

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Brian Jordan Davis

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

United States District Judge for the Middle District of Florida

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

Nassau County Historic Courthouse
416 Centre Street
Fernandina Beach, Florida 32034

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

1953; Jacksonville, 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.

1977 – 1980, The University of Florida College of Law; J.D., 1980
1970 – 1974, Princeton University; B.A., 1974

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.

1994 – Present
State of Florida
4th Judicial Circuit

416 Centre Street
Fernandina Beach, Florida 32034
Circuit Court Judge

1991 – 1994
State Attorney's Office
4th Judicial Circuit
330 East Bay Street
Jacksonville, Florida 32202
Chief Assistant State Attorney

1988 – 1991
Terrell Hogan (formerly known as Brown, Terrell, Hogan, Ellis, McClamma, Yegelwel
and Davis; Brown, Terrell, Hogan, Ellis, McClamma and Yegelwel)
Blackstone Building, Suite 804
233 East Bay Street
Jacksonville, Florida 32202
Partner (1991)
Associate (1988 – 1991)

1982 – 1988
State Attorney's Office
4th Judicial Circuit
330 East Bay Street
Jacksonville, Florida 32202
Assistant State Attorney

1980 – 1982
Mahoney, Hadlow and Adams, P.A.
Barnett Bank Building
Jacksonville, Florida 32202
Associate

1974 – 1979
American Can Company
American Lane
Greenwich, Connecticut 06830
Employee Relations Coordinator

Other Affiliations (Uncompensated):

2009 – Present
Jacksonville Public Education Fund
245 Riverside Avenue, Suite #310
Jacksonville, Florida 32202
Board Member

2006 – 2012
OneJax
1022 Park Street, Suite #302
Jacksonville, Florida 32204
Board Member

2008 – 2009
The Alliance for World Education, Inc.
4019 Boulevard Center Drive
Jacksonville, Florida 32207
Board Member

2001; 2007 – 2009
Florida Partners in Crisis
175 Marlin Drive
Merritt Island, Florida 32952
Board of Trustees (2007 – 2009)
Board of Directors, Member-at-Large (2001)

1993 – 2006
National Conference for Community and Justice (formerly National Conference of
Christians and Jews)
4401 Emerson Street, Suite #9
Jacksonville, Florida 32207
Board Member

1991 – 1993
Hubbard House, Inc.
P.O. Box 4909
Jacksonville, Florida 32201
Board Member

1991 – 1993
Help Center
511 West 11th Street
Jacksonville, Florida 32206
Board Member

1989 – 1999
Pace Center for Girls
2933 University Boulevard, North
Jacksonville, Florida 32211
Board Member

1986 – 1988
Ebenezer United Methodist Church
9114 Norfolk Boulevard
Jacksonville, Florida 32208
Chairman, Board of Trustees

1985
D.W. Perkins Bar Association
P.O. Box 2156
Jacksonville, Florida 32203
President

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 did register 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.

The Chief Justice Henry Lee Anstead, Justice for All Award (2004)
Equal Opportunity Award, Jacksonville Urban League (2003)
American Board of Trial Advocates, Judge of the Year (2002)
Dedicated Service Award, National Conference for Community and Justice Board of Directors (2002)
Appreciation Award, 125th Fighter Wing, for Outstanding Contribution to Black History Month Celebration (2001)
Public Citizen of the Year Award, National Association of Social Workers (2000)
Appreciation for Outstanding Service to Scouting Award, Greater Grant A.M.E. Church (2000)
Appreciation Award, 10th Annual Dr. Martin Luther King, Jr., Holiday Celebration, Jacksonville Area Legal Aid, Inc. (1999)
Hubbard House Domestic Peace Award (1999)
Florida Coalition Against Domestic Violence, Outstanding Contributions Award (1999)
Boy Scouts of America Silver Beaver Award for Distinguished Service to Youth (1998)
Martin Luther King, Jr. Humanitarian Award, Jewish Federation (1997)
African-American Achievers Award, J.M. Family Enterprises, Inc. (1995)
Appreciation Award, Blacks in Government (1993)
Appreciation Award, 65th National Armed Robbery / Homicide Conference, Jacksonville Sheriff's Office (1992)
University of Florida, Law Review, Student Works, Editor (1979 – 1980)

Miller-Schroeder Memorial Prize, Honorable Mention, Princeton University,
Undergraduate Thesis (1974)
Eagle Scout (1968)

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.

