. State*, --- So. 3d ---, No. 4D2024-1989, 2025 WL 1242416 (Fla. 4th DCA April 30, 2025) (Artau, J., concurring specially)

*Penna v. State*, --- So. 3d ---, No. 4D2020-0345, 2025 WL 1242154 (Fla. 4th DCA Apr. 30, 2025).

*Salomon v. State*, --- So. 3d ---, No. 4D2024-0579, 2025 WL 1241827 (Fla. 4th DCA Apr. 30, 2025) (Artau, J., dissenting).

*Alexander v. Trump*, 404 So. 3d 425 (Fla. 4th DCA 2025) (Artau, J., concurring)

*Lopez v. State*, 397 So. 3d 1035 (Fla. 4th DCA 2024) (Artau, J., concurring)

*Fed. Ins. Co. v. Perlmutter*, 376 So. 3d 24 (Fla. 4th DCA 2023) (Artau, J., concurring specially)

*Penna v. State*, 344 So. 3d 420 (Fla. 4th DCA 2021) (Artau, J., dissenting), *rev'd*, *State*

*v. Penna*, 385 So. 3d 595 (Fla. 2024).

*Burns v. State*, 361 So. 3d 372 (Fla. 4th DCA 2023)

*In Re: Final Report of the 20th Statewide Grand Jury*, 343 So. 3d 584 (Fla. 4th DCA 2022)

*Broward Cnty. v. Fla. Carry, Inc.*, 313 So. 3d 635 (Fla. 4th DCA 2021) (Artau, J., concurring)

*Q.H. v. Sunshine State Health Plan, Inc.*, 307 So. 3d 1 (Fla. 4th DCA 2020) (Artau, J., dissenting)

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

Recusal of a State of Florida appellate judge is governed by case law from the Florida Supreme Court. *See, e.g., In re Estate of Carlton*, 378 So. 2d 1212, 1216-18 (Fla. 1980) (an appellate judge must determine for himself or herself the legal sufficiency of a motion to disqualify).

*Carlton* also holds that: "Even though a suggestion for disqualification is legally insufficient, a judge may still voluntarily recuse himself if he believes it would be in the best interests for the administration of justice." *Id.* at 1220. Thus, an appellate judge can also determine for himself

or herself “the propriety of [voluntarily] withdrawing in any particular circumstances.” *Id.* at 1216.

As an appellate judge serving on the Fourth District Court of Appeal, I entered a recusal order in *Christine Scott v. Broward County Supervisor of Elections* in Fourth District Court of Appeal Case No. 4D20-2220 after Ms. Scott filed a motion requesting that I recuse myself because I had previously presided as a trial judge over a different case in which she was a party.

After Ms. Scott filed her motion to recuse, she filed a motion for rehearing of the appellate panel’s dismissal of part of her appeal. In that motion, Ms. Scott made various allegations of actions she claims were taken by the Clerk of the Court’s office or other officials in a homeowner’s association case I presided over in the circuit civil division of the Fifteenth Judicial Circuit. Although the last time I presided as a trial judge in the circuit civil division at the Fifteenth Judicial Circuit was in June of 2019 when I was moved to a different division by a routine rotation determined by the Chief Judge, appellant attributes my rotation out of that division as possibly being linked to her claim that the Clerk of the Court’s office or other officials may have been involved in my rotation to deny her the opportunity to receive a fair trial in her homeowner’s association case.

Although it was unclear to me from Ms. Scott’s motion why she believed the homeowner’s association case was related to her appeal, it did appear that she believed there is some nexus arising out of how her claims were handled by the various clerks or other officials even though the cases were separately brought in different counties for what would appear to be unrelated claims.

Nonetheless, because I had presided over a homeowner’s association case as a trial judge at the Fifteenth Judicial Circuit which appellant has made several references to in her motion for rehearing, including her claims that I could attest to the panel for certain issues from her homeowner’s association case, I concluded that it would be in the best interest of the administration of justice for me to recuse myself from further participation in Ms. Scott’s case. Ms. Scott later moved for me to reconsider my recusal as she apparently preferred my return to the case despite her motion to recuse me. I denied her subsequent motion for me to vacate the recusal order I had entered.

Recusal of a State of Florida trial judge is governed by Rule 2.330 of the Florida General Practice & Judicial Administration Rules. It requires recusal if a motion alleges grounds that are “legally sufficient” even if untrue. The rule provides that an order of recusal “does not constitute acknowledgement that the allegations are true” or upon a judge’s own initiative (*sua sponte*).

To the best of my knowledge based on available records, I entered *sua sponte* recusal orders pursuant to Rule 2.330 as a trial judge serving on the Fifteenth Judicial Circuit in the cases listed below:

*Miller v. Homeland Property Owners Association, Inc., et al.*, Case No. 50-2014-CA-012132-XXXX-MB, Fifteenth Judicial Circuit (Recusal entered because I had participated in a mediation of a related case involving some of the defendants before I became a judge).

