

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Charlene Vanessa Edwards-Honeywell.

I am also referred to as Charlene Edwards Honeywell. My former name is Charlene Vanessa Edwards

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

United States District Judge for the Middle 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.

Office: George Edgecomb Courthouse  
800 East Twiggs Street, Room 522  
Tampa, Florida 33602

Residence: [REDACTED]

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

1957; Deerfield Beach, Florida

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.

1979 – 1981, University of Florida College of Law; Juris Doctor, Dec. 19, 1981

1975 – 1979, Howard University; Bachelor of Arts, *cum laude*, May 12, 1979

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.

Employment:

January 2, 2001 - Present  
Thirteenth Judicial Circuit  
State of Florida

George Edgecomb Courthouse  
800 East Twiggs Street, Rm 522  
Tampa, Florida 33602  
Circuit Court Judge

Family Law Division - 2001 – 2004; Chief Judge, Family Law Division – 2002 –  
2004; Civil Division – 2004 – present

Jan. 1995 - Dec. 2000

Hill, Ward & Henderson, P.A.  
101 East Kennedy Boulevard, Suite 3700  
Tampa, Florida 33601

Senior Associate (litigation attorney), January 1995 – January 1997  
Shareholder (litigation attorney), February 1997 – December 2000

July 1, 1994 – December 31, 1994

Thirteenth Judicial Circuit  
State of Florida  
800 East Kennedy Boulevard, 2<sup>nd</sup> Fl  
Tampa, Florida 33602  
County Court Judge

November, 1987 – June, 1994

City of Tampa Attorney's Office  
315 East Kennedy Boulevard  
Tampa, Florida 33601  
Assistant City Attorney

Litigation Division 1987 – 1994; Litigation Division Chief 1988 – 1994

1985 – 1987

Hillsborough County Office of the Public Defender  
700 East Twiggs Street, 5<sup>th</sup> Fl  
Tampa, Florida 33602  
Assistant Public Defender, Felony Crimes Division

1982 – 1985

Tallahassee Public Defender's Office  
301 S. Monroe Street, Suite 401  
Tallahassee, Florida 32301  
Assistant Public Defender

Appellate Lawyer 1982 – 1984; Misdemeanor Crimes Division 1984 – 1985

1982  
Broward County Public Schools  
600 S.E. 3<sup>rd</sup> Avenue  
Fort Lauderdale, Florida 33601  
Substitute Teacher

1981  
Gainesville Public Defender's Office  
35 North Main Street  
Gainesville, Florida 32601  
Student intern – Juvenile Delinquency Division

1979  
Gray's Drug Store  
Pompano Fashion Square  
Pompano Beach, FL  
Cashier

Other Affiliations:

Delta Sigma Theta, Inc., a public service sorority: Tampa Alumnae Vice President  
(1990 – 1994), Legal Advisor (1986 – 1988 and 1995 – 2000)

Delta, Inc.: Board of Directors (1996 – 2000)

Children's Cancer Center: Board of Directors (approx. 1998 -2000)

Child Abuse Council: Board of Directors (approx. 1997 – 2000)

Tampa Community Health Center: Board of Directors (1987 – 1990)

Tampa Educational Cable Consortium: Board of Directors (1989 -1992)

Jack and Jill of America, Greater Tampa Chapter, Assistant Recording Secretary (2006 – 2008)

I was president of my Inn of Court in 2002-2003. When I was president the name was Justice William Glenn Terrell Inn of Court. We changed the name of the Inn. It is now the J. Clifford Cheatwood Inn of Court.

Hillsborough Association for Women Lawyers: President (1999 – 2000), President-Elect (1998 – 1999), Vice President (Programs 1997 – 1998), Vice President (Membership 1995 – 1996)

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 never served in the military.

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.

**Legal Career**

Dedicated Service Award from the Tampa City Attorney's Office – 1994

Dedicated Service Award from the Barristers Association – 1985

Woman of Distinction Award presented by the Girl Scouts of Suncoast Council

Living Legend Award presented by Bible-Based Fellowship Church

Carrie Meek Public Service Award from Delta Sigma Theta Sorority

**Law School**

Appellate Advocacy Honors

Dean's List

Legal Research and Writing Honors

Earl Warren Legal Training Fellowship

Sadie T.M. Alexander Legal Scholarship

University of Florida Graduate and Professional Opportunities Fellowship (full academic fellowship to attend law school)

**College**

Who's Who Among Students in American Colleges and Universities

Pi Sigma Alpha National Political Science Honor Society

Howard University National Competitive Scholarship (full 4 year academic scholarship)

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.

Florida Conference of Circuit Judges: Civil Section, Marital and Family Relations Section

Thirteenth Judicial Circuit: Court Reporting Committee and JADS Committee (Computer Technology)

Florida Federal Judicial Nominating Commission (State of Florida) 1997 – 2000

Grievance Committee, United States District Court, Middle District of Florida  
(Tampa and Fort Myers Divisions)

The Florida Bar: Grievance Committee 13E (1990 – 1993), Trial Lawyers  
Section, Government Lawyers Section, Family Law Section

Hillsborough County Bar Association: Secretary (1998 – 2000), Treasurer (1995  
– 1998), Government Law Section (Chair 1992 – 1993), Circuit Court Civil Rules  
Education and Liaison Committee, Gender, Racial and Ethnic Bias Committee,  
Professionalism Committee (Co-chair), Liberty Bell Award Committee

Hillsborough County Bar Foundation

George Edgecomb Bar Association: President (1990 – 1992), Second Vice  
President (1992 – 1993), Parliamentarian (1989 – 1990)

Hillsborough Association for Women Lawyers: President (1999 – 2000), President-  
Elect (1998 – 1999), Vice President (Programs 1997 – 1998), Vice President  
(Membership 1995 – 1996); member from approx. 1987 – 2003

J. Clifford Cheatwood Inn of Court: President (2002 – 2003), President-Elect  
(2001 – 2002), Master (1994 – present), Barrister (1992 – 1994)

Virgil Hawkins Florida Chapter, National Bar Association: President's Council (1990 –  
1991)

Latimer Hawkins Judicial Council

Florida Association for Women Lawyers

American Bar Association

National Bar Association

National Bar Association, Judicial Council

Tallahassee Barristers Association: Secretary (1984)

Tallahassee Women Lawyers Association

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 Bar; September 24, 1982

There has been no lapse in membership since my admission in 1982.

As a current member of the State judiciary, I am not eligible to practice law.

- 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.

Florida Supreme Court, 1982

Supreme Court of the United States, 1989

United States Court of Appeals for the Eleventh Circuit, 1987

United States District Court for the Middle District of Florida, 1988

There have been no lapses in membership.

As a current member of the State judiciary, I am not eligible to practice law.

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.

United Way Keel Club (1995 – 2000)

Suncoast Council Girl Scouts of America (2004 – 2008) now known as West Central Florida Girl Scouts of America

Leadership Tampa Alumni (1991)

Delta Sigma Theta, Inc., a public service sorority: initiated 1977, Tampa Alumnae Vice President (1990 – 1994), Legal Advisor (1986 – 1988 and 1995 – 2000)

Delta, Inc.: Board of Directors

University of South Florida President's Citizen Advisory Committee on Black Issues (1992)

Children's Cancer Center: Board of Directors

Child Abuse Council: Board of Directors

Jack and Jill of America, Greater Tampa Chapter, Assistant Recording Secretary (2006 – 2008)

Tampa Community Health Center: Board of Directors

The Tampa Club (1995 – 2009)

Tampa Educational Cable Consortium: Board of Directors

School Advisory Council: Gorrie Elementary School (2004 – 2007)

Parent Teacher Student Association: Plant High School (2008- 2009), Wilson Middle School (2004 –present), Gorrie Elementary (1999 – 2007)

- 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.