Academy of Florida Trial Lawyers (1989 – 1990)
American Bar Association (1982 – 1984)
Association of Trial Lawyers of America
National College of Trial Advocacy Faculty (1989 – 1992)
Chester Bedell Inn of Court (1989 – 1991; 1995)
D.W. Perkins Bar Association
President (1985)
Founder, Annual Scholarship Banquet
Florida Bar Association (1981 – Present)
Grievance Committee Member (1989 – 1991)
Commission on the Legal Needs of Children Member (1999 – 2002)
Florida First District Court of Appeals
Judicial Nominating Commission (1992 – 1995)
Vice-Chair (1993)
Florida Supreme Court
Civil Jury Instruction Committee (1996 – 2000)
District Court of Appeal Workload and Jurisdiction Assessment Committee
(2006)
Judicial Branch Governance Study Group (2010)
Treatment Based Drug Court Steering Committee (2000 – 2002)
Commission on Trial Court Performance and Accountability (2002 – Present)
Committee on Trial Court Performance and Accountability (1998 – 2002)
Governor's Guardian Ad Litem Working Group (2002)
Jacksonville Bar Association
Law Week Committee Chair (1981)
Pro Bono / Legal Aid Committee (1991 and 1993)
Nassau County Bar Association (2009 – Present)
Nassau County Inn of Court (2009 – Present)
National Bar Association (1985 – 1994; 2011 – Present)
National Black Prosecutors Association
Charter Member (1984)
National District Attorneys Association (1983 – 1988; 1991 – 1993)
Phi Delta Phi Legal Fraternity (1980)
University of North Florida Pre-Law Studies Program Advisory Board (1997 – 2010)

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, 1981

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.

United States Court of Appeals for the Fifth Circuit, 1981

United States Court of Appeals for the Eleventh Circuit, 1981

United States District Court for the Middle District of Florida, 1981

Following my appointment as an Assistant State Attorney in 1982, I allowed my Federal Court memberships to lapse.

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.

Alliance for World Education, Inc.

Board Member (2008 – 2009)

American Beach Homeowners' Association (2007 – Present)

Biscayne Estates Homeowners' Association (1989 – Present)

Boy Scouts of America

Eagle Scout (1968)

Assistant Scout Master, Troop 51 (1982 – 1984)

District Commission Member (1992)

Council Executive Board (1995)

Urban Scouting Commissioner (1995)

Merit Badge Counselor (2010)

Nominating Committee Chair (2011)

Community Foundation's Quality Education Forum (2005 – Present)

Duval County Public Schools District Strategic Plan Task Force (2008 – 2009)

Ebenezer United Methodist Church

Chairman, Council of Ministries (1982 – 1990)

Chairman, Board of Trustees (1986 – 1988)
 Vice-Chairman, Administrative Board (1982 – 1985)
 Pastor-Parish Relations Committee (1999 – 2010)
 Florida Partners in Crisis
 Board of Trustees (2007 – 2009)
 Board of Directors, Member-at-Large (2001)
 Help Center
 Board Member (1991 – 1993)
 Vice-Chair (1993)
 Hubbard House
 Board Member (1991 – 1993)
 Jacksonville Community Council, Inc.
 Study Co-Chair (2002)
 Race Relations Implementation Task Force (2002 – 2005)
 Jacksonville Jaguars Foundation
 Advisory Board Member (1995 – Present)
 Jacksonville Public Education Fund
 Board Member (2009 – Present)
 Jacksonville Urban League
 Volunteer (2000 – Present)
 Leadership Jacksonville (1987 – Present)
 Learning to Finish Leadership Council (2007 – 2008)
 Mayor's Task Force on Domestic Violence
 Chair (1997 – 1999)
 NAACP
 Life Member (1985 – Present)
 National Conference for Community and Justice (formerly National Conference
 of Christians and Jews)
 Board Member (1993 – 2006)
 Omega Psi Phi Fraternity (1982 – Present)
 OneJax
 Board Member (2006 – 2012)
 Chair-Elect (2012)
 Chairman, Advocacy Committee (2011 – 2012)
 Pace Center for Girls
 Board Member (1989 – 1999)
 Project Breakthrough
 Co-Chair (2009 – Present)

- 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.

The Boy Scouts of America at one time limited its membership to boys. In 1998, its programs were expanded to include girls. Omega Psi Phi is a college fraternity limited to young men. To the best of my knowledge, the remaining organizations listed in 11a do not currently discriminate and did not formerly discriminate on the basis of race, sex, religion or national origin.