*Lipkin v. Reckseit*, Case No. 50-2014-CA-015425-XXXX-MB, Fifteenth Judicial Circuit (Recusal entered because the attorneys for one of the parties had very recently been colleagues of mine in

my prior workplace before becoming a judge).

*Northern Palm Beach County Improvement District v. State of Florida*, Case No. 50-2015-CA-001414-MB, Fifteenth Judicial Circuit (Recusal entered because the Northern Palm Beach County Improvement District is a water control district that I had recently worked with in my prior role as General Counsel to the South Florida Water Management District).

*Blanton v. Omni Home Health Services, Inc., et al.*, Case No. 50-2010-CA-027957-XXXX-MB, Fifteenth Judicial Circuit (Recusal entered because I had represented one of the parties).

*Baez v. Thompson*, Case No 50 2015 CA 009131-XXXX-MB, Fifteenth Judicial Circuit (Recusal entered because my prior law firm had represented one of the parties).

*Garofalo v. Proskauer Rose LLP*, Case No. 50-2016-CA-007003-XXXX-MB, Fifteenth Judicial Circuit (Recusal entered because my prior law firm employer was the defendant).

*Williamson v. Plasencia*, Case No. 50-2016-CA-006662-XXXX-MB, Fifteenth Judicial Circuit (Recusal entered because one of the parties was a colleague in the community that I had recently served with on bar association matters).

*Everglades Law Center Inc. v. South Florida Water Management District*, Case No. 50-2017-CA-012273-XXXX-MB, Fifteenth Judicial Circuit (Recusal entered because I recently had served as General Counsel to the defendant—South Florida Water Management District).

*Northern Trust Company v. Solitaire Group Limited, et al.*, Case No. 50-2018-CA-004201-XXXX-MB, Fifteenth Judicial Circuit (Recusal entered because I had represented a party).

To the best of my knowledge based on available records, I denied recusal motions as legally insufficient pursuant to Rule 2.330 as a trial judge serving on the Fifteenth Judicial Circuit in the cases listed below:

*McMillin v. Vita Nova Foundation, et al.*, Case No. 50-2014-CA-004117-XXXX-MB, Fifteenth Judicial Circuit.

*Green Tree Servicing LLC v. Dixon*, Case No. 50-2014-CA-013158-XXXX-MB, Fifteenth Judicial Circuit.

*Laterza v. Campbell*, Case. No. 50-2018-CA-011918-XXXX-MB, Fifteenth Judicial Circuit.

In addition, the Clerk of the Court of both the Fourth District Court of Appeal and the Fifteenth Judicial Circuit have an "automatic" system that allows a judge to provide the names of attorneys or parties with whom the judge may have either a close or adverse personal or financial relationship, or to prevent certain types of cases from being assigned to the judge. I used this automatic system to have the Clerk of the Court prevent me from being assigned recent cases from the same trial court division I last presided over as a trial judge because I cannot serve as an appellate judge over my own trial cases. In such circumstances, the judge does not need to enter



a recusal order because those cases will not be assigned to the participating judge.

15. **Public Office, Political Activities and Affiliations:**

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Other than judicial offices, I served on Judicial Nominating Commissions by appointment of the Governor of Florida as follows:

Fourth District Court of Appeal Judicial Nominating Commission (2012 – 2014)

Vice-Chair (2014)

Commissioner (2012 – 2014)

Fifteenth Circuit Judicial Nominating Commission (1995 – 1999, 2008 – 2011)

Chair (1997 – 1998)

Commissioner (1995 – 1999, 2008 – 2011)

I was also employed as the General Counsel to the South Florida Water Management District, but I do not believe that is considered public office.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

College Students for Reagan, Broward County, FL Chair, 1984.

Donald Ross for Congress Campaign, Campaign Volunteer, 1984. Donald Ross was the Republican Candidate running in Florida's 14th congressional district.

Cormac Conahan for Boca Raton Mayor, Campaign Volunteer, 1990-1991.

George W. Bush Presidential Campaign, Recount Monitor, Palm Beach Cty., FL, 2000.

Latin American Republicans of Palm Beach County, President, 2003 – 2005

Lawyers for George W. Bush, Chair, Palm Beach County, FL, 2004.

Republican Party, Chair, Election Lawyer Team, 2012.

16. **Legal Career:** Answer each part separately.



a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as a clerk to a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I practiced alone and in affiliation with other attorneys as:

1996 – 2004

Edward L. Artau, P.A. / Marks & Artau, P.A.

2499 Glades Road

Boca Raton, FL 33431

Partner

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2004 – 2014

South Florida Water Management District

3301 Gun Club Road

West Palm Beach, FL 33406

General Counsel (2011 – 2014)

Senior Litigation Attorney (2004 – 2011)

1996 – 2004

Edward L. Artau, P.A. / Marks & Artau, P.A.

2499 Glades Road

Boca Raton, FL 33431

Partner

1993 – 1996

Proskauer Rose, L.L.P.

2255 Glades Road

Boca Raton, FL 33431

Senior Associate Attorney

1988 – 1993

Hodgson Russ, L.L.P.