No, the organizations listed in 11a do not discriminate. To my knowledge, they have never discriminated.

**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 four (4) copies of all published material to the Committee.

Edwards, Common Errors Made in Lawsuits Against the City, *THE HILLSBOROUGH COUNTY BAR ASSOCIATION LAWYER*, Vol.3, No.8 May 1993 at 6

Edwards, Certiorari Review of Quasi-Judicial Actions, *THE HILLSBOROUGH COUNTY BAR ASSOCIATION LAWYER*, Vol.3, No.7, April 1993 at 17

Edwards, Let the Sunshine In, *THE HILLSBOROUGH COUNTY BAR ASSOCIATION LAWYER*, Vol. 3, No. 3, November 1992 at 14

Edwards, The Public's Right to Know, *THE HILLSBOROUGH COUNTY BAR ASSOCIATION LAWYER*, Vol. 2, No. 5, February 1992 at 8

- b. Supply four (4) 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.

None.

- c. Supply four (4) 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.

None, other than legal opinions that I provided to the City of Tampa as part of my duties as an Assistant City Attorney.

- d. Supply four (4) 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.

Florida Municipal Attorneys Association: "Employees and Officials – City's Responsibility for Attorney's Fees" - 1990

Judicial Nominating Commission Institute: "Equal Justice for All" – 1992

Mayor's Senior Managers Meeting: "Florida's Public Records Law" - 1992

Speech given at my investiture - February 22, 2001

The Florida Bar Family Law Section: "Temporary Relief" - 2003

George Edgecomb Bar Association: "The Road to the Judiciary" - 2009

Hillsborough Association for Women Lawyers: "So You Want To Be A Judge" 2002

Stetson University College of Law: "Survival of the Fittest" - 2006, 2007

Speech given at a rush for my sorority - January 2008



George Edgcomb Bar Association: "Ethics Before the Bench, in Words, Speech and Actions" – 2008

Speech given to teenage girls at a career expo - March 14, 2009

Further, I have appeared on panel discussions for bar organizations on numerous topics, including The Florida Bar's Young Lawyers Division, Practicing With Professionalism Seminar, Hillsborough County Bar's Bench Bar Retreat and others.

Additionally, I speak frequently at schools throughout Hillsborough County on a regular basis to educate students about our system of justice and the legal profession. I also speak at forums, civic associations, churches and non-profit organizations on legal topics. Further, I speak at career expos and other events sponsored by Delta Sigma Theta Sorority.

I do not have a prepared text, outline or notes for any speeches other than the following:

February 22, 2001 – speech given at my investiture; January 2008 – speech given at a rush for my sorority; March 14, 2009 – speech given to teenage girls at a career expo.

- 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 four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all items called for in this question, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

"Leaders: Judge Charlene Honeywell," *THE HILLSBOROUGH COUNTY BAR ASSOCIATION LAWYER*, Vol.18, No.9, June 2008.

"Defeat Became Blessing for Judge," the *St. Petersburg Times, Tampa & State Editions*, February 11, 2002.

"Race is close, Gomez moves toward bench," *St. Petersburg Times* (Florida), September 9, 1994

"Know Your Candidates," *St. Petersburg Times* (Florida), August 31, 1994

"Gun promoter sues for right to exhibit on public property," *St. Petersburg Times* (Florida), June 25, 1994

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 served as a County Court Judge in the Thirteenth Judicial Circuit, Hillsborough County, Florida, from July 1, 1994 to January 1, 1995. I was appointed to this position by Governor Lawton Chiles. During this time I presided over civil cases where the amounts in controversy were less than \$15,000, small claims cases, landlord tenant disputes, traffic infractions and criminal misdemeanor offenses. Additionally, while sitting as an Acting Circuit Court Judge, I handled simplified and uncontested dissolution of marriage actions. My pending case load averaged 1,500 cases a month in Tampa and 350 cases a month in Plant City.

Currently, I serve as a Circuit Judge for the Thirteenth Judicial Circuit, Hillsborough County, Florida. I was appointed to this position in October 2000 by Governor Jeb Bush. In May 2002, I was elected to this position without opposition. In May 2008, I was re-elected to this position without opposition.

The circuit court is a court of general jurisdiction. As a Circuit Judge, I spent over three years assigned to the Family Law Division. I handled cases involving divorces, child custody, child support, alimony, adoptions, name changes and others. For approximately two (2) years I was the chief judge for the family law division. For the past five years, I have served in the Circuit Civil Division presiding over personal injury cases (automobile, slip and fall, products liability, medical and legal malpractice), commercial disputes (breach of contract, covenants not to compete), mortgage foreclosures, real estate disputes, employment discrimination, petitions for writ of certiorari to review actions of governmental bodies, class actions, and others. I also sit as an appellate judge, on a three judge panel, to review appeals from county court cases. My pending case load averages 3,500 cases a month.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? 135 - 150

- i. Of these, approximately what percent were:

jury trials? 25 %; bench trials 75 % [total 100%]

civil proceedings? 100 %; criminal proceedings?     % [total 100%]

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

As a circuit judge, I sit in an appellate capacity to hear Petitions for Writ of Certiorari seeking review of final orders entered by the Department of Highway Safety and Motor Vehicles. The following citations are for orders entered by me which denied the petitions for writ of certiorari. The initial draft of these opinions was prepared by my staff attorney. The final draft, including revisions,

clarifications and corrections, was prepared by me. These opinions are reported in the *Florida Law Weekly*, [www.floridalawweekly.com](http://www.floridalawweekly.com):

*Hendry v. State of Florida Dept. of Highway Safety & Motor Vehicles*, Fla. L. Weekly Supp. 164 HENDR, (Fla. 13th Cir. Ct. 2009)

*Hoge v. State of Florida Dept. of Highway Safety & Motor Vehicles*, 16 Fla. L. Weekly Supp. 29a (Fla. 13th Cir. Ct. 2008)

*Marra v. State of Florida Dept. of Highway Safety & Motor Vehicles*, 16 Fla. L. Weekly Supp. 27a (Fla. 13th Cir. Ct. 2008)

*Brown v. State of Florida Dept. of Highway Safety & Motor Vehicles*, 15 Fla. L. Weekly Supp. 970a (Fla. 13th Cir. Ct. 2008)

*Jahnke v. State of Florida Dept. of Highway Safety & Motor Vehicles*, 15 Fla. L. Weekly Supp. 968a (Fla. 13th Cir. Ct. 2008)

*Hughes v. State of Florida Dept. of Highway Safety & Motor Vehicles*, 15 Fla. L. Weekly Supp. 881a (Fla. 13th Cir. Ct. 2008)

*Shultz v. State of Florida Dept. of Highway Safety & Motor Vehicles*, 15 Fla. L. Weekly Supp. 879a (Fla. 13th Cir. Ct. 2008)

*Cummins v. State of Florida Dept. of Highway Safety & Motor Vehicles*, 15 Fla. L. Weekly Supp. 872a (Fla. 13th Cir. Ct. 2008)