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.

With Gary Chartrand, Cindy Edelman, Carol Alexander, John Anderson, Ann Baker, John D. Baker, Poppy Clements, Ronnie Ferguson, Shannon Perry, Kenneth Reddick, Cleve Warren, Delores Barr Weaver, and Rev. Torin T. Dailey, *Guest Column: Jacksonville Needs a Community Goal to Create a Generation of Readers*, Florida Times-Union, July 20, 2011. Copy supplied.

With Gary Chartrand, Cindy Edelman, Carol Alexander, John Anderson, Ann Baker, John D. Baker, Jordan Baker, Poppy Clements, Ronnie Ferguson, Shannon Perry, Cleve Warren, Delores Barr Weaver, and Rev. Torin T. Dailey, *Guest Column: Go Easy on School Budget Cuts*, Florida Times-Union, Mar. 20, 2011. Copy supplied.

Introduction to Chapter 3, Dr. Alvin White, Education is Not a Four Letter Word (2010). Copy supplied.

Letter to the Editor, *Learning is a Lifelong Goal*, Florida Times-Union, June 10, 2006. Copy supplied.

From a Letter to Assistant Warden Randall Mobley, Correctional Compass Newsletter, September, 1999. Copy supplied.

In my last year of law school I published a short article in the Florida Bar Association's Real Estate Section's Newsletter. Despite my search efforts, I have not been able to locate a copy of the article, but my recollection is that it discussed a case that explored the limits of durable powers of attorney.

I searched my files and publicly available internet sources to create the most comprehensive response to this question possible, but there may be other published material I have been unable to recall or identify.

- 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.

Florida Supreme Court Commission on Trial Court Performance and Accountability:

Recommendations on Resolving Civil Disputes, December 2011. Copy supplied.

Trial Court Integrated Management Solution (Working Draft Report), October 17, 2011. Copy supplied.

Recommendations for the Provision of Court Interpreting Services in Florida's Trial Courts, November 1, 2010. Copy supplied.

Revised Judge Case Count by Divisional Assignment Report for Calendar Year 2010, 2010. Copy supplied.

Recommendations for the Provision of Court Reporting Services in Florida's Trial Courts (Supplemental Report), November 2009. Copy supplied.

Ensuring Access to Justice: Serving Florida's Self-Represented Litigants (Supplemental Report), December 2008. Copy supplied.

Recommendations on Senior Judge Resources in the Judicial Weighted Workload Model, September 2008. Copy supplied.

Recommendations for Alternative Dispute Resolution Services in Florida's Trial Courts, August 2008. Copy supplied.

Ensuring Access to Justice: Serving Florida's Self-Represented Litigants, April 2008. Copy supplied.

Recommendations for the Provision of Court Reporting Services in Florida's Trial Courts, October 2007. Copy supplied.

In re: Amendments to Rule 2.240, Rules of Judicial Administration – Determination of Need for Additional Judges, July 2007. Copy supplied.

Recommendations for Improving Governance and Operations for Appointed Counsel and Due Process Services, January 31, 2007. Copy supplied.

Court Reporting in Florida's Trial Courts *Post-Revision 7*, February 2005. Copy supplied.

Administrative and Operational Support for Court-Appointed Counsel and Indigent Due Process Costs, November 2004. Copy supplied.

Report and Recommendations, December 2002. Copy supplied.

Case Management Workshop, June 2001 (the Commission was then known as the Committee on Trial Court Performance and Accountability). Copy supplied.

Report and Recommendations, December 1999 (the Commission was then known as the Committee on Trial Court Performance and Accountability). Copy supplied.

Florida Supreme Court District Court of Appeal Workload and Jurisdiction Assessment Committee:

Report and Recommendations, November 2006. Copy supplied.

Jacksonville Community Council, Inc.:

Beyond the Talk: Improving Race Relations (Final Implementation Report), April 2005. Copy supplied.

Race Relations Progress Report, 2005. Copy supplied.

Beyond the Talk: Improving Race Relations, JCCI, Summer 2002. Copy supplied.

Florida Bar Association Commission on the Legal Needs of Children:

Final Report, June 2002. Copy supplied.

Treatment and Services Subcommittee Final Report, June 2002. Copy supplied (Appendix B of the June 2002 Final Report).

Draft Recommendations, January 11, 2002. Copy supplied.