2000 Glades Road

Boca Raton, FL 33431

Associate Attorney

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I am Supreme Court Certified as a Circuit Civil, County Court, Family, and Appellate Mediator. I have been a Florida Supreme Court Certified Mediator since August 20, 2004. I also teach Alternative Dispute Resolution and Negotiation courses as an Adjunct Law Professor at St. Thomas University. Because I have not conducted any mediations since I became a judge in 2014, I did not keep a list of mediations that I occasionally conducted in the past. The mediations I did conduct before 2014 would have been for state court actions in either Circuit Civil or Family Law matters.

- b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

Preceding my appointment to the bench, I served as General Counsel and Senior Litigation Attorney to a large regional government agency that manages water resources in the southern half of Florida, covering 16 counties from Orlando to the Florida Keys (South Florida Water Management District), including extensive first chair litigation experience in state and federal trial and appellate courts throughout the 16 counties in complex constitutional claims, construction disputes, contractual litigation, eminent domain, environmental claims, inverse condemnation, labor defense, liability defense, open government, personal injury defense, procurement challenges, real estate, and wrongful death defense.

In prior private practice, I also developed extensive first chair litigation experience in state and federal trial and appellate courts in general civil and complex commercial litigation, criminal, eminent domain, family law, health care law, labor, real estate, and liability defense for individuals, organizations, businesses, and corporations, and I have served as a Florida Supreme Court Certified Mediator (Certified in Circuit, County, Family and Appellate Mediation). Although I cannot serve as a mediator while I am a sitting judge, I have kept my certifications current.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

Preceding my appointment to the bench, my client was a large regional government agency that manages water resources in the southern half of Florida, covering 16 counties from Orlando to the Florida Keys (South Florida Water Management District), and my practice focused on complex constitutional claims, construction disputes, contractual litigation, eminent domain, environmental claims, inverse condemnation, labor defense, liability defense, open government, personal injury

defense, procurement challenges, real estate, and wrongful death defense in State and Federal Courts. In prior private practice, my clients were individuals, organizations, businesses, and corporations, and my practice focused on general civil and complex commercial litigation, criminal, eminent domain, family law, health care law, labor, real estate, and liability defense in State and Federal Courts.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Prior to my selection to serve as General Counsel of the South Florida Water Management District (District) in 2013, the percentage of my practice was exclusively 100% in litigation with frequent appearances in court. Subsequent to 2013 when I became the District's General Counsel, my appearances in court were less frequent because I was tasked with handling all legal aspects of the District and managing the Office of Counsel, including not only the litigation practice department, but also the business and environmental practice departments, and responding to the needs of the District's Governing Board and Executive Office.

i. Indicate the percentage of your practice in:

- |    |                          |     |
|----|--------------------------|-----|
| 1. | federal courts:          | 25% |
| 2. | state courts of record:  | 65% |
| 3. | other courts:            | 0%  |
| 4. | administrative agencies: | 10% |

ii. Indicate the percentage of your practice in:

- |    |                       |     |
|----|-----------------------|-----|
| 1. | civil proceedings:    | 75% |
| 2. | criminal proceedings: | 25% |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I estimate that before I became a judge, I tried 220 cases to verdict, judgment or final decision, over 30 appellate cases, and 5 arbitration cases. In approximately 120 of the cases to verdict, judgment or final decision, I was sole counsel. In approximately 50 of those cases I was chief counsel. And in approximately 50 of those cases I was associate counsel.

I have presided over approximately 125 jury and non-jury trials as a circuit court trial judge on the Fifteenth Judicial Circuit. In addition, my role as a circuit court trial judge included presiding over approximately 100 appeals from the county court and administrative agencies. And each circuit court division I was assigned to preside over had a caseload of approximately 1500 cases at any given time. In other words, I presided over thousands of cases as a circuit court trial judge during the nearly 6 years I served at the Fifteenth Judicial

Circuit. Moreover, as a district court appellate Judge on the Fourth District Court of Appeal for the last five years, I have presided over 2987 appeals while authoring over 58 majority opinions, 19 concurring opinions, 20 dissenting opinions, and 183 per curiam opinions written with my substantial participation.

The statistics reported above and below relate to my work as an attorney before I became a judge.

i. What percentage of these trials were:

- |    |           |     |
|----|-----------|-----|
| 1. | jury:     | 5%  |
| 2. | non-jury: | 95% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Friends of the Everglades, Inc., Fishermen Against the Destruction of the Environment, Florida Wildlife Federation and the Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, U.S. Sugar Corporation, and the United States*, 2006 WL 3635465 (S.D. Fla. 2006), *rev'd*, 570 F.3d 1210 (11th Cir. 2009), *cert denied*, 562 U.S. 1082, 131 S. Ct. 643, 178 L. Ed. 2d 512(2010), and 562 U.S. 1082, 131 S. Ct. 645, 178 L. Ed. 2d 512 (2010).