*Ceparano v. State of Florida Dept. of Highway Safety & Motor Vehicles*, 14 Fla. L. Weekly Supp. 529b (Fla. 13th Cir. Ct. 2007)

*Keiser v. State of Florida Dept. of Highway Safety & Motor Vehicles*, 13 Fla. L. Weekly Supp. 324a (Fla. 13th Cir. Ct. 2005)

*Millard v. State of Florida Dept. of Highway Safety & Motor Vehicles*, 12 Fla. L. Weekly Supp. 636b (Fla. 13th Cir. Ct. 2005)

I concurred, without opinion, in the following cases:

*Peachtree Casualty Ins. Co. v. Rucker*, 2008 WL 4020186 (Fla. Cir. Ct. 2008)

*Pete's Towing Co. v. Scotese*, 2008 WL 4019434 (Fla. Cir. Ct. 2008)

*Progressive Consumers Insurance Co. v. Newman*, 15 Fla. L. Weekly Supp. 129a (Fla. Cir. Ct. 2007)

*Progressive Express Insurance Co. v. Physical Medicine Center, Inc.*, 13 Fla. L. Weekly Supp. 439a (Fla. Cir. Ct. 2005)

*U.S. Security Insurance Co. v. Physical Therapy Walk-In Clinic, P.A.*, 13 Fla. L. Weekly Supp. 28b (Fla. Cir. Ct. 2005)

*Simmons v. Carricato*, 13 Fla. L. Weekly Supp. 863a (Fla. Cir. Ct. 2006)

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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 (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

I endeavor to make all litigants appearing before me believe that their cases are significant. The following cases have been identified because of their personal significance to me, amount of media attention generated, novelty of the theories advanced or to show the wide variety of cases I have handled:

- (1) *Richardson v. State Farm Mutual Automobile Insurance Company*, Case No. 93-8962 (K), County Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida. In this case, the Plaintiff sought a determination that the medical bills at issue were reasonable, necessary and related to her automobile accident on March 4, 1992. The case was tried in October of 1994. The attorneys involved were George C. Faugi, Jr., for the Plaintiff, and Karen A. Barnett, for the Defendant. This case has personal significance because it was the first jury trial over which I presided as a judge.

The current address for George C. Faugi is 8903 Regents Park Center, Suite 110, Tampa, Florida 33647. His telephone number is (813) 991-9333. The current address for Karen Barnett is 1000 North Ashley Drive, Suite 650, Tampa, Florida 33602. Her telephone number is (813) 224-9510.

- (2) *The Estate of Rodney Riley v. Vantage Healthcare Corporation*, Case No. 99-000366(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida. This was a wrongful death nursing home trial over which I presided from January 22 – 30, 2007. After two weeks of trial, the jury returned a verdict in excess of 1.5 million. However, post trial, I granted the defendants' motion for new trial based on juror misconduct. The jury foreperson failed to disclose her prior litigation history. This case is significant because it is the only time I have granted a new trial because of juror misconduct.

The plaintiff's attorney was Brian Thompson. His address is 500 E. Kennedy Blvd., Suite 101, Tampa, Florida 33602. His telephone number is (813) 908-4013. The defendants' attorneys were Kirsten Ullman, 3812 Coconut Palm Drive,

Suite 200, Tampa, Florida 33619 (813) 739-1900 and James Ragano, Post Office Box 2379, Tampa, Florida 33601-2379 (813) 221-4529.

- (3) *Open MRI of Pinellas, Inc., v. Illinois National Insurance Company*, Case No. 03-7103(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida. The Plaintiffs brought this class action law suit against AIG and several of its affiliated companies. Four class action lawsuits were consolidated into one case. The lawsuits alleged that magnetic resonance imaging facilities did not receive payment in full in an amount adjusted annually by an additional amount equal to the Medical Consumer Price Index as required by Section 627.736(5)(b)5, Florida Statutes. The defendants vigorously contended that the case was not appropriate for certification as a class action. After an evidentiary hearing, I entered an order certifying a class. The defendants sought appellate review of this order. On June 7, 2006, the appellate court *affirmed, per curiam*, the order certifying a class. Subsequent to the appellate court's decision, the parties settled the litigation. This case is significant because it was the first class action case over which I presided.

The plaintiffs' attorneys were J. Daniel Clark, 3407 West Kennedy Boulevard, Tampa, Florida 33609 (813) 879-0700 and David M. Caldevilla, Post Office Box 2350, Tampa, Florida 33601 (813) 229-2775. The defendants' attorneys were Chris S. Coutroulis and D. Matthew Allen, 4221 West Boy Scout Boulevard, Suite 1000, Tampa, Florida 33607 (813) 229-4301.

- (4) *Susanna Gonzalez v. Paul Revere Life Insurance Company*, Case No. 04-7087(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida. This was a breach of contract claim brought by the Plaintiff, an attorney, against her insurance company for failure to pay disability income benefits. The trial was held during the week of February 20, 2006. After several days of trial testimony, I granted a mistrial based upon an expert offering previously undisclosed opinions at the trial of this case. The case settled just before the start of the second trial.

The plaintiff's attorneys were John Salter, 5636 US Highway 19, New Port Richey, Florida 34652 (757) 849-4840 and K. Michell Espat, 102 West Whiting Street, Suite 601, Tampa, Florida 33602 (813) 226-1835. The defendant's attorneys were Tim Sullivan and Richard Maselli, 113 South Armenia Avenue, Tampa, Florida 33609 (813) 223-5111.

- (5) *Boggs v. City of Tampa*, Case No. 04-7516(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida. This was a gender discrimination case brought by a female firefighter under the Florida Civil Rights Act. The plaintiff alleged that she was denied promotions because of her gender. The trial was held April 16, 2007 through April 18, 2007. The jury returned a verdict in favor of the City of Tampa.

The plaintiff's attorney was Robert McKee, 1718 7<sup>th</sup> Avenue, Suite 301, Tampa, Florida 33675-0638 (813) 248-6400. The defendant's attorney was Thomas Gonzalez, Post Office Box 639, Tampa, Florida 33601 (813) 273-0050.

- (6) *Estate of Rosa Papia v. Neighborcare*. Case No. 02-8097(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida. Plaintiff claimed that the defendants negligently provided consultant pharmacy services to Rosa Papia while she was a resident at a nursing home. The plaintiff also sought punitive damages. The trial was held March 5, 2008 through March 12, 2008. At the conclusion of the trial, the jury returned a verdict in favor of the defendant, Neighborcare. This case is significant because the plaintiff alleged negligence against a consulting pharmacist in a nursing home utilizing a novel theory. This was one of the first cases to be tried in this Circuit against a consulting pharmacist.

The plaintiff's attorneys were James Freeman and James Wilkes. 1 North Dale Mabry Highway Suite 800, Tampa, Florida 33609 (813) 873-0026. The defendant's attorneys were Inguna Varslavane-Callahan and Daniel A. Martinez, 2935 1<sup>st</sup> Avenue North, 2<sup>nd</sup> Floor, St. Petersburg, Florida 33713 (727) 894-3535.