Interim Report, March 2001. Copy supplied.

Florida Bar Association coverage of one meeting at which I and the other members discussed our initial recommendations is also supplied (January 15, 2001).

Florida Supreme Court Civil Jury Instruction Committee:

In re Standard Jury Instruction-Civil Cases (No. 00-2), July 5, 2001. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 00-1), March 8, 2001. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 99-2), August 17, 2000. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 99-1), July 6, 2000. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 98-4), February 25, 1999. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 98-3), October 8, 1998. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 98-2), October 8, 1998. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 98-1), April 2, 1998. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 97-2), February 5, 1998. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 97-1), October 16, 1997. Copy supplied.

Standard Jury Instructions-Civil Cases, 6.13-Collateral Source Rule, October 16, 1997. Copy supplied.

Standard Jury Instructions-Civil Cases (No. 96-1), February 13, 1997. Copy supplied.

Other Committee Reports:

In Brief: Reading Proficiency, Spring 2011. As a member of the Jacksonville Public Education Fund, I voted to approve the research for and publication of this report although I did none of the research or writing myself. Copy supplied.

Florida Supreme Court Judicial Branch Governance Study Group Report, January 31, 2011. Copy supplied.

2011: A Progress Report, Jacksonville Public Education Fund, 2011. Copy supplied.

Duval County Public Schools District Strategic Plan, 2009. Copy supplied.

Nassau County Mental Health Court Business Plan, October 19, 2007. Copy supplied.

Since 2005, I have been a part of the Forum on Quality Education, created by the Community Foundation, and participated in discussions about educational issues in Duval County. The findings of the forum are incorporated into the report, "Creating Opportunity, Taking Action," May 2007. Copy supplied.

Final Report of the Guardian Ad Litem Working Group, September 15, 2002. Copy supplied.

Term Report of the Florida Supreme Court Treatment Based Drug Court Steering Committee. Copy supplied.

Strategy to Eradicate Domestic Violence, Mayor's Domestic Violence Task Force Report, November, 1998. Copy supplied.

I have searched my records and my memory and have not identified other responsive reports, memoranda or policy statements.

- 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.

March 9, 2009: I appeared before the Nassau County Board of Commissioners to discuss the Mental Health Court. Video available at <http://tinyurl.com/nbocmar2009>. My presentation begins at 01:50.

October 31, 2007: I appeared before the Nassau County Board of Commissioners to discuss the Mental Health Court. I have been unable to obtain notes, a transcript or recording of the meeting, but press coverage is supplied.

September 10, 2007: I appeared before the Nassau County Board of Commissioners to discuss the Mental Health Court. I have been unable to obtain notes, a transcript or recording of the meeting.

October 13, 2005: I gave remarks during a Duval County Public Hearing on School Discipline. The hearing was convened by the Florida State Conference NAACP, Advancement Project, and the NAACP Legal Defense and Educational

Fund, Inc. Transcript supplied (I have supplied the pages on which I am quoted, however the quotes on pages 78-80 and 91 are misattributed to me).

July 21, 1992: I testified before the Florida Advisory Committee to the United States Civil Rights Commission about racial tensions in Florida. My testimony before the commission's committee in Jacksonville, Florida was recorded in its March 1996 report, Racial and Ethnic Tensions in Florida. A copy of the report is supplied.

Since 2002, I have been a member of the Florida Supreme Court's Trial Court Performance and Accountability Commission and occasionally made remarks during meetings. I have been unable to obtain meeting minutes from prior to 2009, but minutes since September 2009 of the meetings I attended are supplied.

Having searched my records, memory and publicly available internet sources, I have not identified any other testimony, official statements or other communications relating to matters of public policy or legal interpretation.

- 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.

October 9, 2011: Justice for All, Men's Day Program, Simpson United Methodist Church, Jacksonville, Florida. A copy of my remarks is supplied.

August 3, 2010: Remarks at Data Busters' Awards Ceremony, Northeast Florida Community Action Agency, Fernandina Beach, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the NFCAA is 4070 Boulevard Center Drive, Building 4500, Suite 200, Jacksonville, Florida 32207.

2010: Remarks as a panelist for Justice Program Day of Project Breakthrough, OneJax, Jacksonville, Florida. I have no notes, transcripts or recordings. The address of OneJax is 1022 Park Street, Suite 302, Jacksonville, Florida 32204.