I represented the principal defendant, South Florida Water Management District ("District"), in a significant environmental lawsuit that turned out to be a leading case in the ongoing dispute over the proper scope of federal jurisdiction under the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) permitting program that has sharply divided the country. The District, along with water managers from many states,

have long argued-including before the U.S. Supreme Court-that Congress never intended federal NPDES jurisdiction to regulate traditional state and local water management facilities. A nearly equal number of states, a Canadian province, an Indian tribe, and numerous environmental groups have argued for the courts to broadly interpret the Act as granting more expansive federal powers.

The plaintiffs in these consolidated cases, Friends of the Everglades/Fishermen Against the Destruction of the Environment and the Florida Wildlife Federation, sought to impose federal permits upon pumping facilities used to provide critical flood protection and water supplies throughout southern Florida. The Miccosukee Tribe of Indians intervened to support the plaintiffs. The U.S. Department of Environmental Protection Agency and United States Sugar Corporation intervened on behalf of the District.

My co-counsel, James Nutt, and I conducted a 23-day trial before U.S. District Court Judge Cecilia Altonaga. The Court heard testimony from over 20 witnesses, and admitted approximately 165 exhibits into evidence.

The Miccosukee Tribe of Indians of Florida was represented by Dione Carroll and Sonia Escobio O'Donnell, Jordon Burt, LLP, Miami, FL. The United States Sugar Corporation was represented by Rick Burgess, Gunster, Yoakley & Stewart, P.A., FT Lauderdale, FL, and Daniel Thompson, Berger Singerman, Tallahassee, FL. The Environmental Protection Agency was represented by Andrew J. Doyle and Maureen Elizabeth Rudolph, of the U.S. Dept. of Justice. Friends of the Everglades, Inc. and Fishermen Against the Destruction of the Environment were represented by John E. Childe. And the Florida Wildlife Federation was represented by David Guest.

Our defenses raised important constitutional principles: (1) Eleventh Amendment immunity and (2) several statutory interpretive principles, including the Clean Water Act's plain language, principles of agency deference, and the Tenth Amendment's Clear Statement Rule to support construing the Clean Water Act as granting limited federal jurisdiction over traditional water management activities generally reserved to the states.

Several notable orders were entered. Judge Altonaga resolved a split among federal district courts by finding the District's operations to be critical State functions entitled to Eleventh Amendment immunity protection. However, Judge Altonaga held that Congress intended the Clean Water Act (NPDES) permits to apply to the District's operations, and rejected our agency deference and Tenth Amendment arguments.

The Eleventh Circuit U.S. Court of Appeals reversed, adopting our deference arguments. Petitions for rehearing and for review upon certiorari by the U.S. Supreme Court were denied.

2. *Friends of the Everglades, Inc., Miccosukee Tribe of Indians of Florida et al. v. South Florida Water Management District et al.*, 678 F.3d 1199 (11th Cir. 2012).

I represented the South Florida Water Management District ("District"), together with my

co-counsel, James Nutt, in defending against a significant claim for attorneys' fees against the District from the Miccosukee Tribe of Indians of Florida represented by Dione Carroll and Sonia Escobio O'Donnell, Jordon Burt, LLP, Miami, FL, arising from the environmental lawsuit described in Case 1, in which environmental organizations had brought an action seeking to enjoin the District from pumping canal water into Lake Okeechobee under the Clean Water Act. Other attorneys in the case were Rick Burgess, Gunster, Yoakley & Stewart, P.A., FT Lauderdale, FL, and Daniel Thompson, Berger Singerman, Tallahassee, FL, representing the intervenor-United State Sugar Corporation. And U.S. Dept. of Justice attorneys, Andrew J. Doyle and Maureen Elizabeth Rudolph, represented the Environmental Protection Agency (EPA).

The Miccosukee Tribe argued below and on appeal to the Eleventh Circuit "that it was entitled to fees as the 'prevailing party' because it achieved some form of relief, namely an injunction and the promulgation of the EPA's new rules. The Tribe further argue[d] that equity required the court grant the motion for fees, as the Tribe had no control over the promulgation of the new rules and the court should consider the Water District's influence on the EPA to enact the rules." 678 F.3d at 1201.

The District prevailed below and on appeal at the Eleventh Circuit, which held that "the result the Tribe sought-an injunction requiring the Water District to obtain a permit-is exactly what the Tribe did not receive. All that can be said of the Tribe's action is that it led the EPA to promulgate rules contrary to the Tribe's position. We do not think that renders the Tribe a "substantially prevailing party[.]" *Id.* at 1202.

3. *Joseph Langlois v. City of Deerfield Beach*, 370 F. Supp. 2d 1233 (S.D. Fla. 2005)

I represented a firefighter, Joseph Langlois, in an employment dispute with the City of Deerfield Beach over comments he made at a union meeting objecting to the City's unfair application of its rules. In response to complaints about firefighter Langlois, the fire chief ordered Langlois to subject himself to a psychological fitness for duty examination. Langlois claimed in the litigation that ordering him to undergo a psychological exam was in retaliation for his exercise of his First Amendment rights at the union meeting. The Fire Chief sent Langlois to a psychiatrist selected by the City on November 15, 2001, who concluded that Langlois suffered from narcissistic personality disorder "that could lead to employee terrorism." Given that the horrific September 11, 2001, attack on the Twin Towers in New York had just occurred two months earlier, the use of this term by the psychiatrist was viewed as highly unfair and inflammatory. Nonetheless, the City accepted the psychiatrist's report and placed Langlois on administrative leave and invoked Langlois' rights under the Family Medical Leave Act. In addition to legally challenging the forced leave in multiple administrative and court proceedings, Langlois was evaluated by both a psychologist and psychiatrist selected for his defense of the adverse labor action. Both of Langlois' experts opined that he was not suffering from narcissistic personality disorder and cleared him to return back to work.