- (7) *Beach v. WCI*, Case No. 04-659(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida. This was a construction breach of contract case brought by homeowners against their contractor. The trial was held May 7, 2007 through May 15, 2007. At the conclusion of the trial, the jury returned a verdict in favor of the homeowners. The defendant appealed the jury's verdict alleging, among other things, judicial error. On March 20, 2009, the appellate court issued an affirmance, *per curiam*, of the jury's verdict.

The plaintiff's attorney was Daniel Saxe, 205 Chrystal Grove Boulevard, Suite 101, Lutz, Florida 33548 (813) 909-8855. The defendant's attorneys were Joseph Ianno, Post Office Box 150, West Palm Beach, Florida 33402 (561) 659-7070 and John Lamoureux, 4221 West Boy Scout Boulevard, Suite 1000, Tampa, Florida 33607.

- (8) *Ivonne Bermudez v. Associate Primary Care Inc. and Mary Jo Sutherlin*, Case No. 00-3041(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida. This was an action for medical negligence in which the plaintiff alleged that the defendant Sutherlin rendered inappropriate medical care to her causing injury. The plaintiff alleged that during the course of her examination by the defendant, Mary Jo Sutherlin, she was physically assaulted. The case was tried from February 19, 2007 through February 26, 2007. The jury returned a verdict in favor of the defendants. This case is significant because it was the first medical negligence case over which I presided.

The plaintiff's attorney was T. Patton Youngblood, 106 South Tampania Avenue, Suite 100, Tampa, Florida 33609 (813) 258-58883. The defendants' attorney was Jeffrey Hunter, Post Office Box 172669, Tampa, Florida 33672 (813) 223-3951.

- (9) *Herrera v. Ag-Mart*, Case No. 06-01725(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida. The plaintiffs brought this personal injury claim against Ag-Mart, due to the birth of their baby without limbs. The mother worked in Ag-Mart's tomato fields while pregnant. The plaintiffs alleged that Ag-Mart sprayed pesticides on the fields while the pregnant mother worked in the fields or, alternatively, did not wait sufficient time after spraying the fields before sending the workers back to the fields. After exhaustive discovery, a confidential settlement was reached between the parties. This case is significant because it is one of the first in the state where migrant farm workers sued Ag-Mart Produce, Inc. The case received considerable media attention.

The plaintiffs' attorneys were Andrew Yaffa and Seth Miles, 2525 Ponce de Leon Boulevard, Suite 1150, Coral Gables, Florida 33134 (305) 442-8666. The defendant's attorneys were D. Keith Wickenden and Jeffrey Fridkin, 5551 Ridgewood Drive, Suite 501, Naples, Florida 34108 (239) 514-1000. The court appointed Guardian Ad Litem for the minor child was Anthony T. Martino, Esquire, 3407 West Kennedy Boulevard, Tampa, Florida 33609 (813) 879-0700.

- (10) *Environmental Protection Commission v. CC Entertainment and Florida State Fair Authority*, Case No. 04-114049(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida. The Hillsborough County Environmental Protection Commission (EPC) sued Clear Channel Entertainment and the Florida State Fair Authority for injunctive relief. The EPC sought to enjoin Clear Channel from having concerts at its Amphitheatre, located on the state fairgrounds, which violated the noise regulations of Hillsborough County. The Defendants sought to dismiss the amended complaint, alleging among other things, that they were entitled to sovereign immunity. I found that the Florida State Fair Authority was entitled to sovereign immunity, but not Clear Channel, as it was not an agent of the state. Clear Channel simply had a landlord tenant relationship with the Florida State Fair Authority. This case is significant because it drew enormous media attention. Every hearing was covered by local television stations and newspapers.

The plaintiff's attorneys were Clinton Paris, 10014 Water Works Lane, Riverview, Florida 33569 (813) 413-7924 and Mark Bentley, 201 North Franklin Street, Suite 1650, Tampa, Florida 33602 (813) 223-5050. The attorney for Clear Channel was G. Donovan Conwell, Jr., 2701 North Rocky Point Drive, Suite 1200, Tampa, Florida 33607 (813) 282-8000. The attorney for the Florida State Fair Authority was Gordon J. Schiff, 1211 North Westshore Boulevard, Suite 401, Tampa, Florida 33607 (813) 286-9777.

- 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.

As a trial judge, I don't prepare many written opinions. Orders on motions are usually prepared by the attorneys and submitted to the court for entry.

I prepared a Final Judgment in *Geraci v. Geraci*, Case No. 04-CA-005257(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida. The plaintiff's attorney was S. Cary Gaylord, 5001 West Cypress Street, Tampa, Florida 33607 (813) 221-9000. The defendant's attorney was Mark A. Linsky, 503 West Platt Street, Tampa, Florida 33606 (813) 251-5197.

The opinions which I entered, sitting in an appellate capacity, are listed in response to question 13(b) above.

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

*Bermudez v. Assoc. Primary Care, Inc.*, 933 So. 2d 528 (Fla. 2d DCA 2006); Per Curiam Denied (Petition for Writ of Certiorari)

*Bulmer v. Van Strander*, 995 So. 2d 961 (Fla. 2d DCA 2008); Per Curiam Denied (Petition for Writ of Certiorari)

*Progressive Exp. Ins. Co. Inc. v. Somona*, 972 So. 2d 185 (Fla. 2d DCA 2008); Per Curiam Denied (Petition for Writ of Certiorari)

*Progressive Exp. Ins. Co. Inc. v. Somona*, 975 So. 2d 461 (Fla. 2d DCA 2007); Petition granted (writ of certiorari) (application of the attorney client privilege in a bad faith action against an insurance company.)

*Smith v. McIlwain*, 976 So. 2d 1113 (Fla. 2d DCA 2007); Per Curiam Denied (Petition for writ of certiorari)

- 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.

*Ostman v. Ostman*, 970 So. 2d 502 (Fla. 2d DCA 2007); Reversed and Remanded (evidence insufficient to support upward modification of alimony.)



*Amica Mutual Ins. Co. v. Drummond*, 970 So. 2d 456 (Fla. 2d DCA 2007); Affirmed in part, Reversed in Part, and Remanded (insured's failure to submit to examinations under oath was a material breach of a condition precedent to insurer's duty to provide coverage.)

*Griffin v. Griffin*, 906 So. 2d 386 (Fla. 2d DCA 2005); Affirmed in part, Reversed in part (award of \$3000 per month in permanent periodic alimony to ex-husband was erroneous and imputation of \$40,000 income to ex-husband was not supported by substantial competent evidence.)

*Kuttas v. Ritter*, 879 So. 2d 3 (Fla. 2d DCA 2004); Affirmed in part, Reversed in Part, and Remanded (evidence insufficient to support amount of child support increase and ordering retroactive child support was abuse of discretion.)

*Mitchell v. Coleman*, 868 So. 2d 639 (Fla. 2d DCA 2004); Affirmed in part, Reversed in Part, and Remanded (charging lien should have been limited to property recovered by former husband as a result of attorney's efforts.)

*Cone v. Gillson*, 861 So. 2d 1210 (Fla. 2d DCA 2003); Reversed and Remanded (order issued to initiate indirect criminal contempt proceeding failed to comply with rule governing indirect criminal contempt.)

*Areizaga v. Spicer*, 841 So. 2d 494 (Fla. 2d DCA 2003); Affirmed in part, Reversed in part, and Writ of Prohibition denied (temporary support order could not support finding that father was in contempt of court.)