November 4, 2009: Remarks at luncheon with the University of North Florida Pre-Law Board of Advisors, Jacksonville, Florida. I spoke on the topic of Social Responsibility, Law and Professionalism. I have no notes, transcripts or recordings. The address of the University of North Florida is 1 UNF Drive, Jacksonville, Florida 32224.

October 25, 2009: Remarks on Christian men, Franklinton United Methodist Church Men's Day program, Fernandina Beach, Florida. I have no notes, transcripts or recordings. The address of United Methodist is 1415 Lewis Street, Fernandina Beach, Florida 32304.

Late 2008: I introduced speakers during a Racial Equity workshop, OneJax and the Aspen Institute, Jacksonville, Florida. I have no notes, transcripts or recordings. The address of OneJax is 1022 Park Street, Suite 302, Jacksonville, Florida 32204. The address of the Aspen Institute is 1 Dupont Circle NW, Suite 700, Washington, DC 20036.

March 1, 2007: Remarks during a membership luncheon, D.W. Perkins Bar Association, Jacksonville, Florida. I have no notes, transcripts or recordings. The bar association does not have a physical address.

January 31, 2007: Remarks during an American Beach day program, American Beach Property Owners' Association, Fernandina Beach, Florida. I have no notes, transcripts or recordings. The address of the ABPOA is P.O. Box 6123, Fernandina Beach, Florida 32035.

November 9, 2006: I said a prayer at a lunch held at Walker's Landing at Amelia Island Plantation for Judge Robert E. Williams on the occasion of his becoming a senior judge. A copy of my remarks is supplied.

November 4, 2006: Panelist on youth issues at the Fall Festival of Praise, Parenting the Next Generation Conference, Open Arms Ministries, Jacksonville, Florida. I have no notes, transcripts or recordings. Open Arms Ministries has no physical address.

October 18, 2006: I spoke to Nassau County community leaders about the need for a mental health court, Yulee, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the Nassau County Court Annex is 76347 Veteran's Way, Suite 456, Yulee, Florida 32097.

September 9, 2006: Living Through Giving program for Community Hospice of Northeast Florida, Jacksonville, Florida. I helped present awards and scholarships during the program. I have no notes, transcripts or recordings. The address of Community Hospice is 4266 Sunbeam Road, Jacksonville, Florida 32257.

May 5, 2006: Remarks at ceremony honoring victims of domestic violence, Nassau County Judicial Annex, Yulee, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the Nassau County Court Annex is 76347 Veteran's Way, Suite 456, Yulee, Florida 32097.

April 28, 2006: Remarks during a National Crime Victims Rights Week program, Nassau County Judicial Annex, Yulee, Florida. I have no notes, transcripts or recordings. The address of the Nassau County Court Annex is 76347 Veteran's Way, Suite 456, Yulee, Florida 32097.

January 31, 2006: American Beach Day Proclamation program, American Beach Property Owners' Association, Fernandina Beach, Florida. I have no notes, transcripts or recordings. The address of the ABPOA is P.O. Box 6123, Fernandina Beach, Florida 32035.

2006 – present: As co-chair of Project Breakthrough, an initiative of OneJax, I help facilitate meetings on race relations in Jacksonville four times each year. I have no notes, transcripts or recordings. The address of OneJax is 1022 Park Street, Suite 302, Jacksonville, Florida 32204.

December 16, 2005: I briefly welcomed the Florida Bar Board of Governors to the Circuit at the Board's meeting, Amelia Island, Florida. I have no notes, transcripts or recordings. The address of the Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

November 17, 2005: Panelist for a judicial symposium on professionalism, Jacksonville Bar Association, Jacksonville, Florida. I have no notes, transcripts or recordings. The address of the Jacksonville Bar is 841 Prudential Drive, Suite 1320, Jacksonville, Florida 32207.

October 21, 2005: Remarks delivered at Leadership Day event, Mattie V. Rutherford Alternative Education Center, Jacksonville, Florida. I have no notes, transcripts or recordings. The address of the center is 1514 Hubbard Street, Jacksonville, Florida 32206.

June 5, 2005: James Weldon Johnson Festival Public Forum & Founder's Luncheon, Jacksonville, Florida. I served as a moderator of a forum about the life and work of James Weldon Johnson. I have no notes, transcripts or recordings. The festival does not have a physical address.

May 2005: No Longer Children, Baptist Youth Program, Fernandina Beach, Florida. A copy of my remarks is supplied.