After years of litigation, including a 42 U.S.C. § 1983 claim brought in federal court based on asserted First Amendment violations, and a Family Medical Leave Act claim, Langlois

was reinstated based to work by the U.S. District Court Judge's entry of summary judgment concluding that the City had violated the Family Medical Leave Act in keeping him indefinitely from returning to work after Langlois had been cleared to return to work by his own expert doctors. By the time the summary judgment was presented, I had taken an opportunity to work at the South Florida Water Management District. Therefore, I arranged for attorney William Pincus, Law Offices of William Pincus, 1555 Palm Beach Lakes Blvd., Suite 320, West Palm Beach, FL 33401, (561) 485-4291, to be substituted as counsel for Langlois. The attorneys representing the City of Deerfield Beach were James A. Cheroff and Kerry Ezrol, of Goren Cherof Doody & Ezrol, P.A., 3099 East Commercial Boulevard, Suite 200, Fort Lauderdale, FL 33308, (954) 771-4500.

4. *South Florida Water Management District v. Montoya Ranch, Inc., et al*, Case No. 2012-CA-251 Nineteenth Judicial Circuit (Okeechobee County, FL) (Consolidating 8 Tracts of Land)

I represented the South Florida Water Management District ("District"), together with my co-counsel, Keith Williams, in one of the longest and most contested eminent domain cases in Florida history. The multiple tracts of land sought in this case were needed by the Army Corps of Engineers (Corps) for the Kissimmee River Restoration Project ("Project"), pursuant to a plan approved by Congress and incorporated into the Water Resources Development Act of 1992, calling for lands substantially to the 5-year flood line to be acquired in fee simple so that they would be unconstrained and fully available to meet the Project goals, and in addition, acquisition of substantially all of the lands between the 5-year and 100-year flood lines in flowage easements. The public purpose of the Project was to reestablish the structured function of the historic, pre channelized river channel and flood plain, to reestablish the historic flows to the restored Kissimmee River channel and flood plain, and to modify water levels throughout the Kissimmee River system to provide both greater and more natural fluctuations in the upper basin lakes. Pursuant to the Water Resources Development Act of 1992, the District serves as the local sponsor charged with acquiring the land interests needed by the Corps for the Project.

While all the defendants stipulated to the public purpose of the Project, they vigorously opposed the extent of what was needed to accomplish the restoration and flood control goal. After weeks of contested expert testimony and extensive closing arguments, the trial court granted the District to acquire the lands needed to accomplish the goal set by Congress and complete the Kissimmee River Restoration Project.

Counsel for Montoya Ranch, Inc., Patrick Luna and Glendoria Sutton:

John W. Little, III, Esq.  
Suite 500 East  
777 South Flagler Drive  
West Palm Beach, Florida 33401-6194

Counsel for Okeechobee County Tax Collector, Celeste Watford:



Loren E. Levy, Esq.  
The Levy Law Firm  
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Counsel for Bonnie Luna Byars, BLB Holdings, Tim B. Wright and Valerie J Wright:

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Sarasota, Florida 34237

Counsel for John Brad Culverhouse:

John Brad Culverhouse, Esq.  
320 S. Indian River Drive  
Fort Pierce, Florida 34950-1501

Counsel for Fann Service Agency f/k/a Farmers Home Administration:

Grisel Alonso  
Assistant U.S. Attorney Southern District of Florida 3rd Floor  
99 N.E. 4th Street Miami, Florida 33132

5. *Barnett v. Yanks*, Case No. 1981-20415-CA-01, 11th Judicial Circuit in and for Dade County, Florida (1991).

I represented Phil Barnett, an elderly gentlemen who, together with his two sisters, had a long family history of owning and managing quality low income housing in Dade County, Florida. Unfortunately, as Mr. Barnett and his sisters became older, they were no longer able to continue owning and managing the property. They decided to sell the property to Mr. Jack Yanks and his wife, who agreed to pay them their negotiated purchase price pursuant to a lawfully drawn-up promissory note secured by the property itself. Unbeknown to the Bameetts, Mr. Yanks had a long history of purchasing similarly situated



property on a promissory note, collecting rents for as long as possible while defaulting on the promissory notes, and allowing the properties to seriously deteriorate, to the detriment of the tenants and the note holder's security.

When I joined the law firm of Hodgson Russ LLP in 1988, this case had been pending since 1981, with Mr. Yanks still in possession of the property, and still collecting rents and allowing the property to further deteriorate, while continuing to default on his financial obligations to the Bameetts. At that time, I asked why the case had been pending for so many years and was advised that Mr. Yanks was a master of delay: firing lawyers on the eve of hearings to gain delays, filing time consuming and meritless motions, refusing to provide discovery, and moving to rehear most rulings. I was told that the case was being assigned to me because nobody else wanted to deal with Mr. Yanks.

