

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Rodney Smith; Rod Smith

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

United States District 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.

Dade County Courthouse
73 West Flagler Street, Room 1304
Miami, Florida 33130

Residence: Hialeah, Florida

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

1974; Orlando, 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.

1998 – 1999, Michigan State University College of Law; J.D. (*cum laude*), 1999
1996 – 1997, Western Michigan University Cooley Law School; no degree (transferred)
1992 – 1996, Florida Agricultural and Mechanical University; B.S. (*cum laude*), 1996

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.

2012 – present
State of Florida, Eleventh Judicial Circuit
Dade County Courthouse

73 West Flagler Street, Room 1304
Miami, Florida 33130
Circuit Court Judge, Civil Division (2015 – present)
Circuit Court Judge, Criminal Division (2012 – 2015)

2012 – present
University of Miami
Division of Continuing & International Education
5050 Brunson Drive
Coral Gables, Florida 33124
Adjunct Faculty Member

2008 – 2012
State of Florida, Eleventh Judicial Circuit
Richard E. Gerstein Justice Building
1351 Northwest 12th Street
Miami, Florida 33125
County Court Judge, Civil and Criminal Divisions

2007 – 2008
Office of the Miami Beach City Attorney
1700 Convention Center Drive
Miami Beach, Florida 33139
Senior Assistant City Attorney

2004 – 2007
Law Office of Rebecca W. Ribler
Employees of Liberty Mutual Insurance Company
9130 South Dadeland Boulevard, Suite 1900
Miami, Florida 33156
Senior Trial Attorney

2003 – 2004
McGrane Nosich & Ganz, P.A.
75 Valencia Avenue, Suite 1100
Coral Gables, Florida 33134
Attorney

June 2003 – November 2003
Office of the General Counsel, *United Automobile Insurance Company*
1313 Northwest 167th Street
Miami Gardens, Florida 33169
Trial Attorney

1999 – 2003

Miami-Dade County State Attorney's Office
1350 Northwest 12th Avenue
Miami, Florida 33136
Assistant State Attorney

1998 – 1999
Michigan State University College of Law
648 North Shaw Lane
East Lansing, Michigan 48824
Library Clerk

Summer 1998 and Spring 1999
Legal Services of South Central Michigan (Lansing Office)
Lansing, Michigan
3940 Belle Chase Way, Suite 50
Lansing, Michigan 48911
Intern

Summer 1998
Michigan State University
Spartan Way
535 Chestnut Road, Room 216
East Lansing, Michigan 48825
Telemarketer (MSU Greenline)

Summer 1996
Precision Response Corporation
1505 NW 167h Street
Miami, Florida 33169
Telemarketer

Other Affiliations (uncompensated):

2016 – present
National Bar Association
1225 11th Street NW
Washington, DC 20001
Executive Board Member, Judicial Council

2010 – present
Mediator Qualifications and Discipline Review Board, Southern Division
500 South Duval Street
Tallahassee, Florida 32399
Chairman

2015 – present

History Miami's 11th Judicial Circuit Historical Society
101 West Flagler Street
Miami, Florida 33130
Board Member

2013 – present
Florida Supreme Court Committee on Alternative Dispute Resolution Rules and Policy
500 South Duval Street
Tallahassee, Florida 32399
Chairman (2015 – 2018)

2005 – 2008
Wilkie D. Ferguson, Jr., Bar Association
936 Southwest First Avenue, Mailbox 361
Miami, Florida 33130
President-Elect (2007 – 2008)
Vice President (2006 – 2007)
Treasurer (2005 – 2006)

2005 – 2007
Dade County Bar Association
123 Northwest First Avenue, Suite 214
Miami, Florida 33128
Board Member

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. I timely registered for selective service.

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.

Distinguished Honoree Award, Wilkie D. Ferguson, Jr. Bar Foundation (2018)

Jurist of the Year, American Board of Trial Advocates (ABOTA) Miami Chapter (2018)

Ally Award, Haitians Lawyers Association (2018)

"South Florida's Most Powerful and Influential Black Leaders," *Legacy Magazine* (2018)

Outstanding Eagle Scout Award (NOESA), National Eagle Scout Association (2017)

The National Black Lawyers Top 100 Lawyers (2015)

Certificate of Appreciation, Guest Speaker to North Dade Optimist Club (2009)

Certificate of Appreciation as Celebrity Reader to Arcola Lakes Elementary School (2009, 2010)

Proclamation as “*Rodney Smith Day*,” City of Miami Beach (2008)

Outstanding Member, Wilkie D. Ferguson, Jr. Bar Association (formerly Black Lawyers Association) (2005)

Silver Beaver Award, Boy Scouts of America (2003)

Miami Northwestern Senior High School Certificate of Appreciation (2003)

Miami Jackson Senior High School Certificate of Appreciation (2003)

Westview Middle School Certificates of Appreciation (2002, 2003)

District Award of Merit, Boy Scouts of America (2002)

Dean’s List, Michigan State University College of Law (1999)

Harold H. and Marion T. Gordon Scholarship Award (1998)

Wolverine Student Bar Association Scholarship Award (1998)

Dean’s List, Florida Agricultural and Mechanical University (1996)

American Academy of Distinguished Students (1996)

White and Gold Honor Society (1994)

Andre Dawson Scholarship Award (1993)

Future Educators of America Scholarship Award (1992)

Alpha Phi Alpha Fraternity, Inc., Beta Beta Lambda Scholarship Award (1992)

Mary Mcleod Bethune Scholarship Award (1992)

College Assistance Program Scholarship Award (1992)

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.

Cuban American Bar Association

Dade County Bar Association
Board Member (2005 – 2007)

Eleventh Judicial Circuit Judges, Diversity Committee (2015 – present)
Co-Chair (2015 – present)

Federal Bar Association (South Florida Chapter)

Florida Bar Foundation
Miami Fellows Committee (2007)

Florida Bar “Young Lawyers Division”

Florida Conference of Circuit Judges, Diversity Committee (2015 – 2018)
Co-Chair (2015 – 2018)

Florida Supreme Court Committee on Alternative Dispute Resolution Rules and Policy (2013 – present)
Chairman (2015 – 2018)

Gwen S. Cherry Black Women Lawyers Association

Hispanic National Bar Association

History Miami’s 11th Judicial Circuit Historical Society
Board Member (2015 – present)

Mediator Qualifications and Discipline Review Board, Southern Division
Chairman (2010 – present)

Miami Beach Bar Association

National Bar Association
Executive Board Member, Judicial Council (2016 – present)

Wilkie D. Ferguson, Jr., Bar Association
President-Elect (2007 – 2008)
Vice President (2006 – 2007)
Treasurer (2005 – 2006)
Judicial Ratings Committee (2004 – 2008)

Professional Growth and Development Committee (2004 – 2008)
Chairperson, Scholarship Committee (2007 – 2008)
Co-Chair, Scholarship and Gala Committee (2004 – 2005)
Designee to Interview and Select an Assistant General Magistrate in the
Child Support Enforcement Division of the 11th Judicial Circuit (2005)

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, 2000
District of Columbia, 2002

There have been no lapses in membership.

- 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.

Supreme Court of the United States, 2003
United States Court of Appeals for the Eleventh Circuit, 2001
United States Court of Appeals for the Armed Forces, 2003
United States Court of Appeals for the Federal Circuit, 2003
United States Court of Federal Claims, 2003
United States District Court for the Middle District of Florida, 2002
United States District Court for the Southern District of Florida, 2001
District of Columbia Court of Appeals, 2002

My membership in the bar of the United States District Court for the Middle District of Florida lapsed because I declined to renew my membership. There have been no other lapses in membership.

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.

To my recollection:

100 Black Men of South Florida, Inc. (2016 – present)

5000 Role Models of Excellence Project (2006 – present)

Alpha Phi Omega National Service Fraternity, Inc.; Life Member
Membership Vice President Founding Alumni (2004)

Boy Scouts of America, South Florida Council
Executive Board (2017 – present)
Scoutmaster (2015 – present)
Assistant Scoutmaster (1992 – 2015)
District Chairman (2001– 2008)
Scout Outreach Chairman (2004 – 2008)
Order of the Arrow (1991 – present)
Brotherhood Member, (1991 – present)

Brownsville Progressive Masonic Lodge # 510, P.H.A. (1994 –
present, inactive)

Federalist Society (2015 – present)

Florida A & M University National Alumni Association, Miami-Dade Chapter
Life Member (2014 – present)

Kappa Alpha Psi Fraternity, Inc., Life Member (1998 – present)
Lansing Alumni Chapter Initiate (1998)
Miami Alumni Chapter (1999 – present)
Guide Right Chairman, Inc. (2002 – 2008)
Lieutenant Strategus (2004 – 2005)
General Counsel (2005 – 2008)
Board of Directors (2008 – 2016)
Foundation Board Member Miami Alumni Chapter (Approximately
2008 – present)

Kiwanis Club (2014)

Law Enforcement Officers' Memorial High School
Advisory Board (2016 – present)

League of Prosecutors (Approximately 2007 – 2008)

NAACP – Miami Chapter (Approximately 2006)

National Eagle Scout Association (Eagle Scout class of 1989)

National Organization Black Law Enforcement Executives, South Florida
Chapter (2014 – present)

Parent Teacher Association, iPrep Academy – Miami-Dade County Public Schools (2011 – 2018)

Virginia Key Beach Park, Marketing Committee Member (2005 – 2008)

- 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.

100 Black Men of South Florida, Inc. and Kappa Alpha Psi Fraternity, Inc. have no female members, although female members are not specifically prohibited. 100 Black Men of South Florida, Inc. has an affiliated organization (National Coalition of 100 Black Women), which is also dedicated to community service and enhancing educational and economic opportunities for African Americans.

The Brownsville Progressive Masonic Lodge #510 does limit membership to men; however, a women's group, Eastern Star, is available for women members.

Otherwise, to the best of my knowledge, none of the organizations listed above 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 four (4) copies of all published material to the Committee.

During my retention elections in 2009 and 2014, I assisted in providing some of the content to my campaign website, <http://www.keepjudgerodsmith.com>. The site is no longer active and I did not retain a copy.

- 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.

Letter from Judge Rodney Smith, Chairman, Supreme Court Committee on Alternative Dispute Resolution Rules and Policy, to Judge Jorge Labarga, Chief Justice of the Florida Supreme Court (June 29, 2018), containing Recommendations from the Online Dispute Resolution Workgroup. Copy supplied.

Letter from Judge Rodney Smith, Chairman, Supreme Court Committee on Alternative Dispute Resolution Rules and Policy, to Judge Jorge Labarga, Chief Justice of the Florida Supreme Court (June 1, 2018), containing the End of Term Report (2016 – 2018). Copy supplied.

Minutes of the Supreme Court Committee on Alternative Dispute Resolution Rules and Policy, Oct. 9, 2017. Most of the minutes of this Committee are unavailable, however I was able to locate one copy made available to the public as an attachment to an annual report. Copy supplied.

Pet. of the Committee on Alternative Dispute Resolution Rules and Policy to Amend the Florida Rules for Certified and Court-Appointed Mediators, *In re: Amendments to Florida Rules for Certified and Court-Appointed Mediators*, 220 So. 3d 408 (Fla. 2017) (No. SC17-935). Copy supplied.

Comment on Proposed Amendments to Rule Regulating the Florida Bar 4-1.19 and Florida Family Law Rule of Procedure 12.745. *In Re: Amendments to Rule Regulating the Florida Bar 4-1.19 and Florida Family Law Rule of Procedure 12.745 (Collaborative Law Process)* 218 So. 3d 440 (Fla. 2017) (No. SC16-1685). Copy supplied.

Pet. of the Committee on Alternative Dispute Resolution Rules and Policy to Amend the Florida Rules for Certified and Court-Appointed Mediators, *In re: Amendments to Florida Rules for Certified and Court-Appointed Mediators*, 202 So. 3d 795 (Fla. 2016) (No. SC15-875). Copy supplied.

FLORIDA SUPREME COURT COMMITTEE ON ALTERNATIVE DISPUTE RESOLUTION RULES AND POLICY, REPORT AND RECOMMENDATIONS: MEDIATION FEES FOR ALTERNATIVE DISPUTE RESOLUTION SERVICES IN FLORIDA'S TRIAL COURTS AND CIVIL INDIGENT STATUS (2016). Copy supplied.

Letter from Judge Rodney Smith, Chairman, Supreme Court Committee on

Alternative Dispute Resolution Rules and Policy, to Judge Jorge Labarga, Chief Justice of the Florida Supreme Court (Aug. 18, 2016). Copy supplied.

Comment on the Court's Proposed Amendments to the Code of Judicial Conduct. *In Re: Amendments to the Code of Judicial Conduct – Senior Judges Serving as Voluntary Trial Resolution Judges*, 194 So. 3d 1015 (Fla. 2016) (No. SC16-63). Copy supplied.

- 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.

I have not kept a comprehensive list of all speeches, talks and presentations given. Below is my best effort to recreate my history of speaking engagements, drawing from my calendar and files. It is possible that I have omitted presentations for which I did not retain records.