*Hoirup v. Hoirup*, 862 So. 2d 780 (Fla. 2d DCA 2003); Affirmed in part, Reversed in Part, and Remanded (equitable distribution of marital assets was fundamentally erroneous on its face.)

- 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.

I don't have any unpublished opinions. I have thousands of unpublished orders, many of which were not prepared by me. These orders are contained in the court file for each case.

- 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.

None.

- 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.

None.

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:

In assessing the necessity or propriety of recusal, I have followed Rule 2.330, Florida Rules of Judicial Administration and Canon 3E, Code of Judicial Conduct. A copy of these provisions is attached. In accordance with these provisions, I have disqualified myself on cases where parties have presented legally sufficient motions. I have disqualified myself, *sua sponte*, on cases involving former clients, former law partners, and the City of Tampa Police Department, my husband's employer.

I don't keep a list of cases in which I have entered orders of disqualification. I have obtained some of this information from the clerk of court. I entered orders of disqualification in approximately 22 civil cases and 13 marital and family cases.

I denied motions for disqualification in the following civil cases:

*Parthenon Inc. v. Surinder Joshi*, Case No. 03-CA-3357(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida; and  
*Earnest B. Haire v. Bicoastal Holding Co.*, Case No. 07—CA-3842(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida.

I also denied motions for disqualification in marital and family cases. I don't recall the names of these cases and the clerk has been unable to create such a list.

- 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;

I recused myself *sua sponte* in each of the 22 civil cases. I recused myself *sua sponte* in 10 of the marital and family cases. Motions for disqualification were filed by parties and granted in the following cases:

*Efrain Areizaga v. Jody Spicer*, Case No. 00-DR-4792(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida;

*Frances Herce v. Robert Herce*, Case No. 02-DR-770(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida; and

*Kathryn Tracy v. Patrick Tracy*, Case No. 02-DR-9261(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida.

- b. a brief description of the asserted conflict of interest or other ground for recusal;

In *Parthenon v. Joshi*, the motion was denied because it was legally insufficient. The plaintiff alleged a conflict because my son played football on the same team as the defense attorney's son. She further alleged a conflict because I threatened to initiate contempt proceedings against her for disobeying several orders of the court.

In *Haire v. Bicoastal Holding Co.*, the motion was denied because it was legally insufficient. The plaintiff alleged that he may not be treated fairly by me because his ex-wife told a bankruptcy judge (not me) that plaintiff called me a racial slur beginning with the letter N. Interestingly, I would not have known about the statement of the ex-wife, but for the plaintiff's motion.

I do not recall the basis for the motions for disqualification in the marital and family law cases. I have not been able to obtain this information from the clerk's office.

- c. the procedure you followed in determining whether or not to recuse yourself;

The procedure is set forth in rule 2.330, Florida Rules of Judicial Administration and Canon 3E, Code of Judicial Conduct. Under Florida's "one free bite" policy, the litigant only needs to file a legally sufficient motion to have a judge disqualified.

- 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.

I recused myself in all cases where the party filed a legally sufficient motion.

**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.

I was appointed by Senator Bob Graham in 1997 to the Florida Federal Judicial Nominating Commission. I served until 2000, when I was appointed a state court judge.

In early 1994, I was one of three (3) finalists for a county court judge. I was subsequently appointed in June 1994 by Governor Lawton Chiles. After being appointed in June 1994, I stood for election to this seat in September 1994. I lost the countywide election by less than 2% of the vote.

In the fall of 1994, I was one of five (5) finalists for a federal magistrate with the United States District Court, Middle District of Florida. I was not selected for this position.

In 1999, I was one of six (6) finalists for a circuit court judge. I was subsequently appointed in October 2000 by Governor Jeb Bush.

In December 2007, I was one of six finalists recommended by the Federal Judicial Nominating Commission for two (2) vacancies on the United States District Court, Middle District of Florida. One vacancy was filled. The other vacancy has not been filled.

- 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.

None.

**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 clerk for a judge.
  - ii. whether you practiced alone, and if so, the addresses and dates;  
  
I never practiced alone.
  - 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.

1982 – 1985

Tallahassee Public Defender's Office

301 S. Monroe Street, Suite 401

Tallahassee, Florida 32301

Assistant Public Defender

Appellate Lawyer 1982 – 1984

Misdemeanor Crimes Division 1984 – 1985

1985 – 1987

Hillsborough County Office of the Public Defender

700 East Twiggs Street, 5<sup>th</sup> Fl

Tampa, Florida 33602

Assistant Public Defender, Felony Crimes Division

Nov. 1987 – June 1994

City of Tampa Attorney's Office

315 East Kennedy Boulevard

Tampa, Florida 33601

Assistant City Attorney

Litigation Division 1987 – 1994

Litigation Division Chief 1988 – 1994

Jan. 1995 - Dec. 2000

Hill, Ward & Henderson, P.A

101 East Kennedy Boulevard, Suite 3700

Tampa, Florida 33601

Senior Associate (litigation attorney), January 1995 – January 1997

Shareholder (litigation attorney), February 1997 – December 2000

- 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 was appointed by United States District Judges to arbitrate cases pending in the Middle District of Florida between 1995 and 2000. I have no records available to identify or describe these proceedings. I also served as a mediator between 1995 and 2000 on state and federal cases. I have no records available to identify or describe these proceedings.

b. Describe:

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

From 1982 until 1987, I served as an assistant public defender. In this practice, I represented indigent defendants who were charged with

criminal violations. For two years, I handled criminal appeals before the First District Court of Appeal and the Florida Supreme Court. For the next three years, I handled trials for the Public Defender's Office: one year in the misdemeanor division in Tallahassee, Florida and two years in the felony division in Tampa, Florida. As a trial lawyer for the Public Defender's Office, I was in court almost every day.

From 1987 until 1994, I served as an assistant city attorney and the chief of litigation for the City of Tampa. In that position, I defended the City in lawsuits filed against it and I initiated lawsuits on the City's behalf. There, my practice was limited to civil cases in federal and state courts, at the trial and appellate level. The cases included personal injury, civil rights, eminent domain, contracts, injunctions, declaratory judgments, mortgage foreclosures, public records disputes, petitions for writ of mandamus, replevin, garnishment, quiet title, zoning and pension board actions. As chief of the department, I trained and supervised other assistant city attorneys assigned to the litigation division. In the absence of the City Attorney, I attended mediation hearings on behalf of the City, at which I had complete settlement authority, subject only to the City Council's approval. Additionally, I was responsible for all issues regarding public records and ethics violations. In this capacity, I drafted legal opinions regarding breaches of the state's ethics code and requests for public records. My experience with the City Attorney's Office was an invaluable learning experience from which I obtained a broad background in civil law

From 1995 until 2000, the general nature of my law practice was that of associate attorney and shareholder in the litigation practice group of the law firm of Hill, Ward & Henderson, P.A., a Martindale Hubbell AV rated firm. I handled, primarily, products liability, employment discrimination, securities, civil rights, police misconduct and commercial law cases in state and federal court. Additionally, I handled a few family law cases in state court. My practice was generally limited to complex civil litigation.

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

I did not specialize or obtain board certification in any area of practice.

As an assistant public defender, I represented clients on cases ranging from disorderly intoxication and driving while intoxicated, to attempted first-degree murder, capital sexual battery and racketeering.