I moved for an assignment of rents, the appointment of former Dade County Circuit Judge Herbert Stettin as a receiver to manage the property, and a summary judgment on Mr. Barnett's foreclosure claim. Mr. Yanks raised numerous defenses and lender liability claims, none of which had any genuine substance, but had to be resolved nonetheless. Mr. Yanks had several attorneys, the last of which was Charles Neustein from Miami. The Circuit Judge assigned to hear the case was Robert P. Kaye. The lender liability claims were bifurcated from the foreclosure claim, and were tried separately. After a seven-day jury trial, an appeal by Mr. Yanks to the Third District Court of Appeals, an unsuccessful petition for a writ of certiorari to the Supreme Court of Florida, and another attempt to delay conclusion of the case by a last minute bankruptcy filing, I was able to get the property back for the Bameetts within approximately two years of being assigned the case. Although the property was operating at a loss during the time that we had the receiver appointed, the receiver commenced collecting the rents, renting units that were vacant, and using the rents to improve the property and its upkeep.

This case was significant early in my career because it exemplified the legal maxim that "justice delayed is justice denied."

6. *Cellini Artistic Hardware Corp v. Cassina Custom Hardware Corp. and Lorenzo Cassina*, Case No. 93-14704(14), 17th Judicial Circuit in and for Broward County, Florida (1995).

I represented Lorenzo Cassina and Cassina Custom Hardware Corp., the defendants in a cause of action for misappropriation or usurpation of a corporate opportunity, tortious interference with a business relationship, and violation of the Uniform Trade Secrets Act. Mr. Cassina was a former sales manager of the plaintiff, Cellini Artistic Hardware Corp. He was a legal resident who immigrated from South America, determined to find the American Dream. To this end, Mr. Cassina left his employment with the plaintiff to go into business for himself. He created Cassina Custom Hardware Corp. and began competing for clients against the plaintiff and others.

Despite the undisputed fact that neither Mr. Cassina, nor his new company, Cassina Custom Hardware Corp., ever entered into a written or oral "non-compete" agreement with

the plaintiff, they were sued by the plaintiff because Mr. Cassina and his new company landed a lucrative client desired by the plaintiff. Because neither Mr. Cassina, nor his new client, were precluded, contractually or otherwise, from competing in any manner with the plaintiff, I moved for summary judgment, which was denied, causing us to have to proceed to trial.

Towards the end of a one-week jury trial, it became apparent that plaintiffs case was not going well. On what we thought was the last day of trial, plaintiffs counsel failed to appear in court for the continuation of the trial because he had suffered from a stress attack for which he had to seek emergency room treatment. As a result, Judge Paul Marko declared a mistrial and the plaintiff subsequently dismissed its claims against my clients.

This case was significant because the plaintiff attempted to use the legal system to stifle free enterprise. The case resulted in victory for a hard-working entrepreneur and his small business, enabling him to pursue the American Dream.

7. *State of Florida Department of Transportation v. McDonald's Corporation, B & C Foods, Inc., and City of Fort Lauderdale*, Case No. CA-CE 95-5277-07, 17th Judicial Circuit in and for Broward County, Florida, *affd*, 687 So. 2d 4 (Fla. 4th DCA 1996).

I represented McDonald's Corporation in an eminent domain action against the State of Florida Department of Transportation. The case was tried before Judge John T. Luzzo. Philip E. Greenwald, Esq. represented the Department of Transportation; H. Collins Forman, Jr., Esq. represented the co-defendant, B & C Foods, Inc.; and the City of Fort Lauderdale was represented by Robert Dunckel, Esq.

The case involved a unique issue of first impression involving the interpretation and application of Section 255.22, Florida Statutes. This statute governed reconveyance of lands not used for right of way purposes by the government. Pursuant to this statute, I successfully pursued and obtained a reconveyance to McDonald's Corporation of easement property, crucial to their parking facilities, from the City of Fort Lauderdale on the basis that the City failed to use the easement for right of way purposes, nor identify a proposed use for such easement in a comprehensive plan, within ten years of the date of the original conveyance from McDonald's Corporation to the City of Fort Lauderdale, for a specified purpose or use (right of way purposes).

The State of Florida Department of Transportation argued that reconveyance of the easement property back to McDonald's Corporation would constitute a forfeiture upon the public. I successfully argued on behalf of McDonald's Corporation that, to the contrary, failure to reconvey the easement property to McDonald's Corporation would permit the Department of Transportation to put McDonald's Corporation's private property to a public use without payment or full compensation, in violation of their property rights and the Florida Constitution. Moreover, I argued for a textual plain meaning interpretation of the statute.

Judge Luzzo agreed with me, ruling in favor of the McDonald's Corporation. The Department of Transportation appealed to the Fourth District Court of Appeal. The Fourth District affirmed Judge Luzzo's ruling and issued a published opinion, 687 So. 2d 4 (Fla. 4th DCA 1996).