July 31, 2018: Master of Ceremony, Annual Thurgood Marshall Awards Luncheon, Judicial Council Division of the National Bar Association, New Orleans, Louisiana. I served as master of ceremony for the Annual Thurgood Marshall Awards Luncheon. I have no notes, transcript, or recording. The address for the National Bar Association is 1225 11th Street NW, Washington, DC 20001.

July 29, 2018: Speaker, 47th Anniversary Opening Session & Rededication & Memorial Service, Judicial Council Division of the National Bar Association, New Orleans, Louisiana. Script supplied.

April 22, 2018: Speaker, 2018 Silver Beaver & Eagle Scout Reception, Boy Scouts of America, South Florida Council, Davie, Florida. I was invited to deliver brief remarks and present awards for the 2018 Council Silver Beaver & Eagle Scout reception. Script supplied.

November 20, 2017: Panelist, "Burdens of Proof in Criminal and Civil Cases," Teachers Law School, American Board of Trial Advocates, Miami, Florida. I spoke on burdens of proof in court cases. I have no notes, transcript, or recording. The address for the American Board of Trial Advocates is 2001 Bryan Street, Suite 3000, Dallas, Texas 75201.

October 6, 2017: Speaker, Q&A Session, Law Enforcement Officers' Memorial

High School, Miami, Florida. I made brief remarks followed by a question and answer session about the role of a judge. I have no notes, transcript, or recording. The address for the Law Enforcement Officers' Memorial High School is 300 NW Second Avenue, Miami, Florida 33128.

October 4, 2017: Inductor, 5000 Role Models of Excellence Project, Coral Reef Senior High School, Miami, Florida. I administered the pledge to induct and welcome the new 5000 Role Models of Excellence Project students at Coral Reef Senior High School. I have no notes, transcript, or recording. The address for 5000 Role Models of Excellence Project is 1450 NE Second Avenue, Room 227, Miami, Florida 33132.

August 31, 2017: Speaker and Inductor, Wilkie D. Ferguson, Jr. Bar Association, Miami, Florida. I gave brief remarks prior to administering the oath of office to the officers of the Wilkie D. Ferguson, Jr. Bar Association. I have no notes, transcript, or recording. The address for the Wilkie D. Ferguson, Jr. Bar Association is 936 SW First Avenue, Mailbox 361, Miami, Florida 33130.

May 6, 2017: Speaker, Eagle Scout Court of Honor, Boy Scout Troop 204, Miami, Florida. Notes supplied.

April 22, 2017: Speaker, Eagle Scout Court of Honor, Boy Scout Troop 457, Pinecrest, Florida. Copy supplied as notes from May 6, 2017 event.

March 2017: Moot Court Judge, Corporate Conference, Hispanic National Bar Association, Miami, Florida. I judged moot court competitions and at the conclusion of the competitions, I made brief remarks to the law student participants. I have no notes, transcript, or recording. The address for the Hispanic National Bar Association is 1020 19th Street NW, Suite 505, Washington, DC 20036.

March 2017: Reader, Holmes Elementary School, Miami, Florida. I participated as a celebrity reader, where I read books to elementary school students. I have no notes, transcript, or recording. The address for Holmes Elementary School is 1175 NW 67th Street, Miami, Florida 33150.

February 2017 (Approximately): Speaker, "Career Day," Holmes Elementary School, Miami, Florida. I made brief remarks followed by a question and answer session about how I overcame personal life challenges to become a judge and the role of a judge. I have no notes, transcript, or recording. The address for Holmes Elementary School is 1175 NW 67th Street, Miami, Florida 33150.

February 25, 2017: Panelist, "No More Broken Hearts" – Domestic Violence Workshop, Miami-Dade School Board Member Dr. Dorothy Bendross-Mindingall, Miami, Florida. I spoke as a panelist about domestic violence issues.

I have no notes, transcript, or recording. The address of the Miami-Dade School Board is 1450 NE Second Avenue, Miami, Florida 33132.

February 10, 2017: Panelist, "Bench and Bar Conference – Diversity and Inclusion," Dade County Bar Association, Coral Gables, Florida. I spoke on a panel about diversity. I have no notes, transcript, or recording. The address for the Dade County Bar Association is 123 NW First Avenue, Miami, Florida 33128.

January 4, 2017: Speaker, Eagle Scout Court of Honor, Boy Scout Troop 80, Miami, Florida. Copy supplied as notes from May 6, 2017 event.

February 20, 2016: Panelist, "No More Broken Hearts" – Domestic Violence Workshop, George Jones Ayers Middle School, Miami, Florida. I spoke as a panelist about domestic violence issues. I have no notes, transcript, or recording. The address for George Jones Ayers Middle School is 1331 NW 46th Street, Miami, Florida 33142.

October 5, 2016: Speaker, Q&A Session, Miami Carol City Senior High School, Miami, Florida. I made brief remarks followed by a question and answer session about the role of a judge. I have no notes, transcript, or recording. The address for Miami Carol City Senior High School is 3301 Miami Gardens Drive, Miami, Florida 33056.

September 14, 2016: Panelist, "Meet the Judge" Luncheon, St. Thomas University, Miami Gardens, Florida. I made brief remarks followed by a question and answer session about the role of the judiciary and how I became a judge. I have no notes, transcript, or recording. The address for St. Thomas University is 16401 NW 37th Avenue, Miami Gardens, Florida 33054.

May 2016: Speaker, Q&A Session, Law Enforcement Officers' Memorial High School, Miami, Florida. I made brief remarks followed by a question and answer session about the role of a judge. I have no notes, transcript, or recording. The address for Law Enforcement Officers' Memorial High School is 300 NW Second Avenue, Miami, Florida 33128.

May 20, 2016: Panelist, "What Civil Judges Want You to Know – Legal Ethics" Seminar, Civil Court Judicial Forum, National Business Institute, North Miami, Florida. Outline supplied.

May 9, 2016: Inductor, 5000 Role Models of Excellence Project, Coral Reef Senior High School, Miami, Florida. I administered the pledge to induct and welcome the new 5000 Role Models of Excellence Project students at Coral Reef Senior High School. I have no notes, transcript, or recording. The address for 5000 Role Models of Excellence Project is 1450 NE Second Avenue, Room 227, Miami, Florida 33132. Representative press report supplied.

March 2016 (Approximately): Reader, Lake Stevens Elementary, Miami Gardens, Florida. I participated as a celebrity reader, where I read books to elementary school students. I have no notes, transcript, or recording. The address for Lake Stevens Elementary is 5101 NW 183rd Street, Miami Gardens, Florida 33055.

March 16, 2016: Moot Court Judge, Corporate Conference, Hispanic National Bar Association, Las Vegas, Nevada. I judged moot court competitions and at the conclusion of the competitions, I made brief remarks to the law student participants. I have no notes, transcript, or recording. The address for the Hispanic National Bar Association is 1020 19th Street NW, Suite 505, Washington, DC 20036.

February 20, 2016: Panelist, "No More Broken Hearts" – Domestic Violence Workshop, George Jones Ayers Middle School, Miami, Florida. I spoke as a panelist about domestic violence issues. I have no notes, transcript, or recording. The address for George Jones Ayers Middle School is 1331 NW 46th Street, Miami, Florida 33142.

February 19, 2016: Speaker, "Black Professional Career Day," Madison Middle School, Miami, Florida. I made brief remarks followed by a question and answer session about how I overcame personal life challenges to become a judge. I have no notes, transcript, or recording. The address for Madison Middle School is 3400 NW 87th Street, Miami, Florida 33147.

February 17, 2016: Speaker, Coral Reef Criminal Justice Program, Dade County Courthouse, Miami, Florida. I hosted a group of students from the Coral Reef Criminal Justice program in my chambers, discussed my road to the bench, and gave career advice about the legal field. I have no notes, transcript, or recording. The address for Dade County Courthouse is 73 W Flagler Street, Room 1304, Miami, Florida 33130. Representative press report supplied.

December 19, 2015: Inductor, New Officer Installation, Miami-Dade Chapter of the Florida A&M University Alumni Association, Miami, Florida. I presided over the installation of the new officers of the Miami-Dade Chapter of the Florida A&M University Alumni Association. I have no notes, transcript, or recording. The address for the Miami-Dade Chapter of the Florida A&M National Alumni Association is P.O. Box 680938, Miami, Florida 33168. Representative press report supplied.

December 7, 2015: Speaker, "Career Day," Broadmoor Elementary School, Miami, Florida. I made brief remarks followed by a question and answer session about how I overcame personal life challenges to become a judge and the role of a judge. I have no notes, transcript, or recording. The address for Broadmoor Elementary School is 3401 NW 83rd Street, Miami, Florida 33147.

November 19, 2015: Co-Presenter, "Mediation Ethics and Discipline," 2015 Southern Dispute Resolution Conference, Tennessee Supreme Court Alternative Dispute Resolution Committee, Nashville, Tennessee. I co-presented in a seminar on ethics during mediation. I have no notes, transcript, or recording. The address for the Tennessee Supreme Court Alternative Dispute Resolution Commission is 511 Union Street, Suite 600, Nashville, Tennessee 37219.

September 13, 2015: Guest Speaker, Progressive Officers Club, Opa-Locka, Florida. I spoke on solutions to bridging the gap between the police and the community. I have no notes, transcript, or recording. The address for the Progressive Officers Club is 14690 NW 27th Avenue, Opa-Locka, Florida 33054.

May 13, 2015: Speaker, "Career Day," Fulford Elementary School, North Miami Beach, Florida. I made brief remarks followed by a question and answer session about how I overcame personal life challenges to become a judge and the role of a judge. I have no notes, transcript, or recording. The address for Fulford Elementary School is 16140 NE 18th Avenue, North Miami Beach, Florida 33162.

May 2015: Panelist, "Meet the Judge" luncheon, St. Thomas University, Miami Gardens, Florida. I made brief remarks followed by a question and answer session about the role of the judiciary and how I became a judge. I have no notes, transcript, or recording. The address for St. Thomas University is 16401 NW Avenue, Miami Gardens, Florida 33054.

May 2015: Speaker, "Career Day," iPrep Academy, Miami, Florida. I made brief remarks followed by a question and answer session about how I overcame personal life challenges to become a judge and the role of a judge. I have no notes, transcript, or recording. The address for iPrep Academy is 1500 Biscayne Boulevard, Miami, Florida 33132.

February 10, 2015: Speaker, Q&A Session, Thomas Jefferson Middle School, Miami, Florida. I made brief remarks followed by a question and answer session about the role of a judge. I have no notes, transcript, or recording. The address for Thomas Jefferson Middle School is 525 NW 147th Street, Miami, Florida 33169.

February 2, 2015: Speaker, "Career Day," Eneida Hartner Elementary School, Miami, Florida. I made brief remarks followed by a question and answer session about how I overcame personal life challenges to become a judge and the role of a judge. I have no notes, transcript, or recording. The address for Eneida Hartner Elementary School is 401 NW 29th Street, Miami, Florida 33127.

February 2015: Guest Speaker, Annual Black History Luncheon, Progressive Officers Club, Opa-Locka, Florida. I spoke about the role of a judge. I have no

notes, transcript, or recording. The address for the Progressive Officers Club is 14690 NW 27th Avenue, Opa-Locka, Florida 33054.

February 2015: Reader, Arcola Lakes Elementary, Miami, Florida. I participated as a celebrity reader, where I read books to elementary school students. I have no notes, transcript, or recording. The address for Arcola Lakes Elementary is 1037 NW 81st Street, Miami, Florida 33150.

February 2015: Reader, Sparks Day Care, Incorporated, Miami, Florida. I participated as a celebrity reader, where I read books to students. I have no notes, transcript, or recording. The address for Sparks Day Care, Incorporated is 8129 NW 12th Court, Miami, Florida 33147.

August 2014: Speaker, Judicial Candidates Forum, Gwen S. Cherry Black Women Lawyers Association, Miami, Florida. I made brief remarks, along with several other judicial candidates, during my reelection bid to the circuit court. I have no notes, transcript, or recording. The address for Gwen S. Cherry Black Women Lawyers Association is P.O. Box 12631, Miami, Florida 33101. Representative press report supplied.

August 2014: Speaker, "Americanism and the Role of the Judiciary," American Legion Post #165, Miami, Florida. I spoke to a group of veterans on the role of the judiciary. I have no notes, transcript, or recording. The address for American Legion Post #165 is 880 NW 54th Street, Miami, Florida 33127.

2013 – 2014: I gave brief remarks at numerous fundraisers and churches in Miami, Florida to support my retention as a Circuit Court Judge. I have listed a few specific examples that I am able to recall separately below. In spite of a thorough search of my records, it is likely that there are more such speeches that I cannot locate. In each event, I thanked the hosts and talked briefly about my educational and work experience. I have no notes, transcripts, or recordings. The Committee to Keep Judge Rodney "Rod" Smith has no mailing address.

July 21, 2014: Speaker, Fundraiser for Retention Election, Mortgage Experts of South Florida and the Committee to Keep Judge Rodney "Rod" Smith, Miami, Florida. I gave brief remarks at a fundraiser in Miami to support my retention as a Circuit Court Judge. I spoke about my education and work experience. I have no notes, transcript, or recording. The address for Mortgage Experts of South Florida is 600 NW 183rd Street, Miami, Florida 33169.