In private practice, my typical clients were corporations that had been sued by individuals for wrongful death, personal injury, discrimination and harassment, civil rights violations and contract disputes. In the area of family law, I represented individuals from all walks of life. Among my

clients were: R. J. Reynolds Tobacco Company (products liability), Baxter Healthcare Corporation (products liability), Healthcare and Retirement Corporation (discrimination), Piccadilly Cafeteria (discrimination), and the City of Tampa (Section 1983 police misconduct).

- 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.

From 1984 through 1987, while employed as an Assistant Public Defender, I appeared in court almost every day, approximately 20 times a month. From 1987 through 2000, as a civil trial attorney, the frequency of my appearances in court decreased. I appeared in court an average of 5 times a month. These court appearances included evidentiary hearings, such as motions for temporary injunctions, and non-evidentiary hearings, such as motions to dismiss and motions for summary judgment.

- i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 38% |
| 2. state courts of record:  | 58% |
| 3. other courts:            | 3%  |
| 4. administrative agencies: | 1%  |

- ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 68% |
| 2. criminal proceedings: | 32% |

- 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 have tried approximately 22 jury trials and 12 non-jury trials. I was sole counsel in 19 of the jury trials and all of the non-jury trials. Of the remaining three (3) jury trials, I was lead counsel in one, co-counsel in one, and associate counsel in the other

- i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 65% |
| 2. non-jury: | 35% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) 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 other than in 1989, while employed as an assistant city attorney, I prepared a jurisdictional brief for respondent. The case was *Marzuq A. Al-Hakim, et. al, Petitioners v. Tampa City Council, Respondent*; Case No 88-7141.

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) *Robinson v. State*, 462 So.2d 471 (Fla.1<sup>st</sup> DCA 1984), *rev, denied*, 471 So.2d 44 (Fla.1985). I represented Victor Robinson on the appeal before the First District Court of Appeal. Mr. Robinson was a student at FAMU and a high school classmate of mine from Pompano Beach, Florida. This case received immense publicity in Tallahassee. The appellate decision was issued on December 3, 1984, and written by Judge Zehmer and concurred in by Judges Ervin and Booth. Wallace Allbritton, Assistant Attorney General, represented the State of Florida. Mr. Albritton's current address is unknown.

Victor Robinson was charged with and convicted of sexual battery and kidnapping. At the conclusion of the trial, Robinson's trial attorney requested an extension of time to file a motion for a new trial, which was granted by the court. The trial court also granted the motion for new trial, finding that the weight of the evidence was so tenuous as to require a new trial in the interests of justice. Because the trial court had no authority to extend the time for filing a motion for new trial, no new trial was held and Robinson was adjudicated guilty of the offenses.

The case is significant because the appellate court recognized the fundamental injustice which fell upon Robinson due to his attorney's failure to timely file a motion for new trial. This was only the second time that the First District Court of Appeal had granted a criminal defendant a new trial in the interests of justice. The appellate court opined that the foremost obligation and interest of the courts is seeing that justice is ultimately done.

- (2) *State of Florida v. Herbert Bernard Holley*, Case No. 87-2107(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida. The case was litigated before Judges John Griffin and William Graybill (presided over trial). This case was tried October 12 – 15, 1987. Assistant State Attorneys Karen Cox and Steve Crawford



represented the State of Florida in the case. The Second District Court of Appeal's decision is reported at *Holley v. State*, 564 So.2d 595 (Fla. 2<sup>nd</sup> DCA 1990).

I represented the defendant, Herbert Holley, from arraignment to filing of the Notice of Appeal, at the conclusion of the trial. The defendant was charged with one count of racketeering, eighteen counts of robbery, and one count of attempted robbery. He was tried by jury and convicted of one count of racketeering and twelve counts of robbery with a deadly weapon. Mr. Holley was one of the first defendants in Hillsborough County to be charged with a violation of the then recently enacted Racketeering Statute, § 895.03(3), Florida Statutes (1985).

At the time Mr. Holley was charged under the statute, there was no case law in the Second District interpreting the racketeering statute as it applied to individuals who were acting alone. In pretrial motions and memoranda, I argued that the court should dismiss the racketeering count because one person acting alone cannot be an enterprise absent proof that he used a business entity as a conduit for criminal activities. The trial court ruled in the defendant's favor, dismissed the racketeering count, but later changed the opinion at the urging of the State Attorney's Office. The appellate court agreed with my pretrial argument and reversed the trial court's decision. This case was significant because it provided an interpretation of the racketeering statute to guide the trial judge, state attorney and defense attorneys in future cases.

The current address for Karen Cox is Post Office Box 3913, Tampa, Florida 33601. Her telephone number is (813) 224-9255. The current address for Steve Crawford is 610 West Bay Street, Tampa, Florida 33606. His telephone number is (813) 251-2273.

- (3) *Chavez v. City of Tampa*, 560 So.2d 1214 (Fla. 2<sup>nd</sup> DCA 1990), *rev. denied*, 576 So.2d 285 (Fla. 1990). I represented the City of Tampa on the appeal before the Second District Court of Appeal. The opinion was issued on March 16, 1990, by Judges Danahy, Frank and Schoonover. Guy M. Burns and Jacqueline W. Hubbard of Johnson, Blakely, Pope, Bokor, Ruppel and Burns, P.A., represented Helen Chavez.

Helen Chavez requested that the City of Tampa reimburse her for her legal expenses incurred in defending herself before the Florida Commission on Ethics on ethics charges. The City refused to pay her legal expenses. Prior to the refusal, Ms. Chavez had been advised by an Assistant City Attorney that her participation in a vote on her petition for alcoholic beverage zoning classification would be a conflict of interest. Despite the advice, she voted on the petition. This case is significant because it emphasizes that public officials are held to a high standard of conduct. They are to be independent, impartial and they are not to use the public office for private gain. The appellate court clearly defined the term public purpose, such that all public officials would be informed as to acceptable and unacceptable behavior.

The current address for Guy Burns is 403 East Madison Street, Suite 400, Tampa, Florida 33602. His telephone number is (813) 225-2500. The current address for Jacqueline

Hubbard is 3301 Tamiami Trail, East, Naples, Florida 34112. Her telephone number is (239) 774-8400.

- (4) *Scott P. Johnston v. City of Tampa*, Case No. 89-744-Civ-T-15B, United State District Court, Middle District of Florida, Tampa Division. Judge William J. Castagna issued an opinion on August 19, 1991. I served as co-counsel for the City of Tampa with Thomas Gonzalez, Esquire. I represented the City on count II of the complaint, negligence. Jeffery Stull and David Dee represented the Plaintiff. The court granted the City's Motion for Summary Judgment and entered a Final Judgment in favor of the City.

Johnston was a police officer for the City of Tampa for seven months. During that time he used deadly force, a firearm, to kill a robbery suspect. The Tampa Police Department determined that Johnston used deadly force contrary to department policy. Johnston resigned, under pressure, and sued the City for forced resignation and negligent training. On the negligent training issue, count II, the court found no duty by the City to train law enforcement officers who harm others in violation of local policy. This case is significant because if Plaintiff had prevailed on his negligence count, an employee who is fired because of failure to follow policies set by his employer would be able to sue his employer for failure to exercise due care in training him to comply with such policies.