This case was significant as a case of first impression that upheld the important private property and constitutional rights of my client and honored the plain meaning of the applicable statute.

8. *Teitelbaum et al. v. South FL Water Management District*, 176 So. 3d 998 (Fla. 3d DCA 2015) (on appeal from the Eleventh Judicial Circuit, Case No. 2004-021282-CA-01).

I represented the South Florida Water Management District ("District"), together with my co-counsel, James Edward Nutt, in defending against a significant claim by landowners for inverse condemnation alleging the District artificially depressed property values by preventing rezoning of land in the years leading up to the District's resolution to acquire landowners' properties, causing "condemnation blight" which the landowners argued should have been considered a de facto taking of their land. S. William Moore, Moore, Bowman and Reese, P.A., 551 N. Cattleman Road, Suite 100, Sarasota, FL 34232, (941) 356-2086, represented the landowners.

After years of litigation, the trial court below issued a summary judgment on behalf of the District. I was counsel for the District assigned to this case throughout the trial proceedings, but by the time the case got to oral argument on appeal before the Third District Court of Appeal, I was unable to participate as I had already been appointed to serve as a trial judge on the Fifteenth Judicial Circuit Court. Therefore, my co-counsel, James Edward Nutt, represented the District at oral argument.

The Third District Court of Appeal held that the landowners failed to allege a constitutional taking under any of the three recognized takings tests. The Third District Court reasoned that the District "simply announced its intention to someday acquire the land for the general public welfare and then eventually decided the plan was unfeasible." 176 So. 3d at 1005. Because the land was already zoned exclusively for agricultural use when the landowners purchased it, the Court explained that "the [landowners] still have the same rights and interests in their respective properties now as when they purchased them. The fact that the property did not ultimately get rezoned and appreciate into land that could be developed for residential use is irrelevant; the State of Florida is not an insurer for the risk individuals take when they purchase property with the expectation or hope that the property may someday increase in value." *Id*

9. *Michael Bellefeuille v. United States Fire Insurance Co.*, Case No. CL-96-3362 AE, 15th Judicial Circuit in and for Palm Beach County, Florida (1999).

I represented Dr. Stewart Stempel, the jury foreperson in the above-referenced underlying case. Dr. Stempel was charged with criminal contempt of court for allegedly falsely

answering voir dire questions under oath.

Judge James T. Carlisle issued an order to show cause initiating an indirect criminal contempt proceeding against Dr. Stempel for failing to disclose dental medical malpractice cases that had been filed against him in the past. I initially successfully moved to dismiss the contempt proceedings, but the matter was re-filed correcting many of the procedural issues raised by my motion to dismiss. After a prolonged proceeding challenging the intent and understanding of Dr. Stempel's responses during voir dire, we entered into a plea in which Dr. Stempel apologized to the court, performed community service, and paid minimum court costs in exchange for a no contest plea and the withholding of an adjudication on the contempt charge. This was a good result in view of the fact that counsel for the party claiming to be prejudiced by Dr. Stempel's responses, Diran V. Seropain, Esq., was seeking a six-month jail sentence, fines and a contempt adjudication.

This case was significant because it involved the balancing of a potential chilling effect on the willingness of jurors to serve against the need for candid responses from jurors in upholding their sworn duty and respect for our court system.

10. *Martin v. Steffey*, Case No. 92-54870 FC-18 (PJ), 11th Judicial Circuit in and for Dade County, Florida, 1996-1997

I represented Joycelyn Steffey in an action by her former husband to modify the visitation and custody terms involving their two minor children.

After initiating the defense of the former husband's claims on behalf of Mrs. Steffey, I discovered that the previously impoverished former husband had been a winner of the Florida Lottery and was now a multi-millionaire, a fact unbeknown to my client. The former husband was represented by Maurice Jay Kutner, Esq., a well-known Miami-Dade County matrimonial attorney, and the judges were Alan Gold and, later, Sandy Karlan.

Ultimately, I was able to obtain substantial child support, funds to place the children in private schools, health care benefits, and a new home for the former wife and the children that was closer to where the former husband lived. The former husband, in return, received more visitation with his children and their proximity afforded him an opportunity to have a better relationship with them.

The case was significant because I was able to creatively fashion an award that substantially improved both the lives of the children and that of the entire family. I subsequently ran into the former husband at a local pharmacy well after the case had ended. He was very happy to see me and thanked me for my efforts. The former husband's feedback was significant in that I had represented his ex-wife in the type of proceeding that is often acrimonious (family law); yet the former husband was grateful for my amicable efforts that resulted in the improvement of his relationship with his children.

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation.

Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In addition to the matters otherwise provided in this questionnaire, the most significant legal work I performed that did not involve litigation, was serving as General Counsel to the South Florida Water Management District, a regional government agency that manages water resources in the southern half of Florida, Covering 16 Counties from Orlando to the Florida Keys with 2000 employees.