July 10, 2014: Speaker, Fundraiser for Retention Election, Randazzo's Little Italy and the Committee to Keep Judge Rodney "Rod" Smith, Miami, Florida. I gave brief remarks at a fundraiser in Miami to support my retention as a Circuit Court Judge. I spoke about my education and work experience. I have no notes, transcript, or recording. The Committee to Keep Judge Rodney "Rod" Smith has no mailing address.

June 25, 2014: Speaker, Fundraiser for Retention Election, The City Hall Restaurant and the Committee to Keep Judge Rodney "Rod" Smith, Miami, Florida. I gave brief remarks at a fundraiser in Miami to support my retention as a Circuit Court Judge. I spoke about my education and work experience. I have no notes, transcript, or recording. The Committee to Keep Judge Rodney "Rod" Smith has no mailing address.

June 18, 2014: Speaker, Fundraiser for Retention Election, Law Offices of Carl L. Masztal and the Committee to Keep Judge Rodney "Rod" Smith, Miami, Florida. I gave brief remarks at a fundraiser in Miami to support my retention as a Circuit Court Judge. I spoke about my education and work experience. I have no notes, transcript, or recording. The address for the Law Offices of Carl L. Masztal is 1481 NW North River Drive, Miami, Florida 33125.

June 1, 2014: Speaker, Commencement Address, New Birth Baptist Church Cathedral of Faith, International, Miami, Florida. I read scriptures from the Bible. I have no notes, transcript, or recording. The address for the New Birth Baptist Church Cathedral of Faith, International is 2300 NW 135th Street, Miami, Florida 33167.

May 29, 2014: Inductor and Speaker, Oath of Office for Jose Smith, North Miami Beach City Hall, North Miami, Florida. I gave brief remarks prior to administering the oath of office to North Miami Beach City Attorney Jose Smith. I have no notes, transcript, or recording. The address for North Miami Beach City Hall is 17011 NE 19th Avenue, North Miami, Florida 33162.

May 2014: Speaker, Q&A Session, Miami Carol City Senior High School, Miami Gardens, Florida. I made brief remarks followed by a question and answer session about the role of a judge. I have no notes, transcript, or recording. The address for Miami Carol City Senior High School is 3301 Miami Gardens, Florida 33056.

May 2014: Speaker, Graduation Ceremony, University of Miami, Coral Gables, Florida. I gave remarks at the University of Miami Paralegal Studies graduation. I have no notes, transcript, or recording. The address for the University of Miami is 1320 S Dixie Highway, Coral Gables, Florida 33146.

May 14, 2014: Speaker, Fundraiser for Retention Election, Boies Schiller and Flexner and the Committee to Keep Judge Rodney "Rod" Smith, Miami, Florida. Video is available at https://www.youtube.com/watch?v=rqbnRhyvw_o.

May 17, 2013: Speaker, "Red Ribbon Week," Westview Middle School, Miami, Florida. I made brief remarks about drug prevention followed by a question and answer session about the role of a judge and the cases I hear. I have no notes,

transcript, or recording. The address for Westview Middle School is 1901 NW 127th Street, Miami, Florida 33167.

February 2013: Speaker, "Domestic Violence Issues", Gwen S. Cherry Black Women Lawyers Association, Miami, Florida. I have no notes, transcript, or recording. The address for Gwen S. Cherry Black Women Lawyers Association is P.O. Box 12631, Miami, Florida 33101.

January 17, 2013: Speaker, "Red Ribbon Week," Madison Middle School, Miami, Florida. I made brief remarks about drug prevention followed by a question and answer session about the role of a judge and the cases I hear. I have no notes, transcript, or recording. The address for Madison Middle School is 3400 NW 87th Street, Miami, FL 33147.

September 28, 2012: Speaker, Investiture Ceremony as a Circuit Court Judge, 11th Judicial Circuit, Miami, Florida. Recording supplied.

November 4, 2010: Speaker, "Red Ribbon Week," Madison Middle School, Miami, Florida. I made brief remarks about drug prevention followed by a question and answer session about the role of a judge and the cases I hear. I have no notes, transcript, or recording. The address for Madison Middle School is 3400 NW 87th Street, Miami, FL 33147.

July 2010 (Approximately): Panelist, "Reinstating Driving Privileges," Opa-Locka City Hall, Opa-Locka, Florida. I spoke about reinstating driving privileges at a town hall event. I have no notes, transcript, or recording. The address for Opa-Locka City Hall is 780 Fisherman Street, Opa-Locka, Florida 33054.

February 2010: Reader, Arcola Lakes Elementary, Miami, Florida. I participated as a celebrity reader, where I read books to elementary school students. I have no notes, transcript, or recording. The address for Arcola Lakes Elementary is 1037 NW 81st Street, Miami, Florida 33150.

October 29, 2010: Speaker, "Red Ribbon Week," Allapatah Middle School, Miami, Florida. I made brief remarks about drug prevention followed by a question and answer session about the role of a judge and the cases I hear. I have no notes, transcript, or recording. The address for Allapatah Middle School is 1331 NW 46th Street, Miami, Florida 33142.

September 20, 2010: Panelist, "A View from the Bench – Trial Practice," Litigation Best Practices Forum, *Daily Business Review*, Miami, Florida. The panel of judges provided advice on how to properly litigate and otherwise handle matters before judges in our division. I have no notes, transcript, or recording. The address for the *Daily Business Review* is One SE Third Avenue, Suite 900, Miami, Florida 33131.

July 21, 2010: Panelist, Legal Information Discussion, Historic City Hall, Opa-Locka, Florida. I primarily spoke about legal issues that could result in residents being fined or detained, and local residents were able to ask general legal questions. I have no notes, transcript, or recording. The address for Historic City Hall is 777 Sharazad Boulevard, Opa-Locka, Florida 33054. Representative press report supplied.

April 28, 2010: Speaker, "Red Ribbon Week," Westview Middle School, Miami, Florida. I made brief remarks about drug prevention followed by a question and answer session about the role of a judge and the cases I hear. I have no notes, transcript, or recording. The address for Westview Middle School is 1901 NW 127th Street, Miami, Florida 33167.

2009 – 2010: Speaker, Fundraising Events, Committee to Keep Judge Rodney "Rod" Smith, Miami, Florida. I gave brief remarks at fundraisers in Miami, Florida to support my retention as a County Court Judge. During my remarks, I generally thanked the hosts and talked briefly about my educational and work experience. I have no notes, transcripts, or recordings. The Committee to Keep Judge Rodney "Rod" Smith has no mailing address.

November 2009: Speaker, "Red Ribbon Week," Madison Middle School, Miami, Florida. I made brief remarks about drug prevention followed by a question and answer session about the role of a judge and the cases I hear. I have no notes, transcript, or recording. The address for Madison Middle School is 3400 NW 87th Street, Miami, Florida 33147.

May – October 2009: Panelist, "Community Connect" events, Miami, Hialeah, and Aventura, Florida. I spoke at several Community Connect events to tell residents how to access the courts and how the legal system works in specific types of cases. I recall speaking at the Shalom Community Church (900 NE 132nd Street, North Miami, Florida 33161), Miami Vineyard Community Church (12725 SW 122nd Avenue, Miami, Florida 33186), St. Paul AME Church (1866 NW 51st Terrace, Miami, Florida 33142), Hialeah City Hall (501 Palm Avenue, Hialeah, Florida 33010), and in Aventura, Florida. I have no notes, transcripts, or recordings. Representative press report supplied.

October 2009: Speaker, "Domestic Violence Issues," Gwen S. Cherry Black Women Lawyers Association, Miami, Florida. I spoke about domestic violence redress in the courts. I have no notes, transcript, or recording. The address for Gwen S. Cherry Black Women Lawyers Association is P.O. Box 12631, Miami, Florida 33101. Representative press report supplied.

February 2009: Reader, Arcola Lakes Elementary, Miami, Florida. I participated as a celebrity reader, where I read books to elementary school students. I have no notes, transcript, or recording. The address for Arcola Lakes Elementary is 1037 NW 81st Street, Miami, Florida 33150.

December 2008: Guest Speaker, North Dade Optimist Club, Miami, Florida. I spoke briefly about my educational, community and work experience. I have no notes, transcript, or recording. The address for the North Dade Optimist Club, Inc. is 19455 NW 12th Avenue, Miami, Florida 33169.

November 8, 2008: Speaker, Legal Clinic, Mount Zion AME Church, Opa-Locka, Florida. I encouraged citizen involvement in the political and civic arenas. I have no notes, transcript, or recording. The address for Mount Zion AME Church is 15250 NW 22nd Avenue, Opa-Locka, Florida 33054.

August 8, 2008: Speaker, Investiture Ceremony as a County Court Judge, 11th Judicial Circuit, Miami, Florida. Recording supplied.

February 2004: Speaker, Career Day, Westview Middle School, Miami, Florida. I made brief remarks followed by a question and answer session about the role of a judge. I have no notes, transcript, or recording. The address for Westview Middle School is 1901 NW 127th Street, Miami, Florida 33167.

May 2003: Speaker, Career Day, Westview Middle School, Miami, Florida. I made brief remarks followed by a question and answer session about the role of a judge. I have no notes, transcript, or recording. The address for Westview Middle School is 1901 NW 127th Street, Miami, Florida 33167.

May 2003: Speaker, Career Day, Miami Jackson Senior High School, Miami, Florida. I made brief remarks followed by a question and answer session about the role of a judge. I have no notes, transcript, or recording. The address for Miami Jackson Senior High School is 1751 NW 36th Street, Miami, Florida 33142.

February 2003: Speaker, "Juvenile Delinquency and Direct Filings," Miami Northwestern High School, Miami, Florida. I spoke to high school students about juvenile delinquency. I have no notes, transcript, or recording. The address for Miami Northwestern Senior High is 1100 NW 71st Street, Miami, Florida 33150.

December 14, 2001: Judge, Mock Trial, MAST Academy, Miami, Florida. I presided over a mock trial and, at the conclusion of the mock trial, I made brief remarks to the students, including a discussion about standard trial procedures. I have no notes, transcript, or recording. The address for MAST Academy is 3979 Rickenbacker Causeway, Key Biscayne, Florida 33149.

August 17, 2001: Speaker, "Biblical Steps to Getting Your Prayers Answered," Youth Conference, New Generation Missionary Baptist Church, Opa-Locka, Florida. I was invited to speak to a group of at-risk male teenagers at the New Generation Missionary Baptist Church's Youth Conference. I have no notes, transcript, or recording. The address for the New Generation Missionary Baptist

Church is 940 Caliph Street, Opa-Locka, Florida 33054.

June 2001: Speaker, Miami-Dade Police Department, Miami, Florida. As a former Miami-Dade Police Explorer and Assistant State Attorney, I was invited to speak at the Miami-Dade Police Department to Police Explorers on my experiences and the role of prosecutors. I have no notes, transcript, or recording. The address for the Miami-Dade Police Department is 799 NW 81st Street, Miami, Florida 33150.

- 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.

The list that follows represents my best efforts, through searches of my records, calendars, and Internet databases, to identify interviews I have given. There may be, however, other interviews that I have been unable to recall or identify.

Michelle Prescott, *Former Third DCA Judge Green Considered a Trailblazer*, Daily Business Review, May 21, 2018. Copy supplied.

Gregory Wright, *Miami Boy Scouts Ready to Soar with the Eagles*, The Miami Times, November 2, 2016. Copy supplied.

Katherine Fernandez Rundle, *State Attorney's Office Alumni Profile*, State Attorney's Office Newsletter, June 3, 2016. Copy supplied.

Tsitsi Wakhisi, *NAACP to Rate Judicial Candidates*, South Florida Times, Aug. 14, 2014. Copy supplied.

Erick Johnson, *Judge Smith Pleads His Case to Voters*, The Miami Times, Aug. 12, 2014. Copy supplied.

John Pacenti, *Group 26: Rodney Smith and Christian Carrazana; Miami-Dade Circuit Court*, Florida Business Review, Aug. 8, 2014. Copy supplied.

David Ovalle, *Ethnic Politics, Ethics Issues Spill Over into Some Judicial Races in Miami-Dade*, The Miami Herald, Aug. 1, 2014. Copy supplied.

The Miami Herald Editorial Board, *The Herald Candidate Recommendations*, The Miami Herald, July 20, 2014. Copy supplied.

Carlos Harrison, *Skinny Kid from Liberty City Fulfills His Dreams*, Daily Business Review, Oct. 21, 2013. Copy supplied.

Ashley Calloway, *Helping Residents Get Involved – Resident Get Civics Lessons from Political, Legal Experts with the Goal of Getting Them More Involved*, Miami Herald, November 9, 2008. Copy supplied.

Richard Wallace, *Youth At-Risk Targeted for Scouting Membership*, Miami Herald, June 10, 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.