The current address for my co-counsel, Thomas Gonzalez, is 201 North Franklin Street, Suite 1600, Tampa, Florida 33602. His telephone number is (813) 273-0050. The current address for Jeffrey Stull is 602 South Boulevard Avenue, Tampa, Florida 33606. His telephone number is (813) 251-3914. The current address for David Dee is 405 West Azeele Street, Tampa, Florida 33606. His telephone number is (813) 258-0406.

- (5) *Community Blood & Plasma v. City of Tampa*, Case No. 89-383-Civ-T-22B, United States District Court, Middle District of Florida, Tampa Division. Judge Anne Conway issued an opinion on April 22, 1992. I represented the City of Tampa and Larry Stumpf, Esquire, represented the Plaintiff. The court granted the City's Motion for Summary Judgment and entered a Final Judgment in favor of the City. Plaintiff appealed this Final Judgment to the Eleventh Circuit Court of Appeals, which affirmed the District Judge's opinion. I also represented the City on the appeal.

Plaintiff operated a blood donor center on Kennedy Boulevard in Tampa, Florida. Pursuant to the City of Tampa zoning ordinances, blood donor centers could not be located within specified distances of residential areas and other blood donor centers. Plaintiff filed a seven-count complaint challenging the constitutionality of the pertinent zoning ordinances. The District Court upheld the constitutionality of the zoning ordinances. This case is significant because Plaintiff urged the court to adopt a new minimum standard of review when analyzing challenges to municipal ordinances. The District Court and the Eleventh Circuit rejected Plaintiff's argument and applied the rational basis test. Zoning ordinances are essential to protect residential areas and preserve the integrity of neighborhoods. Kennedy Boulevard is the main road leading into downtown Tampa.

The current address for Larry Stumpf is 201 South Biscayne Boulevard, Suite 1300, Miami, Florida 33131. His telephone number is (305) 371-6421.

- (6) *Ernest C. Sexton, Sr., et. al. v. City of Tampa, et. al.*, Case No. 94-1357-CIV-T-23-E, United States District Court, Middle District of Florida, Tampa Division. This case was litigated before Judge Steven Merryday and Magistrate Judge Thomas McCoun. Magistrate Judge Elizabeth Jenkins presided over the trial which was held February 6 – 10, 1997. The Plaintiffs were represented by Frederick R. Mann, Jr. and William M. Norris.

The Plaintiffs filed a seven count wrongful death action against the City of Tampa alleging, among other things, a violation of Ernest C. Sexton, Jr.'s constitutional rights under 42 U.S.C. Section 1983, negligent retention and supervision, negligent training and wrongful death. The allegations arose from the shooting of Ernest C. Sexton, Jr., after he was arrested, by Tampa Police Officer David Slatton. The case is significant because the Plaintiffs sought damages in the amount of \$5 million dollars. Additionally, they challenged the validity of the City of Tampa Police Department's policies and procedures. On February 10, 1997, the jury returned a verdict in favor of the Defendant, City of Tampa. I represented the defendant, City of Tampa, along with co-counsel, Martin Garcia. I prepared the pre-trial motions, undertook the discovery, and tried the case with Martin Garcia.

The current address for Martin Garcia is 1700 South MacDill Avenue, Suite 260, Tampa, Florida 33629. His telephone number is (813) 253-3999. The current address for Dan Kirkwood, counsel for the police officer, is 1313 North Tampa Street, Suite 902, Tampa, Florida 33602. His telephone number is (813) 233-2985. The current address for Frederick Mann, Jr. is P.O. Box 580, Panama City, Florida 32402. His telephone number is (850) 784-6155. The current address for William Norris is 8870 S.W. 62<sup>nd</sup> Terrace, Miami, Florida 33173. His telephone number is (305) 279-9311.

- (7) *Robert R. Jones v. R.J. Reynolds Tobacco Company*, Case No. 97-4966(B), Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida. This case was litigated before Judges Gaspar Ficarrotta and Ralph Steinberg (presided over trial). It was tried August – October 12, 2000. On October 12, 2000, the jury returned a verdict in favor of the Plaintiff in the amount of \$200,000. However, on December 28, 2000, the trial court granted the Defendant's motion for new trial. The Second District Court of Appeal affirmed the trial court's grant of a new trial in *Jones v. R.J. Reynolds Tobacco Co.*, 830 So.2d 854 (Fla. 2d DCA 2002). The Florida Supreme Court denied the Plaintiff's petition for review on August 31, 2005. Ultimately, the Plaintiff dismissed this case.

This case is significant because it was the first products liability tobacco case to be tried in Hillsborough County. I served, along with Ben Hill, as local counsel for R.J. Reynolds tobacco company. I was responsible for coordinating discovery, drafting and filing pleadings, and handling the day to day inquiries regarding this case. I was associate counsel at the trial of this case and I was responsible for the examination of lay witnesses and one expert witness.

The current address for Howard Acosta, counsel for the Plaintiff, is 300 1<sup>st</sup> Avenue North, St. Petersburg, Florida 33701. His telephone number is (727) 894-4469. The current address for Stephanie E. Parker, counsel for R.J. Reynolds is Jones Day, 1420 Peachtree Street, NE, Suite 800, Atlanta, Georgia 30309. Her telephone number is (404) 581-8552.

- (8) *Scott v. United States Department of Justice*, Case No. 94-622-CIV-T-23C, United States District Court, Middle District of Florida, Tampa Division. A three judge panel, Judges Gerald Tjoflat, Ralph Nimmons, Jr., and Steven D. Merryday, presided over this case. The plaintiffs sought a declaratory judgment that District 21 in the 1992 Senate redistricting plan for the State of Florida was racial gerrymandering in violation of the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. The plaintiffs also sought injunctive relief requiring that new Senate districts be drawn. After exhaustive discovery, the parties settled the case in mediation by redrawing the boundaries for Senate District 21.

I represented the Defendant-Intervenor, The Florida Senate, along with Ben Hill. Ben Hill's address is 101 East Kennedy Boulevard, Suite 3700, Post Office Box 2231, Tampa, Florida 33601-2231 (813) 221-3900. The plaintiffs were represented by James Landis, 1407 East Paris Street, Tampa, Florida 33604 (813) 767-8282 and Terry Gillis Tucker, 9622 Moorfield Circle, Louisville, Kentucky 40241 (502) 426-7060.

The Department of Justice was represented by Steven Mulroy and Richard Jerome, U.S. Justice Department, Civil Rights Division-Voting Section, Post Office Box 66128, Washington, DC 20035 (202) 514-9821. I do not have a current address for Mr. Mulroy or Mr. Jerome.

- (9) *Doris Farmer v. Health Care and Retirement Corp.*, Case No. 98-461-CIV-T-24E, United States District Court, Middle District of Florida, Tampa Division. This case was assigned to Judge Susan Bucklew.

The Plaintiff filed an action alleging, among other things, that the Defendant Health Care and Retirement violated the Family and Medical Leave Act, 29 U.S.C. §2601, *et. seq.* (FMLA). Specifically, the plaintiff alleged that upon returning to work from a medical leave of absence the defendant failed to reinstate her to the same position she held prior to taking leave. The case is significant because at this time no reported opinion specifically discussed the question of whether the FMLA required an employer to return an employee to the exact shift and work schedule as that held prior to commencing the leave. The case settled after the filing of cross motions for summary judgment.

I represented the defendant. The plaintiff was represented by Bradley M. Bole, 535 Central Avenue, St. Petersburg, Florida 33701 (727) 823-4191.