In addition, I have been active in my local bar associations and have served as the President of the South Palm Beach County Bar Association from 1997-1998. I have also served on the Appellate Court Rules Committee and the Judicial Nominating Procedures Committee of the Florida Bar.

I have also contributed to the nomination of quality candidates to serve on the State of Florida Judiciary through my ten years of service on both the Fourth District Court of Appeal Judicial Nominating Commission and the Fifteenth Circuit Judicial Nominating Commission.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee.

I have taught the following courses as an Adjunct Law Professor at St. Thomas University in 2024 and 2025 (Syllabi supplied):

Appellate Advocacy  
Pre-Trial Practice  
Alternative Dispute Resolution  
Negotiations

I also currently serve as the Dean of the Advanced Judicial Studies College (AJS) for the State of Florida Judiciary, and I previously served as the Department Chair of the Civil Studies Program and faculty for AJS, as well as the Department Chair of the Circuit Civil Program and faculty, for the Florida Judicial College (FJC). I have taught the following to the State of Florida Judges:

Faculty, AJS: "Judicial Interpretation of Statutes and Contracts" (2023)  
Faculty, AJS: "Insurance: From Policy to Appeal" (2023)  
Faculty, AJS: "Statutory Interpretation and the Role of the Courts" (2019, 2018, and 2017)  
Faculty, AJS: "The Rise and Fall of Chevron Deference in Montesquieu's America" (2016)  
Faculty, FJC: "Effective Judicial Writing" (2019-2020)  
Faculty, FJC: "Circuit Civil Fundamentals" (2019-2020)  
Faculty, FJC: "Making Judgments Final" (2019-2020)  
Faculty, FJC: "Bench Trials and Final Judgments" (2019-2020)  
Faculty, FJC: "Motion Practice" (2019-2020)  
Faculty, FJC: "Discovery and Sanctions" (2019-2020)

Faculty, FJC: "E-Discovery" (2019-2020)  
Faculty, FJC: "Motions in Limine, Voir Dire, and Jury Instructions" (2019-2020)  
Faculty, FJC: "Opening and Closing Statements" (2019-2020)  
Faculty, FJC: "Temporary Injunctions" (2019-2020)  
Faculty, FJC: "Punitive Damages and Post-Trial Issues" (2019-2020)  
Faculty, FJC: "Professionalism and Ethics" (2019-2020)

Since these courses are typically limited to one day presentations which provide continuing judicial education (CJE) to Florida Judges, there are no syllabi developed for these courses like there usually would be for law school courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have earned a State of Florida pension that I can draw in the future based on my 20 years of service. The amount of the pension has not been calculated and is indeterminable at this point. My eligibility for the State of FL pension earned through my service to the State of FL will not affect or deter my intention to serve for life as a full time U.S. District Court Judge, if confirmed.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I have taught one night a week per academic semester as an Adjunct Professor of Law at ST Thomas University. I would hope to be able to continue to do so because teaching the next generation of lawyers is important to the administration of justice and our legal system. I have no other plans or commitments for any outside employment.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally transmitted to the Senate, I will file my Financial Disclosure Report and supplement this Questionnaire with a copy of that Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**



a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I am not aware of any circumstance that would present a potential or real conflict of interest. I will, of course, evaluate any potential or real conflict of interest on a case-by-case basis and determine appropriate action, including recusal where required by law.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any other laws, rules, and practices governing such circumstances.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

As a State of Florida Judge since 2014, I am prohibited from providing pro bono legal services, but I routinely volunteer my time to promote and enhance the legal system by speaking at continuing legal education programs, judging moot court and mock trial competitions, and speaking at civic and community groups about the rule of law and the judicial branch. Prior to becoming a judge, I routinely provided numerous hours of pro bono legal services.

26. **Selection Process:**

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I communicated my interest in being nominated for the vacancy on the U.S. District Court for the Southern District of Florida to Senator Rick Scott who had interviewed me in the past for a potential nomination to serve on the U.S. District Court. On November 14, 2024, I met with Senator Scott's General Counsel regarding my interest in being considered for nomination to the open vacancy on the U.S. District Court for the Southern District of Florida. After Senator Ashley Moody was appointed to succeed Senator Marco Rubio. I

contacted her office and expressed my interest in the nomination. I was subsequently contacted by the Senators and advised that they would be recommending me to the White House for consideration. I interviewed with attorneys from the White House Counsel's Office on February 27, 2025. I was subsequently advised that I was under consideration for the nomination, and I was referred to the Office of Legal Policy at the Department of Justice to assist me with the nomination process. On May 27, 2025, I met with President Trump concerning my nomination.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.



AFFIDAVIT

I, Ed Artau, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

05/23/2025  
(DATE)

Ed Artau  
Ed Artau

Ethan Braham  
(NOTARY)

STATE OF FLORIDA  
COUNTY OF PALM BEACH  
Sworn to (or affirmed) and subscribed before me by  
means of physical presense, this 23 day of May,  
2025, by Edward Artau.  
(NOTARY SEAL)

NOTARY PUBLIC  
Personally Known    OR Produced Identification    ✓  
Type of Identification Produced FI Drivers license