In May 2008, I was appointed as a Miami-Dade County Court Judge of the Eleventh Judicial Circuit of Florida by former Florida Governor Charlie Crist. I was retained without opposition in April 2010. The County Court is the second-tier trial court in Florida and is divided into two separate divisions, Criminal and Civil. The Civil Division has jurisdiction over all small claims cases and civil disputes where the amount in controversy is less than \$15,000 as well as all landlord tenant and personal injury protection cases. In the Criminal Division, the County Court has jurisdiction over all first and second degree misdemeanors and traffic offenses.

The Florida Supreme Court has exclusive jurisdiction to regulate the admission of persons to practice law and the discipline of persons so admitted. In 2009 and 2013, I was appointed to serve as a referee by my circuit court's chief judge by order of the Florida Supreme Court.

I served in the Criminal Division from 2008 to 2010. I also served in the Civil Division (2010 – 2012). I presided over all first and second degree misdemeanors and traffic cases. While presiding at the South Dade Justice Center branch court (2008 – 2009), the Hialeah branch court (2009 - 2010), the North Dade Justice Center (2010 – 2011) and the Miami Beach branch court (2011 – 2012), I also handled all civil cases where the amount in controversy was less than \$15,000, matters involving uncontested divorces, and all civil domestic violence injunctions.

In June 2012, I was appointed as a Circuit Court Judge of the Eleventh Judicial Circuit of Florida by Florida Governor Rick Scott. I was elected in a contested election during the August 26, 2014 primary for a six-year term.

The Circuit Court is the highest level trial court in Florida and has jurisdiction over all juvenile, family and probate proceedings as well as felony criminal cases and civil cases involving disputes where the amount in controversy exceeds \$15,000 as well as foreclosure and equitable proceedings. The Circuit Court also has jurisdiction over appeals from County Court as well as certiorari review of administrative decisions.

I served in the Criminal Division from August 2012 to September 2015, where I handled all first, second and third degree felonies. I also serve routinely as an appellate judge for county court and administrative decisions. As such, I sit as a member of a three-

judge panel approximately four times per year. I have served in the Civil Division since September 2015. I handle a wide variety of cases including foreclosure, personal injury, eminent domain, commercial disputes, employment discrimination, medical malpractice and wrongful death cases.

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

I have presided over approximately 700 cases to verdict or judgment.

- i. Of these, approximately what percent were:

jury trials:	11%
bench trials:	89%
civil proceedings:	50%
criminal proceedings:	50%

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

As a member of a Circuit Court appellate panel handling appeals from County Court and administrative hearings, I have authored or participated in authoring the following opinions:

Fast Response Marine Towing & Salvage v. Eliyahu, Case No. 14-055, __ Fla. L. Weekly Supp. __ (Fla. 11th Cir. Ct. 2018)

State Farm Mutual Auto. Ins. Co. v. Many Health, Inc., a/a/o Mesa, 25 Fla. L. Weekly Supp. 414a (Fla. 11th Cir. Ct. 2017)

Allstate Prop. and Cas. Ins. Co. v. Royal Diag. Ctr., Inc., a/a/o Mondy, 21 Fla. L. Weekly Supp. 627a (Fla. 11th Cir. Ct. 2014)

Georgiev v. DHSMV, 19 Fla. L. Weekly Supp. 783b (Fla. 11th Cir. Ct. 2012)

Coconut Grove Playhouse, LLC v. City of Miami, 19 Fla. L. Weekly Supp. 83a (Fla. 11th Cir. Ct. 2011)

In addition to the appellate cases set forth above, I have issued oral rulings and written orders on such issues as motions for summary judgment, stand your ground, motions to dismiss, discovery-related motions, motions to suppress, motions for bond reduction and motions in limine on substantive civil and criminal matters in the Circuit and County Courts of the Eleventh Judicial Circuit of Florida. Circuit court written orders generally are not published. Those trial orders are too voluminous to list, but they are kept in the official court files which

are maintained by the Miami-Dade County Clerk of Courts. The orders can be accessed by case number and the parties' name. A search cannot be done based solely on a judge's name.

As a Miami-Dade County Court Judge, I have authored the below-listed published opinions:

Harding Village, LTD v. Pimentel, 19 Fla. L. Weekly Supp. 844a (Fla. Miami-Dade Cty. Ct. 2012)

Perez v. United Auto. Ins. Co., 19 Fla. L. Weekly Supp. 877b (Fla. Miami-Dade Cty. Ct. 2012)

1040 Normandy LC, v. Regional Urgent Care, 18 Fla. L. Weekly Supp. 1167b (Fla. Miami-Dade Cty. Ct. 2011)

Venus Health Ctr., a/a/o Vidal v. State Farm Fire and Cas. Co., 18 Fla. L. Weekly Supp. 602b (Fla. Miami-Dade Cty. Ct. 2011)

As a Florida Bar Referee, designated by the Florida Supreme Court while I was serving as a Miami-Dade County Court Judge, I authored the following Report of Referee:

The Florida Bar v. Soto, Supreme Court Case No. SC09-406

As a Florida Bar Referee, designated by the Florida Supreme Court while I was serving as a Circuit Court Judge, I authored the following Report of Referee:

The Florida Bar v. Woods, Supreme Court Case No. SC 13-383

- 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).

1. *Barranco & Kircher, P.A. v. Garcia*, Case No. 13-25660-CA-01

This was a complicated and acrimonious family law case, which involved numerous legal and factual disputes as to children's issues, equitable distribution and alimony that had been pending for several years while I served in the Criminal Division. Upon assignment to the Civil Division, I was assigned the case. The law firm sued their former client for a significant amount. In addition to the complex dissolution of marital issues that involved over fifty million dollars in assets, there were also issues relating to a retainer agreement and

attorney client privilege. I resolved all pre-trial motions and presided over a four-day breach of contract action for legal services rendered to the former husband. The jury awarded over \$90,000 in favor of the law firm, Barranco & Kircher, P.A.

Trial dates: September 15, 2015 – September 18, 2015

For Plaintiff Barranco & Kircher, P.A.

A.J. Barranco
Barranco & Kircher, P.A.
150 West Flagler Street, Suite 1400
Miami, Florida 33150
(305) 371-8575

Robert P. Frankel
Law Offices of Robert P. Frankel, P.A.
1000 South Pine Island Road, Suite 410
Plantation, Florida 33324
(305) 358-5690

Bonnie Riley
Law Offices of Bonnie J. Riley, P.A.
2000 Ponce De Leon Boulevard, Suite 600
Coral Gables, Florida 33134
(305) 421-6312

For Defendant Garcia

Jose M. Herrera
2350 Coral Way, Suite 201
Miami, Florida 33145
(305) 445-1100

2. *State v. Alce*, Case No. F04-10199, 199 So.3d 1124 (Fla. 3rd DCA 2016).

Following a four-day jury trial, the defendant was convicted and sentenced to life for first-degree murder with a firearm, two counts of burglary with assault or battery while armed, and one count of kidnapping. The defendant was found incompetent to proceed for a period of time in 1998 in a later case. He sought to overturn his convictions on the ground that the trial court erred in denying his pretrial motion to suppress on the ground that he was not competent to knowingly and intelligently waive his *Miranda* rights prior to confessing to his crimes. Florida's Third District Court of Appeal applied a deferential standard to the historic facts found by the trial judge, that the defendant was not coerced to give either his oral or written statement, and that he had the requisite level of comprehension to waive his *Miranda* rights.

Trial dates: February 9, 2015 – February 12, 2015

For Plaintiff State of Florida

Lisa Jacobs
Lisa Jacobs PLLC
20401 NE 30th Avenue, Apartment 318
Miami, Florida 33180
(786) 271-4557

Michele Jones
Miami-Dade County School Board
1450 NE Second Avenue, Suite 430
Miami, Florida 33132
(305) 955-0100

For Defendant Alce

Arthur McNeil
Public Defender's Office
1320 NW 14th Street
Miami, Florida 33125
(305) 545-1600

Zena X. Duncan
Law Office of Zena X. Duncan, P.A.
179 NE 96th Street
Miami, Florida 33138
(305) 754-5011

3. *State v. Salomon*, Case No. F-12-29393, *per curiam aff'd*, Case No. 3D16-1836 (Fla. 3rd DCA 2016).

The court presided over a two-day jury trial in a criminal case charged, tried and convicted pursuant to a recently enacted Human Trafficking statute. This case originated during a City of Miami undercover police operation targeting prostitution in the area of Biscayne Boulevard and NE 79th Street. A young girl who solicited two undercover officers for prostitution turned out to have been just 15-years-old. Another officer, acting as an eyeball, noticed defendant Salomon communicating with the young girl by hand signals and cell phone. The defendant appeared to be directing her to potential customers driving by and warning her of police presence. The defendant was arrested and search warrants were secured for both of their cell phones. The forensic examination of the cell phones exposed the full nature of their relationship. Text messages revealed that the defendant was acting as her pimp as she was being commercially sexually exploited on the streets of Miami. Unfortunately, the young victim has been missing since July

2013, and could not be located to testify at the trial. Nonetheless, Salomon was convicted after three hours of deliberation and sentenced to 15 years. Florida's Third District Court of Appeal affirmed the defendant's conviction and sentence.

Trial dates: December 16, 2013 – December 17, 2013

For Plaintiff State of Florida

Christa Jane Anderson
Aequitas
1100 H Street NW, Suite 310
Washington, District of Columbia 20005
(202) 596-4229

Anna-Bo Emmanuel
Legal Services of Greater Miami
4343 West Flagler Street, Suite 100
Miami, Florida 33134
(305) 438-2441

For Defendant Salomon

Arthur McNeil
Public Defender's Office
1320 NW 14th Street
Miami, Florida 33125
(305) 545-1600

Rene Palomino, Jr.
Public Defender's Office, Thirteenth Judicial Circuit
700 East Twiggs Street, Fifth Floor
Tampa, Florida 33602
(813) 272-5980

4. *Dome Enterprises, Inc., v. R. Plants, Inc., and Rodriguez, Jr.*, Case No. 16-10054, *aff'd*, 221 So.3d 752 (Fla. 3rd DCA 2017).

In this breach of contract action, the trial court granted final summary judgment for the plaintiff against the defendants, a corporate contractor and its president. The defendants breached the contract when they failed to construct a concrete pad on plaintiff's property. The breach caused more than \$60,000 in damages, excluding costs, interest, and attorneys' fees. On appeal, the contractor and its president contended that the trial court erred because the property owner did not meet its initial burden to present evidence that they breached the contract; and the property owner was awarded unliquidated damages without an evidentiary hearing. Florida's Third District Court of Appeal affirmed the final judgment.

Hearing Date: September 7, 2017

For Plaintiff Dome Enterprises

Jennifer C. Pratt
Pratt Law
12900 SW 128th Street, Suite 101
Miami, Florida 33186
(305) 203-1059

For Defendants R. Plants and Rodriguez

Deborah Kaicher Pastran
Law Offices of Deborah Kaicher Pastran
333 NE Eighth Street
Homestead, Florida 33030
(305) 246-2122

5. *R. and L. Perez v. GEICO Indemnity Company and Guzman*, Case No. 14-004053 CA 01 (coverage case)

In this case and the one that follows, the court handled several lengthy pre-trial hearings, discovery motions, an in-camera inspection, motions in limine and presided over two separate trials. The elderly plaintiff suffered injuries when his motorcycle collided with the underinsured motorist's truck. His injuries were extensive, requiring surgery and significant therapy. After the accident, the plaintiffs filed a claim with Geico, his insurer, for the limits of their underinsured policy. After Geico refused to pay, the plaintiffs filed a civil remedy notice. Plaintiff and his wife then sued Geico for their stacked underinsured motorist (UM) benefits. In this first case, the court presided over a three-day UM coverage trial where a jury found that the plaintiff did not orally waive the statutory requirement of a written rejection by knowingly rejecting uninsured motorist coverage.

Trial dates: June 6, 2016 – June 8, 2016

For Plaintiffs R. and L. Perez

Gregg Silverstein
Darryn Silverstein
Silverstein Silverstein & Silverstein, P.A.
20801 Biscayne Boulevard, Suite 504
Aventura, Florida 33180
(305) 935-2500

Brett Powell
The Powell Law Firm, P.A.
8821 SW 136th Street, Unit 561747
Miami, Florida 33176
(305) 232-0131

For Defendant GEICO Indemnity Company

Frank A. Zacherl, III
Jocelyn Mroz
Edward O'Sheehan
Shutts & Bowen LLP
200 South Biscayne Boulevard, Suite 4100
Miami, Florida 33131
(305) 347-730

6. *R. and L. Perez v. GEICO Indemnity Company and Guzman*, Case No. 14-004053 CA 01 (liability case)

This was the second case to arise out of a motorcycle and truck collision where the court handled several lengthy pre-trial hearings, discovery motions, an in-camera inspection, motions in limine and presided over two separate trials. In this second case, the liability was contested and the case proceeded to a four-day jury trial. Many expert witnesses presented in the areas of accident reconstructions and various medical specialties were presented. The jury found that the underinsured driver involved in the accident was negligent and one hundred percent responsible for the plaintiffs' damages, which the jury determined to be over \$1.6 million. The court reserved jurisdiction to determine the plaintiffs' right to amend their complaint to seek and litigate bad faith damages from the defendant as a result of such jury verdict in excess of their policy limits.