- (10) *Jeffery Gomez v. City of Tampa*, Case No. 92-470-CIV-T-22B, United States District Court, Middle District of Florida, Tampa Division. This case was assigned to Judge Anne Conway.

The plaintiff filed a class action complaint for injunctive and declaratory relief alleging a violation of the Fifth and Fourteenth Amendments of the United States Constitution and similar provisions of the Florida Constitution. Specifically, the plaintiff alleged that his property, accrued interest on utility deposits, had been taken without due process and without just compensation. The plaintiff sought certification on behalf of a plaintiff class and against a defendant class of municipal corporations. The case is significant because the putative class consisted of all present, past and future applicants for utilities from the City of Tampa who had paid or would pay a deposit to guarantee payment of their accounts. The class would have consisted of more than 100,000 persons and entities. The case settled before a class action was certified and after the filing of the City's motion to dismiss.

I represented the City of Tampa along with co-counsel, Assistant City Attorney Jerry M. Gewirtz. Mr. Gewirtz' address is 315 E. Kennedy Blvd., 5<sup>th</sup> Floor, Tampa, FL 33602. His telephone number is (813) 274-8996. The plaintiff was represented by Scott C. Ilgenfritz. The current address for Mr. Ilgenfritz is 403 E. Madison Street, Suite 400, Tampa, FL 33602. His telephone number is (813) 225-2500.

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.)

(1) Oral Argument – In 1984, while only 27 years of age, I had the opportunity to argue a case before the Florida Supreme Court, in *State v. S.L.W.*, 465 So.2d 1231 (Fla. 1985). Although I lost the appeal, the experience made me a better appellate attorney. I later had the opportunity to argue before the Eleventh Circuit Court of Appeals in *Community Blood & Plasma v. City of Tampa*. I won that appeal.

(2) Article V Task Force, 1994 – 1995. The Florida Legislature established a mini-constitutional revision commission to study the provisions of the Florida Constitution governing the judiciary. One area the Task Force focused on was judicial selection and tenure of Florida's judges. I testified before this Task Force and urged them to recommend changes to the requirement that newly appointed judges must stand for election in the next scheduled general election. My testimony was based on my personal experience of being appointed to the bench in June 2004, starting my term of office on July 1, 2004, and standing for election in September 2004. As a result of the Task Force's findings and recommendations, the law was changed. Florida judges are not required to stand for election until they have completed one year of service.

(3) Mentoring Program – In the early 1990's through my work with the George Edgecomb Bar Association, I, along with attorney Delano Stewart, started a mentoring program between minority lawyers and at-risk students at Sligh Middle School, an inner city middle school in Tampa. Lawyers and other professionals would meet with the

students one to two times a month to discuss various topics, talk about careers and participate in field trips. The program is still operating at Sligh Middle School.

(4) Arbitration and Mediation – During the period of 1995 through 2000, I served as an arbitrator for the United States District Court, Middle District of Florida. I arbitrated cases on a regular basis. Additionally, I mediated cases in State and Federal court. These cases usually involved issues of racial discrimination or sexual harassment and contract disputes.

(5) Mock Trial and Moot Court Competition – I have judged Mock Trial and Moot Court Competitions for The Florida Bar and local middle schools and high schools, such as Jefferson High School and Academy Prep.

(6) Florida Bar Referee in Grievance Proceedings – I have been appointed by the Florida Supreme Court and the Chief Judge of my Circuit to serve as a referee in grievance cases against lawyers for alleged violations of the Florida Bar's Rules of Professional Conduct. The referee presides over the grievance hearing and makes a recommendation to the Florida Supreme Court regarding the lawyer's conduct.

(7) City of Tampa Code Enforcement Board – I served as the attorney for the City of Tampa Code Enforcement Board between 1998 – 2000. I provided legal advice to the Board at its monthly public hearings.

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 four (4) copies to the committee.

I have not taught at a university or college. I have lectured on various legal topics at Florida Metropolitan University and the University of South Florida. Additionally, I am on the faculty of the Florida Bar's Trial Lawyers Section Advanced Trial Advocacy Seminar. This is a one week course which is taught at the University of Florida Levin College of Law in Gainesville, Florida.

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 currently defer a portion of my state compensation into a retirement account. I have no arrangement or expectation of any future payments for any previous business or financial relationship or work done.

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.

No.

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).

See attached Financial Disclosure 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.

My husband is a Major with the Tampa Police Department. A potential conflict of interest might arise as to criminal cases in which the Tampa Police Department was involved. I would disqualify myself from presiding over these cases.

Additionally, I represented R.J. Reynolds Tobacco Company in products liability litigation for almost four (4) years. I have personal knowledge of their confidential business information. I would disqualify myself from presiding over cases in which R.J. Reynolds Tobacco Company was a defendant to personal injury litigation arising from the use of tobacco products manufactured by R.J. Reynolds.

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

I would disqualify myself from presiding over these cases. In all cases I will follow the Code of Conduct for United States Judges and applicable statutes, policies, and procedures.

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.

From 1983 to 1994, I performed pro bono legal work for family members and close friends in the areas of wills, real estate transactions and powers of attorney. As a government attorney, I was prohibited from performing any other pro bono legal work. I do not recall the amounts of time devoted to this pro bono work.

From 1995 to 2000, I performed pro bono legal work for poor and lower middle class individuals in the area of family law. I also performed pro bono legal work for non-profit charitable organizations of which I was affiliated. I have not performed any pro-bono legal work since my appointment to the circuit bench in 2000, as I am prohibited from doing so. I do not recall the amounts of time devoted to this pro bono work.

**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.

My experience in the judicial selection process was very positive. On November 2, 2007, I submitted a written application to the 55 members of the Florida Federal Judicial Nominating Commission. The members of the state commission reviewed the applications and selected 12 individuals to be interviewed by the Middle District Conference of the Commission. On December 17, 2007 I was interviewed by the 21 members of the Middle District Conference. On December 17, I was advised that I, along with five (5) others, would be recommended to Senators Mel Martinez and Bill Nelson for nomination by the President to two (2) vacancies on the United States District Court, Middle District of Florida. On February 6, 2008, I was interviewed by Senators Martinez and Nelson, separately, in their senate offices in Washington, D.C. On March 3, 2008, I was interviewed by three (3) individuals from the White House and Department of Justice. In May 2008, I was advised that I had not been selected by President Bush.

On February 10, 2009, I received a copy of a joint letter from Senators Bill Nelson and Mel Martinez to Gregory Craig, White House Counsel, which advised me that my name, along with the name of 4 others, had been submitted to President Obama for nomination to the United States District Court, Middle District of Florida. On March 13, 2009, staff from the Department of Justice contacted me regarding pre-nomination paperwork. I had subsequent



conversations with staff from the Department of Justice regarding that paperwork and the nomination process. On May 12, 2009, I was interviewed by staff from the Department of Justice and from the White House Counsel's Office. In mid June 2009, I was advised by Ms. Cassandra Butts, Deputy White House Counsel, that President Obama was going to nominate me for the District Court vacancy in the Middle District of Florida. My nomination was submitted to the Senate on June 25, 2009.

- 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, CHARLENE EDWARDS HONEYWELL, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

July 31, 2009  
(DATE)

Charlene Edwards Honeywell  
(NAME)

Betty G. Nedd  
(NOTARY) BETTYE G. NEDD