Trial dates: May 1, 2017 – May 4, 2017

For Plaintiffs R. and L. Perez

Gregg Silverstein
Darryn Silverstein
Silverstein Silverstein & Silverstein, P.A.
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Aventura, Florida 33180
(305) 935-2500

Brett Powell
The Powell Law Firm, P.A.
8821 SW 136th Street, Unit 561747
Miami, Florida 33176
(305) 232-0131

For Defendant GEICO Indemnity Company

Frank A. Zacherl, III
Jocelyn Mroz
Edward O'Sheehan
Shutts & Bowen LLP

200 South Biscayne Boulevard, Suite 4100
Miami, Florida 33131
(305) 347-7305

7. *Gonzalez, as wife and Personal Representative of the Estate of Gonzalez v. Palm Springs General Hospital, Inc.; Mederos, M.D.; Hernandez, M.D.; King, D.O.; Perez, M.D., and Klayman, D.O.*, Case No. 2015-026170 CA 01

This was a wrongful death and medical malpractice action brought by the plaintiff, Gonzalez, as the wife and personal representative of the estate of Gonzalez, against multiple defendants due to complications that arose after her husband's surgery from which he died on May 13, 2014. The court granted the plaintiff's motion to expedite the requested two-week trial because she was elderly. The court handled lengthy pre-trial hearings, including motions in limine to determine whether the alleged agency relationship between the hospital and the named physicians issue should go to the jury. The court granted the hospital's motion for partial summary judgment. The case settled on April 12, 2017.

For Plaintiff Gonzalez

Brett A. Panter
Panter Panter & Sampedro, P.A.
6950 North Kendall Drive
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(305) 662-6178

For Defendant Hospital

Marc P. Ganz
Nosich & Ganz
75 Valencia Avenue, Suite 1100
Coral Gables, Florida 33134
(305) 442-4800

For Defendant Mederos, M.D.

Rolando A. Diaz
Diaz Law Group Santana Center
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(305) 777-3500

For Defendant Hernandez, M.D.

Alexander Alvarez
Law Officer of Alexander Alvarez
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Miami, Florida
(305) 598-2000

For Defendants Perez, M.D., King, D.O., and Klayman, D.O.

Jay P. Chimpoulis
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Plantation, Florida 33324
(954) 463-0033

8. *Smiley v. State*, Case No. F99-32534, *aff'd*, 122 So.3d 493 (Fla. 3rd DCA 2013)

The defendant was sentenced to 30 years. He filed a motion asserting that the court erred in not giving him credit for the days he spent in jail. Florida's Third District Court of Appeal affirmed that the trial judge had correctly noted that any credit for the time the defendant served between the date of the sentence and his transfer to the Florida Department of Corrections is calculated by the Florida Department of Corrections. The defendant could file an appropriate administrative or other proceeding in the event that such time was not properly calculated by the Department.

Hearing Date: Appellate court opinion issued on September 25, 2013.

For Plaintiff State of Florida

Lisa Jacobs
Lisa Jacobs PLLC
20401 NE 30th Avenue, Apartment 318
Miami, Florida 33180
(786) 271-4557

For Defendant Smiley

Michael B. Smiley, pro se

9. *State v. Beckman*, Case No. F09-14217, *aff'd*, 230 So.3d 77 (Fla. 3rd DCA 2017). Copy of the Amended Sentencing Order supplied.

This complex case involved the conviction and sentence of first-degree premeditated murder with a firearm, which the court granted the State's motion to have the defendant examined by a psychologist for the State's use at the sentencing hearing. Florida's Third District Court of Appeal held that as a matter of first impression, the State was entitled to have the defendant examined by a psychologist for its own use in the inquiry and limited it to the mitigating factors identified by the defendant's expert. *Beckman v. State*, 147 So. 3d 584 (Fla. 3rd DCA 2017). This more than two-week media coverage trial involved approximately one hundred fifteen prospective jurors, multiple pretrial motions, evidentiary rulings and a constitutional challenge to Florida's sentencing scheme for juveniles convicted of capital crimes. On April 12, 2009, the seventeen-year-old defendant, who has Asperger's Disorder, shot and killed his father, South

Miami City Commissioner Beckman. The defendant claimed he was entitled to a new trial based on the trial court's erroneous evidentiary rulings and the prosecutor's improper arguments. On September 6, 2017, Florida's Third District Court Appeal found the trial court committed no abuse of discretion as to any of the alleged trial errors and concluded that the defendant's life sentence with the possibility of judicial review after 25 years was constitutional.

Trial dates: October 31, 2013 – November 18, 2013

For Plaintiff State of Florida

Gail Levine
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1350 NW 12th Avenue
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(305) 547-0100

For Defendant Beckman

Tara N. Kawass
Law Offices of Kawass, P.A.
780 Tamiami Canal Road
Miami, Florida 33144
(305) 521-0490

Herbert Smith
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Plantation, Florida 33324
(954) 909-4602

10. *Lopez as Mayor of the City of Sweetwater v. Sanchez, as Chairman of the Recall Committee and Providing Effective Gov't. for all residents, a political committee*, Case No. 17-5123, *aff'd*, 219 So. 3d 156 (Fla. 3rd DCA 2017).

In this acrimonious election case, a political committee sought to recall Sweetwater's Mayor Orlando Lopez, on the grounds that his absence from commission meetings constituted a neglect of duty. The committee secured nearly 2,000 signatures on petitions that argued the mayor had neglected his duty by missing a handful of commission meetings and workshops. The group sought to force a decision by Sweetwater's voters on whether to recall the mayor. The mayor sought declaratory and injunctive relief to suspend the recall process. The trial court ruled that the committee's claims that the mayor was violating a duty under Sweetwater's charter to attend meetings was misinterpreted; because the plain and unambiguous language in its charter states that the city's mayor, who is also its administrator, "may" attend meetings. The trial court's order concluded that the city charter uses the phrase "may" attend in regards to mayoral attendance at public meetings, making meeting attendance optional, rather than mandatory. Florida's Third District Court Appeal affirmed the trial court's final judgment and

concluded that the recall petition against the mayor did not state a valid ground for neglect of duty pursuant to the city's charter.

Hearing date: March 24, 2017

For Appellee Mayor Lopez

Joseph A. Carballo
Carballo Law, P.A.
2355 Salzedo Street, Suite 300
Coral Gables, Florida 33134
(305) 673-8358

John Rodriguez
Law Offices of John Rodriguez P.A.
2355 Salzedo Street, Suite 300
Coral Gables, Florida 33134
(786) 355-4182

Kendall Coffey
Coffey Burlington, P.L.
2601 South Bayshore Drive, Penthouse 1
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For Appellant Sanchez and Recall Committee

Benedict Kuehne
Kuehne Davis Law, P.A.
100 SE Second Street, Suite 3550
Miami, Florida 33131
(305) 789-5989

Juan "J. C." Planas
KYMP Law
600 Brickell Avenue, Suite 1715
Miami, Florida 33131
(305) 531-2424

- 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.

1. *Fast Response Marine Towing & Salvage v. Eliyahu*, Case No. 14-055, ___ Fla. L. Weekly Supp. ___ (Fla. 11th Cir. Ct. 2018). Decision supplied.

For Appellant Fast Response

John P. Fischer
Fischer Law Firm, PLLC
2888 E. Oakland Park Blvd.
Fort Lauderdale, Florida 33306
(954) 563-8111

For Defendant Eliyahu
Yaniv Eliyahu (*pro se*)

2. *State v. Davis*, Case No. F90-18234 (motion for post-conviction relief) (2013), *Davis v. State*, 164 So. 3d 96 (Fla. 4th DCA 2015). Decision supplied.

For State of Florida
Vivianne del Rio
Miami-Dade County State Attorney's Office
1350 NW 12th Avenue
Miami, Florida 33136
(305) 547-0100

For Defendant Davis
Ana Davide
2929 SW Third Avenue, Suite 420
Miami, Florida 33129
(305) 854-6100

3. *Custer Medical Ctr., Inc., a/a/o Masis v. United Auto. Ins. Co.*, Case No. 2002-2197 CC24, *aff'd*, Case No. 2014-456 AP (Fla. 11th Cir. Ct. 2017). Decision supplied.

For Plaintiff Custer Medical
Lewis J. Mertz, Jr.
Mertz Law Group
6291 Bird Road
Miami, Florida 33155
(305) 821-4581

For Defendant United Auto
Dawn N. Jayma
Patrick Knight and Associates
1313 NW 167th Street
Miami Gardens, Florida 33169
(305) 907-2869

4. *State v. Beckman*, Case No. F09-14217, *aff'd*, 42 Fla. L. Weekly D1975a (Fla. 3rd DCA 2017) and 147 So. 3d 584 (Fla. 3rd DCA 2017). Decision previously supplied in connection with Question 13(c).

For State of Florida

Gail Levine
Miami-Dade County State Attorney's Office
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(305) 547-0100

For Defendant Beckman

Tara N. Kawass
Law Offices of Kawass, P.A.
780 Tamiami Canal Road
Miami, Florida 33144
(305) 521-0490

Herbert Smith
9363 Chelsea Drive South
Plantation, Florida 33324
(954) 909-4602

5. *State Farm Mutual Auto. Ins. Co. v. Many Health, Inc., a/a/o Mesa*, 25 Fla. L. Weekly Supp. 414a (Fla. 11th Cir. Ct. 2017). Decision supplied.

For Appellant State Farm

Nancy W. Gregoire
Kirshaum, Birnbaum, Lippman & Gregoire, PLLC
1301 E Broward Boulevard, Suite 230
Fort Lauderdale, Florida 33301
(954) 617-2300

Michael A. Rosenberg
ROIG Lawyers
1255 S Military Trail, Suite 100
Deerfield Beach, Florida 33442
(954) 462-0330

For Appellee Mesa

Marlene S. Reiss
Law Offices of Marlene S. Reiss, P.A.
6619 S Dixie Highway #120
Miami, FL 33143
(305) 670-3040

6. *Georgiev v. DHSMV*, 19 Fla. L. Weekly Supp. 783b (Fla. 11th Cir. Ct. 2012). Decision supplied.

For Plaintiff Georgiev

George T. Pallas
Beckham Solis LLP
2420 SW 22nd Street
Miami, Florida 33145
(305) 290-1884

For Defendant DHSMV

Peter N. Stoumbelis
Florida Department of Highway Safety and Motor Vehicles
2900 Apalachee Parkway, MS 01
Tallahassee, Florida 32399
(850) 617-3101

7. *State v. Escobio*, Case No. F09-6589 (motion to suppress) (2012).
Decision supplied.

For State of Florida

Lisa Jacobs
Lisa Jacobs PLLC
20401 NE 30th Avenue, Apartment 318
Miami, Florida 33180
(786) 271-4557

For Defendant Escobio

Courtney Montiero
The Law Office of Courtney Montiero
2847 Hollywood Boulevard
Hollywood, Florida 33020
(954) 947-2848

8. *Harding Village, LTD v. Pimentel*, 19 Fla. L. Weekly Supp. 844a (Fla. Miami-Dade Cty. Ct. 2012). Decision supplied.

For Plaintiff Harding Village

Kenneth J. Lowenhaupt
7765 SW 87th Avenue, Suite 201
Miami, Florida 33143
(305) 412-5636

For Defendant Pimentel

Evian L. White
Legal Services of Greater Miami, Inc.
4343 W Flagler Street #100
Miami, Florida 33134

(305) 576-0080

9. *Venus Health Ctr., a/a/o Vidal v. State Farm Fire and Cas. Co.*, 18 Fla. L. Weekly Supp. 602b (Fla. Miami-Dade Cty. Ct. 2011). Decision supplied.

For Plaintiff Venus Health Center

Adam Saben
Shuster & Saben, LLC
10245 Centurion Parkway North, Suite 109
Jacksonville, Florida 32256
(904) 999-4000

For Defendant State Farm

David Bender
Shuster & Saben, LLC (then at Matt Helman, P.A.)
1516 East Hillcrest Street, Suite 207
Orlando, Florida 32803
(407) 412-6431

10. *The Florida Bar v. Soto*, Case No. 2008-71,100(11A), Supreme Court Case No. SC09-406. Decision supplied.

For Complainant, The Florida Bar

Randi Klayman Lazarus
The Florida Bar
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233

For Respondent Soto

Robert M. Klein
Klein Glasser Park & Lowe, P.L.
9130 South Dadeland Boulevard, Suite 2000
Miami, Florida 33156
(305) 670-3700

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

It is my understanding that this question only refers to cases in which certiorari was requested or granted by the Supreme Court of the United States. I have had no such cases.

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.

To the best of my knowledge, the following cases represent a summary of and citations for all my decisions that were reversed by a reviewing court. Conservatively, I have handled approximately 700 cases in County and Circuit Court that have gone to verdict or judgment. Every decision is capable of review by an appellate court and the list below represents approximately 3% of those cases.

Safari Tours, Inc., v. Pasco, et al., 2017 WL 4419157 (Fla. Cir. Ct. July 28, 2017), *aff'd in part and rev'd in part*, 2018 WL 3999121 (Fla. 3rd DCA 2018). Following a jury verdict in favor of the appellee, the appellate court reversed only the portion of the final judgment that awarded the appellee's damages in storage fees because the appellee's repair estimate failed to substantially comply with section 559.905(1)(n) of the Florida's Motor Vehicle Repair Act.

St. Mary's School of Medicine. Ltd. v. Zabaleta, 2018 WL 3636830 (Fla. 3rd DCA 2018). Since the record on appeal did not establish that there was a factual showing of St. Mary's clear and unequivocal authorization to its attorney to enter into an alleged settlement agreement, the appellate court reversed an order granting Zabaleta's motion to enforce a settlement agreement.

U.S. Bank v. Ramirez, 2018 WL 3553338 (Fla. 3rd DCA 2018). The appellate court reversed an order granting the mortgagor's motion to dismiss for failure to abide by the applicable statute of limitations and remanded with instructions to reinstate the bank's complaint in foreclosure. A copy of my order is supplied.

Italiana v. Yuzwa, 241 So. 3d 938 (Fla. 3rd DCA 2018). The appellate court reversed an order granting general and specific personal jurisdiction over the defendant and held that there were insufficient connections between Florida and the underlying claims. A copy of my order is supplied.

State v. Beckman, 147 So. 3d 584 (Fla. 3rd DCA 2017). This case was a conviction and sentence of first-degree premeditated murder with a firearm, which the court granted the State's motion to have the defendant examined by a psychologist for the State's use at the sentencing hearing. The appellate court held that as a matter of first impression, the State was entitled to have the defendant examined by a psychologist for its own use in the inquiry, but that the State's evaluation must be limited to examination of the mitigating factors identified by the defendant's expert. Although I have attached my opinion regarding other aspects of this case in question 13(c), my ruling regarding the psychologist was only delivered orally in court.

Fetlar, LLC, et. al. v. Suarez, 230 So. 3d 97 (Fla. 3rd DCA 2017). In this wrongful death case, the appellate court reversed an order granting a motion to amend the complaint to add claims for punitive damages. The appellate court held that the plaintiffs did not file their amended complaint containing the claims

for punitive damages, until after the trial court granted their motion to amend; and they also failed to make the proffer required to assert punitive damages claims against the corporate defendants. A copy of my order is supplied.

State v. Alce, 199 So. 3d 1124 (Fla. 3rd DCA 2016). The defendant was convicted and sentenced for first-degree murder with a firearm, two counts of burglary with assault or battery while armed, and one count of kidnapping. The appellate court reversed and remanded to vacate only one of the burglary convictions because the defendant's two burglary convictions were based on a single entry into the home. The defendant's presence was not needed for this purpose. A copy of the circuit court judgment is supplied.

United Auto v. Virga, a/a/o Gavaria, 116 So.3d 1288 (Fla. 3rd DCA 2013). Upon the Respondent's confession of error, the appellate court held the circuit court, in its appellate capacity proceedings should have awarded United Auto's motion for appellate attorney's fees under the proposal for settlement statute. A copy of my order is supplied.

Castillo v. State, 2015 WL 13579920 (Fla. Cir. Ct. Apr. 15, 2015), *aff'd in part and rev'd in part*, 217 So. 3d 1110 (Fla. 3rd DCA 2017). This was a post-conviction appeal challenging a sentence. The appellate court affirmed the defendant's conviction for second-degree murder, but remanded for resentencing without reclassification from a felony of the first-degree to a life felony. A copy of the circuit court judgment is supplied.

Gonzalez and Lea v. Int'l Park Condo. 1 Assoc., Inc., 217 So. 3d 1128 (Fla. 3rd DCA 2017). Following the retirement of the circuit judge who entered that final judgment, another circuit judge entered an order of entitlement to attorney's fees and costs, but did not fix the amount of attorney's fees and costs. As the third circuit judge, the court then conducted an evidentiary hearing on the amount of attorney's fees and costs, and entered a final judgment awarding attorney's fees and costs. The appellate court vacated both the final judgment and entitlement order and held no fee was warranted. A copy of the circuit court judgement is supplied.

U.S. Bank, N.A. v. JAK Mortgage, LLC, 224 So. 3rd 268 (Fla. 3rd DCA 2017). The appellate court reversed an order denying a motion to vacate a second final judgment since the case was dismissed against the parties. A copy of the circuit court judgment is supplied.

Classical and Innovative Designs, Inc. v. Max South Construction, Inc. and BH Developers, LLC, 208 So. 3d 763 (Fla. 3rd DCA 2016). The appellate court reversed an order dismissing a motion for leave to amend to correct the scrivener's error and an order releasing the bond to the contractor. A copy of my order is supplied.

Devers v. State, 186 So. 3d 1126 (Fla. 3rd DCA 2016). Upon the State's confession of error, the case was remanded for the trial court to either hold an evidentiary hearing or to attach portions of the record that conclusively refute the defendant's claims of incompetency. A copy of the judgment is supplied.

Padron v. State, 128 So. 3d 55 (Fla. 3rd DCA 2016). Upon the State's confession of error, the case was remanded for the trial court to either hold an evidentiary hearing or for the attachment of record excerpts, conclusively showing that the defendant waived his right to receive credit for time he served in prison before being placed on probation. A copy of the order is supplied.

Cohen v. State, 171 So. 3d 179 (Fla. 3rd DCA 2015). The appellate court affirmed the trial court's finding of a violation of probation and remanded for the purpose of correcting the revocation order to conform to the court's oral pronouncement. The defendant's presence was not needed for this purpose. A copy of the judgment is supplied.

Cotton v. State, 176 So. 3d 310 (Fla. 3rd DCA 2015). The court was assigned to sentence the defendant following the disqualification of the prior presiding trial court. Since the prior presiding trial court admitted testimony regarding three separate and unrelated prior acts of sexual battery and attempted sexual battery, the appellate court reversed the judgment and sentence and remanded for a new trial on the two counts of lewd or lascivious conduct on a person twelve to sixteen years old. A copy of the order is supplied.

Simmons v. State, 180 So. 3d 244 (Fla. 3rd DCA 2015). This was a post-conviction appeal challenging the imposition of a habitual offender enhancement for the offense of second-degree murder with a firearm. Since the record on appeal did not conclusively establish that the defendant was not entitled to relief, the case was remanded for an evidentiary hearing. A copy of the order is supplied.

Camellon v. State, 178 So. 3d 910 (Fla. 3rd DCA 2015). Upon the State's confession of error, the case was remanded for resentencing under the proper guidelines. The defendant did not challenge his life sentence for first-degree murder, the other charge for which he was convicted. A copy of the order is supplied.

Taylor v. State, 141 So. 3d 748 (Fla. 3rd DCA 2014). The defendant was convicted and sentenced for indecent exposure and assault that occurred in the Dade County Jail. The appellate court reversed only the conviction and sentence for indecent exposure since the evidence was insufficient to demonstrate that the defendant exposed or exhibited his sexual organs in a place

intended or designed to be frequented or resorted to by the public. A copy of the order is supplied.

State v. Fernandez, 145 So. 3d 215 (Fla. 3rd DCA 2014). Upon the defendant's partial confession of error, the case was remanded since the defendant could be prosecuted for benefits fraudulently obtained within the three-year period preceding the filing of the information. A copy of the order is supplied.

Robinson v. State, 146 So. 3d 1287 (Fla. 3rd DCA 2014). The defendant was released on bond, failed to appear at trial, and was subsequently arrested on an alias capias. Since the defendant was held without bond, the appellate court remanded for the trial court to determine whether the defendant's failure to appear was willful. A copy of the order is supplied.

Lugones v. State, 147 So. 3d 1081 (Fla. 3rd DCA 2013). The defendant was convicted of aggravated battery and acquitted of attempted manslaughter. Since the State did not meet the burden of proving beyond a reasonable doubt that the error was harmless, where the trial court erred in giving the then-current standard jury instruction on attempted manslaughter, the appellate court reversed and remanded for a new trial. A copy of the order is supplied.

Gonzalez v. State, 111 So. 3d 187 (Fla. 3rd 2013). This was a post-conviction appeal. Since the record on appeal did not conclusively establish that the defendant was not entitled to relief, the case was remanded for the trial court to either hold an evidentiary hearing or to attach portions of the record that conclusively demonstrating no entitlement to relief. A copy of the orders are supplied.

Miller v. State, 103 So. 3d 226 (Fla. 3rd DCA 2012). This was a post-conviction challenge. Since the record on appeal did not conclusively establish that the defendant was not entitled to relief, the case was remanded for an evidentiary hearing. A copy of the order is supplied.

- 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.

Nearly of all my orders and judgments are unpublished, except for orders and judgments submitted by attorneys for publication. To the best of my knowledge, less than one percent of my orders and judgments have been published in Florida Law Weekly. To the best of my knowledge, nearly one hundred percent of the written opinions issued by the Circuit Court appellate panels on which I have sat were published in Florida Law Weekly. All unpublished orders, judgments, and opinions are on file with the Clerk of Courts.

- 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.

I have not issued a significant opinion on a federal or state constitutional issue. However, as a judge, I regularly made findings and issued orders relating to search and seizure, due process, and right to counsel issues based on the Fourth, Fifth, Sixth, and Fourteenth Amendments of the United States Constitution and the Florida Constitution.

- 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 never 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.

Our jurisdiction does not have an automatic recusal system. Florida Rule of Judicial Administration 2.160(e) provides that the motion to recuse must be filed within a reasonable time not to exceed ten days after the discovery of the facts that would require disqualification. The motion must be served upon the judge and the judge must rule within 30 days of service. If the judge does not rule within 30 days, the motion is automatically granted. A judge may not dispute the allegations in a motion to recuse, but must accept the allegations in a motion to recuse as true and then determine whether those acts, if true, would warrant recusal.

I have been able to locate the following cases in which motions to recuse or disqualify me were filed:

ALS Commercial Funding, LLC v. Janet Rodriguez, 2002-22565 CA 01(42).

In this foreclosure action, the *pro se* litigant filed a motion to disqualify the court. The litigant alleged bias because the court granted a final judgment in favor of the plaintiff. The motion was denied as legally insufficient.

Nationstar Mortgage, LLC v. Oviedo, 12-49822 CA-01

This was a foreclosure case that was initially set on the court's five-minutes calendar hearing. The court agreed to reset the matter the following day because the self-represented attorney requested that this matter be specially set for a one-hour hearing. After hearing this specially-set matter, the court entered a final judgment in favor of the plaintiff and against the self-represented attorney. Dissatisfied with the court's ruling, the self-represented attorney filed a motion to disqualify the court. The self-represented attorney alleged that the court was eager to hear the case because the court had found a slot of time to reset the matter the following day. The self-represented attorney also alleged in his motion that the usual time to obtain an hour hearing typically takes about a month or so. The motion was denied as legally insufficient. The self-represented attorney filed a second verified motion for disqualification and/or recusal, which the court denied as untimely and/or legally insufficient.

Wynwood 305 LLC, v. Frievault LLC, ICS Miami LLC A/K/A Engineering Consulting Serv., 15-29344 CA 34

In this case, the attorney filed a motion claiming that the court had been involved in an improper, ex parte communication with the opposing counsel. Counsel also alleged that the motion was hand-delivered to my chambers. Because I had to accept the allegations as true, I automatically recused.

3050 Aventura Owner, LLC, et al., v. Maxwell Real Estate Group, Inc., et al., 12-44329, *petition dismissed*, 3D16-1250 (Fla. 3rd DCA 2016).

The Defendant was an attorney who was dissatisfied with the court's ruling. He sought appellate review of the court's decision, and the appellate court dismissed the petition. The court later discovered that the attorney filed a public records request of my judicial application. When the clerk's office released my file, they failed to redact immense amounts of sensitive, personal information such as dates of birth and social security numbers. Effectively, it caused me to become the victim of an identity theft that took hours to resolve. To avoid allegations that I was biased against the litigant because of the problems that his public records request had created for me, I recused sua sponte.

Harborside Suites, LLC, v. Rosen, 12-41555 CA 34

Prior to presiding over an emergency hearing, the court disclosed that he and his wife recently retained Berger Singerman, LLP in an attorney-client relationship on an unrelated insurance claim. Berger Singerman, LLP filed its notice of appearance as co-counsel of record for Defendant/Judgment Debtor Michael Rosen. Plaintiff/Judgment Creditor, Harborside Suites, LLC filed a motion to disqualify the court, which was granted.

Akabari v. Lopez, 14-587 CA-01

This was an auto negligence case, which the court presided over a two-day jury trial. The jury found the defendant negligent and awarded damages in favor of the plaintiff in the amount of \$15,922. The plaintiff filed a motion for new trial, but scheduled it approximately 18 months later. Four days prior to the court's ruling on plaintiff's motion for new trial, the plaintiff filed her motion for recusal and disqualification. The motion alleged that the court failed to disclose its prior work as a defense attorney for United Auto; United Auto's creation of a political action committee to support the court's most recent judicial campaign and that a United Auto executive chaired the political action committee. The motion was denied as untimely and legally insufficient.

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 have never sought public office other than my judicial office. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed 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.

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 have never served as a clerk to a judge.

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

I have 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.

1999 – 2003

Miami-Dade County State Attorney's Office
1350 NW 12th Avenue
Miami, Florida 33136
Assistant State Attorney

2003 – 2003

Office of the General Counsel, *United Automobile Insurance Company*
1313 NW 167th Street
Miami Gardens, Florida 33169
Trial Attorney

2003 – 2004

McGrane Nosich & Ganz, P.A.
75 Valencia Avenue, Suite 1100
Coral Gables, FL 33134
Attorney

2004 – 2007

Law Office of Rebecca W. Ribler, *Employees of Liberty Mutual Insurance Company*
9130 S Dadeland Boulevard, Suite 1900
Miami, Florida 33156
Senior Trial Attorney

2007 – 2008

Office of the Miami Beach City Attorney
1700 Convention Center Drive
Miami Beach, Florida 33139
Senior Assistant City 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 have never served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

As an Assistant State Attorney from 1999 to 2003, I have had the invaluable opportunity to serve Miami-Dade County to represent the people of the State of Florida in its Juvenile (Division Chief), County and Circuit Courts (Career Criminal Robbery Prosecutor). As a Juvenile Division Chief, I was responsible for prosecuting serious juvenile felony offenders, supervising a courtroom, along with training and evaluating new prosecutors before they were promoted to the Felony Divisions. As a Career Criminal/Robbery assistant state attorney, I primarily prosecuted prison-released, habitual, and violent felony offenders. I also was responsible for investigating and communicating with the court, opposing counsel, probation officers, law enforcement officers, witnesses, and victims concerning the prosecution of various misdemeanor, traffic, DUI and felony case-related issues.

As an in-house trial attorney for United Automobile Insurance Company in 2003, I litigated and tried personal injury protection (PIP) claims primarily in the Miami-Dade County Courts.

As an associate with McGrane, Nosich and Ganz, P.A. from 2003 to 2004, I litigated primarily insurance defense claims involving personal injury, medical malpractice, and property damages in the state and federal courts.

Prior to joining the City of Miami Beach, I provided legal representation to Liberty Mutual and its policy holders from 2004 to 2007. This included representation of individuals and corporations in civil litigation matters involving claims for money damages or property damages. I also provided guidance and assistance to junior attorneys. Furthermore, I served as the designated Special Investigation Unit (SIU) attorney in our Miami Legal Office, where I investigated, evaluated, and litigated Personal Injury Protection (PIP) claims.

Prior to my appointments to the Miami-Dade County Court and Circuit Court, I immediately served as a senior assistant city attorney for the City of Miami Beach from 2007 to 2008. On behalf of the City of Miami Beach,

I handled appeals and prosecuted violators of various city codes and ordinances and defended complaints, suits, and controversies involving property, personal injury, and wrongful death in which the City of Miami Beach was a party. I appeared before state and federal courts and administrative agencies, as well as before special masters, mediators, and/or other legally constituted tribunals, boards, commissions or authorities where attorney services were required. I also prepared or reviewed ordinances, resolutions, contracts, and other documents, which concerned the City of Miami Beach.

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

During the course of my career, my cases have involved both civil and criminal matters.

While at the Miami-Dade County State Attorney's Office from 1999 – 2003, I represented the people of the State of Florida in Miami-Dade County in prosecution of criminal matters.

While at United Automobile Insurance Company (UAIC) from 2003 – 2003, I represented UAIC and its policyholders in personal injury protection civil litigation.

While at McGrane, Nosich and Ganz, P.A., from 2003 – 2004, my clients were primarily physicians, hospitals, automobile insurance carriers and businesses (amusement parks and fairgrounds in Miami-Dade, Broward and Palm Beach Counties) in state and federal courts.

While at the Law Office of Rebecca W. Ribler, from 2004 – 2007, I provided legal representation to Liberty Mutual and its policyholders. This included representation of individuals and corporations in civil litigation matters involving claims for money damages or property damages.

While at the City of Miami Beach from 2007 – 2008, my office provided service to its clients; namely, the mayor, the commission, the individual commissioners, the city manager, the various city agencies, boards and committees and the administrative staff.

- 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.

Throughout my time in practice, I appeared in court frequently.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 2%

- 2. state courts of record: 98%
- 3. other courts: 0%
- 4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 55%
- 2. criminal proceedings: 45%

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 tried approximately 115 cases to verdict. Of these, I was sole counsel in 70 cases; in 20 cases, I was chief counsel; and in 25 cases, I was associate counsel.

i. What percentage of these trials were:

- 1. jury: 25%
- 2. non-jury: 75%

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 never 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) *Dennard v. Allstate Ins. Co.*, Case No. 02-60698 Civ-Cohn

I was assigned to this case, which had been removed to federal court. At the time this case was tried, I had been with my firm for only four months. My

client, Allstate was sued in this complex matter for claims of abuse of process and malicious prosecution that involved damages of at least one million dollars. Because of my efforts in the discovery process, research and preparation of the motion and memorandum of law, and along with understanding the applicable local rules, my client received favorable rulings on various pretrial motions. The jury found the defendant, Allstate, not liable.

Dates of representation: 2003 – 2004

Court: United States District Court for the Southern District of Florida

Presiding Judge: Hon. James Cohn

For Plaintiff Dennard

Kenneth S. Mair
Law Offices of Kenneth S. Mair
3500 N State Road 7, Suite 479
Fort Lauderdale, Florida 33319
(954) 730-0082

Defendant Allstate

Miles A. McGrane, III
The McGrane Law Firm
401 E Las Olas Boulevard, Suite 130-359
Fort Lauderdale, Florida 33301
(305) 213-4812

Ruben V. Chavez
Law Offices of Ruben V. Chavez, P.A.
9100 S Dadeland Boulevard, Suite 1510
Miami, Florida 33156
(305) 358-0070

2) *Chandler-Myers, as Personal Representative of the Estate of Banks, Jr., and as Parent and Natural Guardian of Lee, a Minor, v. City of Miami Beach*, Case No. 07-10800 CA 15

This case involved an 18-year-old who made heroic efforts to save his two younger brothers from drowning in the rip currents. The city lifeguards also made heroic efforts to rescue them, but unfortunately, the victims expired three days later at Mount Sinai Hospital. I defended the City from a wrongful death claim, conducting extensive discovery. The case ultimately settled after I was appointed to the Miami-Dade County Court in May 2008.

Dates of representation: 2007 – 2008

Court: Eleventh Judicial Circuit of Florida

Presiding Judge: Hon. Israel Reyes

For Plaintiff Candler-Myers

Martin E. Leach
Feiler & Leach, P.L.
901 Ponce De Leon Boulevard, Penthouse Suite
Coral Gables, Florida 33134
(305) 441-8818

3) *State v. Linarte*, 9 Fla. L. Weekly Supp. 13a (Miami-Dade County, Nov. 6, 2001).

As a young Assistant State Attorney in county court, this was the first time I had to write an appellate brief and argue an appeal involving the trial court's suppression of evidence and the denial of the state's motion to toll speedy trial of a DUI defendant. I successfully argued it before the appellate court, which issued an opinion that reversed the trial court's rulings.

Date of representation: 2001
Court: Miami-Dade County

Presiding Judge: Hon. Teretha Lundy Thomas

For Defendant Linarte

Jacqueline Woodward
Woodward & Reizenstein
2828 Coral Way, Suite 540
Miami, Florida 33145
(305) 444-0755

For Defendant/Appellee Linarte

Billie Jan Goldstein
Assistant Public Defender
Office of the Public Defender
1320 NW 14th Street
Miami, Florida 33125
(305) 545-1960

4) *State v. Brown*, Case No. F99-24851861, *aff'd*, 861 So.2d 1161 (Fla. 3d DCA 2003).

The defendant had been recently released from prison after serving a fraction of a ten-year sentence for a homicide. The defendant, with unknown co-defendants, robbed three victims of their money and jewelry at gun point at an inner-city

store. The jury found the defendant guilty and he was sentenced to a mandatory life term of imprisonment as a career criminal. The case was affirmed on appeal.

Date of representation: 2002

Court: Eleventh Judicial Circuit of Florida

Presiding Judge: Hon. Bertila Soto

For State of Florida

Laura Uriarte

Miami-Dade State Attorney's Office

1350 NW 12th Avenue

Miami, Florida 33136

(305) 547-0668

For Defendant Brown

Elio Vazquez

6780 Coral Way

Miami, Florida 33155

(305) 669-2191

5) *State v. Poma*, Case No. F02-15560B, *aff'd*, 894 So.2d 253 (Fla. 3d DCA 2005).

This was the first case I had the opportunity to investigate and prosecute as the lead prosecutor after I was promoted to join the Career Criminal Robbery Division. This burglary and robbery with a firearm case was committed by two career criminals in a Miami Beach Hotel. The victims were reluctant to testify after I advised them that they could not testify at trial about their beliefs that the defendants would kill them if the defendants were acquitted. Ethically, I also could not promise the victims that the strength of our case will result in any convictions. During *voir dire*, it was important to me that the jurors understand the constitutional principles and adhere to rule of law to which I have devoted my career. The jury found the defendant guilty and he was sentenced to a mandatory life term of imprisonment. As a result, the co-defendant changed his plea to guilty after he learned of the defendant's conviction. The case was affirmed on appeal.

Date of representation: 2003

Court: Eleventh Judicial Circuit of Florida

Presiding Judge: Hon. Cecilia Altonaga

For State of Florida

Mario Garcia

Garcia Law Offices, P.A.

10751 SW 104th Street
Miami, Florida 33176
(305) 271-8440

For Defendant Poma
Scott Egleston
Law Office of Scott Egleston, P.A.
152 NE 167th Street
Miami, Florida 33162
(305) 892-8088

6) *State v. Yanes*, Case No. F01-029698, *aff'd*, 865 So. 2d 507 (Fla. 3d DCA 2003).

My experience of having investigated and prosecuted violent sexual crimes involving minors when I was a Juvenile Division Chief prepared me to handle this delicate case in the presence of the jury. The defendant sexually and emotionally abused his step-daughter over a period of several years, beginning when she was twelve years old. The victim's mother did not believe that her husband was committing these criminal acts and testified at trial that her daughter was a liar. Furthermore, the State of Florida had no DNA evidence, and the defendant did not testify. On the other hand, the defendant admitted to the police that he had oral sex with this child approximately twenty times. However, he alleged that the police obtained his confession through coercion. After I cross-examined the defendant at the motion to suppress hearing, the trial judge denied the defendant's motion. I admired and appreciated how this delicate issue was handled by all, including the presiding judge, especially in the presence of the jury. The jury found the defendant guilty on all counts. The defendant was sentenced to twenty-five years in prison. The case was affirmed on appeal.

Date of representation: 2003
Court: Eleventh Judicial Circuit of Florida

Presiding Judge: Hon. Cecilia Altonaga

For State of Florida
Barbara Govea
Miami-Dade State Attorney's Office
1350 NW 12th Avenue
Miami, Florida 33136
(305) 547-0100

For Defendant Yanes
Crystal Harvey

The Cameron Law Group, P.A.
8010 North University Drive, Floor 2
Tamarac, Florida 33321
(954) 472-5645

7) *O'Brien v. GMRI, Inc. d/b/a Bahama Breeze*, Case No. 04-23037 CA 20

I was new to Liberty Mutual when my former boss, Rebecca W. Ribler asked me to be her co-counsel in this matter. This was my first personal injury jury trial before the Miami-Dade Circuit Court. This case involved a personal injury claim in which the plaintiff sued our client, the Bahama Breeze restaurant, for negligence when she slipped and fell upon exiting the establishment. She broke her hip and underwent a surgical hip replacement. We proceeded to trial and the jury found the plaintiff and defendant each 50% at fault.

Date of representation: 2005
Court: Eleventh Judicial Circuit of Florida

Presiding Judge: Hon. Ronald Dresnick

For Plaintiff O'Brien

Garret Biondo
The Biondo Law Firm, P.A.
44 W Flagler Street, Suite 1575
Miami, Florida 33130
(305) 371-7326

Sagi Shaked
Shaked Law Firm, P.A.
19950 West Country Club Drive, Suite 100
Miami, Florida 33180
(305) 937-0191

For Defendant Bahama Breeze

Rebecca W. Ribler (now deceased)

8) *Gendreau v. Scooter City, Inc., a Florida Corp., and City of Miami Beach*, Case No. 07-17325 CA 13

This case involved a young woman who, while operating a motorized scooter at an intersection on Ocean Drive in Miami Beach, accidentally made contact with the base of a street light. As a result, the globe located atop the subject street light fell and struck her in the head, which resulted in a severe brain injury. The medical records and surgical photos were very graphic. We settled this case amicably.

Date of representation: 2008
Court: Eleventh Judicial Circuit of Florida

Presiding Judge: Hon. Pedro Echarte, Jr.

For Plaintiff Gendreau

Jeffrey R. Davis
Jeffrey R. Davis, P.A.
10800 Biscayne Boulevard, Suite 700
Miami, Florida 33161
(305) 577-3777

9) *Downs v. City of Miami Beach, et. al*, Case No. 04-08735 CA 15 and Case No. 06-20861 CIV-HUCK/BANDSTRA, *aff'd* 13 So. 3d 1064 (Fla. 3d DCA 2009).

This case involved a young man in his mid-twenties who, while intoxicated, dove into the ocean and allegedly struck his head on a rock, which rendered him a quadriplegic. He alleged that a beach restoration project in the 1980s dredged numerous rocks close to the shore that were not removed and that the City of Miami Beach did not warn swimmers of the dangerous conditions. He sued several federal, state and local governmental agencies in state and federal court. The financial exposure was in the millions of dollars. I worked very hard to conduct and review the extensive discovery, expert witnesses, voluminous documents and exhibits, and I successfully obtained summary final judgment in favor of the city. Florida's Third District Court of Appeal affirmed the final summary judgment. In a subsequent federal trial, the district judge found the plaintiff, the city, and the federal agency, each partially at fault; however, because final summary judgment was affirmed in the city's favor, the city was absolved from any liability.

Date of representation: 2007
Court: Eleventh Judicial Circuit of Florida

Presiding Judge: Hon. Mindy S. Glazer

For Plaintiff Downs

Stephen Austin Carr
Koch Parafinczuk & Wolf
110 E Broward Boulevard, Suite 1630
Fort Lauderdale, Florida 33301
(786) 282-2882

For Defendant Miami-Dade County

Eric Gressman
Assistant County Attorney

111 NW First Street, Suite 2810
Miami, Florida 33128
(305) 375-1309

For Defendant State of Florida

Bradley Silverman
The Law Offices of Anthony & Associates, P.A.
2625 Ponce de Leon Boulevard, Suite 201
Coral Gables, Florida 33134
(305) 444-8927

10) *Garcia, as Personal Representative of the Estate of Alfonso, Deceased v. City of Miami Beach*, Case No. 00-16313 CA 20

This was a wrongful death case brought against the City of Miami Beach. This tragedy involved a disabled 47-year-old man who fell numerous times, striking his head while being transported to the hospital by Miami Beach Fire Rescue. We settled this case amicably on March 11, 2008.

Dates of representation: 2007 – 2008
Court: Eleventh Judicial Circuit of Florida

Presiding Judge: Hon. Daryl E. Trawick

For Plaintiff Garcia

Rene Navarro
Rene Navarro, P.A.
6505 Blue Lagoon Drive, Suite 110
Miami, Florida 33126
(305) 260-0541

Furthermore, the above three cases had special significance because given that these plaintiffs sustained serious body injury or death, I recognized that it was equally important to balance the zealous representation of the City of Miami Beach with a demonstration of civility, compassion, and respect for the judicial system. I litigated these cases long before the Florida Supreme Court had revised the Oath of Admission to The Florida Bar, to include a pledge of “fairness, integrity, and civility” to opponents, not only in court, but also “in all written and oral communications.”

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.)

As a judge, I serve as Chair on the Mediator Qualifications and Discipline Review Board and I have presided over several panels involving a mediator or applicant good moral character and/or allegations of rules violations. These rules apply to all proceedings before investigatory committees and adjudicatory panels of the Review Board involving applications or discipline of currently certified mediators or non-certified mediators designated by the court to mediate a case pursuant to these or other court rules. The purpose of these rules is to provide a means for enforcing all sections of the Florida Rules for Certified and Court-Appointed Mediators.

As the newly appointee Chair on the Supreme Court Committee on Alternative Dispute Resolution Rules and Policy (Committee), the significance of this litigation lay where I was presented with the rare and unique opportunity to argue our Committee's petition before the Florida Supreme Court. Opposing comments were submitted by the ADR Section of The Florida Bar and the Mediation/Arbitration Division of Eleventh Judicial Circuit of Florida. The petition represents several years of hard work by the Committee and the Dispute Resolution Center to redraft Part III (Discipline) of the Mediator Rules. The Florida Supreme Court, *per curiam*, adopted our proposed amendments, with some modifications.

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.

2012 – Present

Adjunct Faculty

Division of Continuing & International Education, University of Miami

From 2012 to 2017, I taught a course on Florida Procedures at the University of Miami campus in Coral Gables. In 2013 through 2014, I taught a Contract Law course at the Coral Gables and Broward campuses. Since 2012, I have taught as an Adjunct Professor the Florida Procedures and Contract Law courses in the University of Miami Paralegal Studies Program. The major topics taught in the Florida Procedures course were the Florida Rules of Civil Procedure, Florida Rules of Criminal Procedure, Florida Rules of Appellate Procedure and the Florida Evidence Code. The contract law course was taught using Martin A. Frey's *Introduction to the Law of Contracts* book. The major topics taught were formation, enforceability, damages, defenses, and drafting assignments. In 2017 through 2018, I have also taught as an Adjunct Professor Foundations and Law Blocks of criminal law and procedure, post-judgment motions and appeals, immigration, alternative dispute resolution, employment law and workers' compensation, trial briefs, family law, elder law and healthcare law, job research and resume writing, trial practice and wills, trusts and estate law to students in the paralegal program. A copy of the syllabus and/or course outline of each course is supplied.

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 am vested with the State of Florida's pension plan (Florida's Retirement System).

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 no plans, commitments, or agreements to pursue 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).

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.

I am not aware of any likely conflicts-of-interest. If a conflict were to arise, I would adhere to the Code of Conduct for United States Judges and all other applicable authority.

- 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 and all 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.

I have volunteered at the North Beach Legal Clinic in Miami Beach, and provided pro bono service through the Caribbean Bar Association. I have also provided countless hours of community service through the Boy Scouts of America, Kappa Alpha Psi Fraternity, Inc., and the 100 Black Men of South Florida. Some of the activities included participating in annual Christmas toys and Thanksgiving food drives, *No More Broken Hearts* Domestic Violence Workshop, Habitat for Humanity projects and the Women's Breast and Heart Initiative, a door-to-door community outreach. I also appeared at town hall meetings to educate the public about the law and the role of the judiciary.

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.

On October 12, 2017, I submitted my application to the Florida Federal Judicial Nominating Commission, convened by Senators Marco Rubio and Bill Nelson, for the five vacancies on the United States District Court for the Southern District of Florida. On November 28, 2017, I was interviewed by the Nominating Commission in Miami, Florida. On November 29, 2017, I received an email from the Statewide Chairman of the Nominating Commission that I was being recommended to Senators Rubio and Nelson. On December 12, 2017, I was interviewed by Senator Rubio in his office in Washington, D.C. On December 21, 2017, I was interviewed by Senator Nelson in his office in Washington, D.C. On February 9, 2018, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On February 12, 2018, Senator Rubio, Senator Nelson and an attorney with the White House Counsel's Office notified me that I was selected as a candidate for a seat on the federal judiciary. On May 7, 2018, the President submitted my nomination to the Senate.

- 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.

FINANCIAL DISCLOSURE REPORT NOMINATION FILING

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Smith, Rodney	2. Court or Organization US District Court for the Southern District of Florida	3. Date of Report 05/8/2018
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Judge - nominee	5a. Report Type (check appropriate type) ☒ Nomination Date 05/07/2018 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2017 to 05/01/2018
7. Chambers or Office Address 73 West Flagler Street, Room 1304 Miami, Florida 3130		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Circuit Court Judge	Eleventh Judicial Circuit of Florida
2. Adjunct Professor	University of Miami
3.	
4.	
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☐ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1. 2008	State of Florida: Judicial Pension
2.	
3.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 6

Name of Person Reporting

Smith, Rodney

Date of Report

05/8/2018

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2018	State of Florida -- Judge's Salary	\$53,562.00
2. 2018	University of Miami - Payment for Teaching	\$1,050.00
3. 2017	State of Florida -- Judge's Salary	\$149,732.00
4. 2017	University of Miami - Payment for Teaching	\$3,850.00
5. 2016	State of Florida -- Judge's Salary	\$146,080.00
6. 2016	State of Florida -- Payment for Teaching	\$4,200.00

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2017	Miami-Dade County Public School--Teaching Income
2. 2018	Miami-Dade County Public School--Teaching Income
3.	
4.	

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

Page 3 of 6

Name of Person Reporting

Smith, Rodney

Date of Report

05/8/2018

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐ NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Exempt		
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☐ NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	Bank of America	Credit Card	J
2.	University Credit Union	Credit Card	J
3.	RCI	Credit Card	J
4.			
5.			

FINANCIAL DISCLOSURE REPORT

Page 4 of 6

Name of Person Reporting

Smith, Rodney

Date of Report

05/8/2018

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. Bank of America Account	A	Interest	J	T	Exempt				
2. University Credit Union	A	Interest	J	T					
3. State of Florida 457 - Voya Fixed Account - Stability of Principal	A	Int./Div.	J	T					
4. Dade County Board of Public Instruction 403(B) (H)									
5. - Valic Fixed Income Government Money Market I	A	Int./Div.	K	T					
6. TD Bank Account	A	Interest	J	T					
7. John Hancock Freedom 529 Education Trust of Alaska 2029-2032 Portfolio	A	Int./Div.	J	T					
8. John Hancock Protection UVL 09 - Managed Volatility Aggressive #1	A	Int./Div.	L	T					
9. John Hancock Protection UVL 09 - Managed Volatility Aggressive #2	A	Int./Div.	L	T					
10. John Hancock Protection UVL 09 - Managed Volatility Aggressive #3	A	Int./Div.	M	T					
11. John Hancock Protection UVL 09 - Managed Volatility Aggressive #4	A	Int./Div.	L	T					
12. Navy Federal Credit Union	A	Interest	J	T					
13. South Florida Federal Credit Union Account	A	Interest	J	T					
14. Wells Fargo Bank Account	A	Interest	K	T					
15. Bank of Early County Account	A	Interest	K	T					
16. First State Bank Account	A	Interest	J	T					
17. Chase Bank Account	A	Interest	J	T					

1. Income Gain Codes: A=\$1,000 or less B=\$1,001 - \$2,500 C=\$2,501 - \$5,000 D=\$5,001 - \$15,000 E=\$15,001 - \$50,000
(See Columns B1 and D4) F=\$50,001 - \$100,000 G=\$100,001 - \$1,000,000 H1=\$1,000,001 - \$5,000,000 H2=More than \$5,000,000
2. Value Codes J=\$15,000 or less K=\$15,001 - \$50,000 L=\$50,001 - \$100,000 M=\$100,001 - \$250,000
(See Columns C1 and D3) N=\$250,001 - \$500,000 O=\$500,001 - \$1,000,000 P1=\$1,000,001 - \$5,000,000 P2=\$5,000,001 - \$25,000,000
P3=\$25,000,001 - \$50,000,000 P4=More than \$50,000,000
3. Value Method Codes Q=Appraisal R=Cost (Real Estate Only) S=Assessment T=Cash Market
(See Column C2) U=Book Value V=Other W=Estimated

FINANCIAL DISCLOSURE REPORT

Page 5 of 6

Name of Person Reporting

Smith, Rodney

Date of Report

05/8/2018

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

FINANCIAL DISCLOSURE REPORT

Page 6 of 6

Name of Person Reporting	Date of Report
Smith, Rodney	05/8/2018

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ Rodney Smith

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		79	258	Notes payable to banks-secured		27	100
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities				Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-see schedule		169	276
Real estate owned-see schedule		392	500	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		35	000	Student Loans #1		110	000
Cash value-life insurance		8	021	Student Loans #2		231	890
Other assets itemize:							
Florida Retirement System #1		222	800				
Florida Retirement System #2		35	959				
Tax Shelter Annuity of Georgia		6	019				
Timeshare vacation resort #1		35	000				
Timeshare vacation resort #2		25	000				
College Savings 529 Plan		1	839				
Voya Financial		2	588				
				Total liabilities		538	266
Total Assets		843	984	Net Worth		305	718

CONTINGENT LIABILITIES				Total liabilities and net worth		843	984
As endorser, comaker or guarantor				GENERAL INFORMATION			
On leases or contracts				Are any assets pledged? (Add schedule)			No
Legal Claims				Are you defendant in any suits or legal actions?			No
Provision for Federal Income Tax				Have you ever taken bankruptcy?			No
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Real Estate Owned

Personal residence	\$ 380,000
Undeveloped lot	12,500
Total Real Estate Owned	<u>392,500</u>

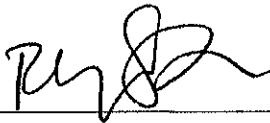
Real Estate Mortgages Payable

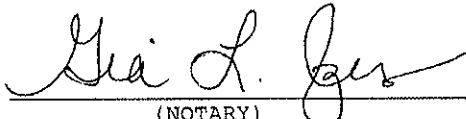
Personal residence	\$ 169,276
Total Real Estate Mortgages Payable	<u>169,276</u>

AFFIDAVIT

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

May 5, 2018
(DATE)


(NAME)


(NOTARY)



Gloria Latonya Jones
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF018122
Expires 8/14/2019