January 1, 2005: Remarks at New Year's Day commemoration of President Lincoln signing the Emancipation Proclamation, Nassau County Branch of the National Association for the Advancement of Colored People, Fernandina Beach, Florida. I swore in new NAACP officers and served as a guest speaker. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the Nassau County Branch of the NAACP is P.O. Box 16641, Fernandina Beach, Florida 32035.

October 23, 2004: Remarks during a program commemorating Martin Luther King, Jr., Nassau County Branch of the National Association for the Advancement of Colored People, Fernandina Beach, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the Nassau County Branch of the NAACP is P.O. Box 16641, Fernandina Beach, Florida 32035.

October 18, 2004: Remarks during a town hall meeting on drug use, Nassau Alcohol, Crime and Drug Abatement Coalition, Fernandina Beach, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the coalition is 435 Citrona Drive, Fernandina Beach, Florida 32034.

October, 2004: I offered greetings during the 24th annual Nassau County Community Development Corporation banquet, Fernandina Beach, Florida. I have no notes, transcripts or recordings. The CDC does not have a physical address.

May 18, 2004: Drugs: Not In My Kid, Not In My County panel, Nassau Alcohol, Crime & Drug Abatement Coalition, Fernandina Beach, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the coalition is 435 Citrona Drive, Fernandina Beach, Florida 32034.

September 10, 2003: Remarks at African-American Professionals Seminar, sponsored by the Continuing Education Department of the University of North Florida, Jacksonville, Florida. I have no notes, transcripts or recordings. The address of UNF is 1 UNF Drive, Jacksonville, Florida 32224.

March 2003: Remarks during National Alliance for the Mentally Ill luncheon, National Alliance for the Mentally Ill, Fernandina Beach, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The address of the Florida NAMI is 1030 East Lafayette Street, Suite 10, Tallahassee, Florida 32301.

November 24, 2002: Remarks at the Interfaith Thanksgiving Service at Riverside Avenue Christian Church, Peace and Hope of Freedom, Jacksonville, Florida. A copy of my remarks is supplied.

September 18, 2002: Panelist during the Working Together: Race Relations Within Our Legal Community seminar, Jacksonville Bar Association, Christian Legal Society, and D.W. Perkins Bar Association, Jacksonville, Florida. I have no notes, transcripts or recordings. The address of the Jacksonville Bar is 841 Prudential Drive, Suite 1320, Jacksonville, Florida 32207. The address of the Christian Legal Society is 8001 Braddock Road, Suite 302, Springfield, Virginia 22151. The D.W. Perkins Bar Association does not have a physical address.

September 13, 2002: Remarks at Founders Anniversary Banquet, Nasitra Club, Jacksonville, Florida. A copy of my remarks is supplied.

June 7, 2002: Keynote Address at Annual Banquet, Clay County NAACP, Events Hall of Clay County Council on Aging. I have no notes, transcripts or recordings. The Clay County NAACP can be reached through its president, Gwendolyn Hunter, P.O. Box 1081, Orange Park, Florida 32067.

February 2002: Remarks at Black History Extravaganza, Jefferson Davis Middle School, Jacksonville, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The event was sponsored by Team Up, Communities in Schools, 3100 University Boulevard South, Suite 300, Jacksonville, Florida 32216.

2002: Brief acceptance remarks to convey my gratitude upon receiving the Judge of the Year award, American Board of Trial Advocates. I have no notes, transcripts or recordings. The address of ABOTA is 2001 Bryan Street, Suite 3000, Dallas, Texas 75201.

October 18, 2001: Remarks at Preventing School Violence forum, Mandarin High School, Jacksonville, Florida. I was a member of a panel on school violence and bullying. I have no notes, transcripts or recordings. The address of Mandarin High is 4831 Greenland Road, Jacksonville, Florida 32258.

May 14-15, 2001: I participated in a workshop on case management, which was conducted by the Committee on Trial Court Performance and Accountability. A report on the workshop discussions and findings was released by the Committee, of which I was a member, and is supplied in response to 12(b).

June 2, 2000: I lectured on "Sanctions and Incentives," National Association of Drug Court Professionals, San Francisco, California. I have no notes, transcripts or recordings. The address of the NADCP is 1029 North Royal Street, Suite 201, Alexandria, Virginia 22314.

January 16, 2000: Martin Luther King, Jr. Service Keynote Address, St. Paul's by the Sea, Jacksonville Beach, Florida. I have no notes, transcripts or recordings. The address of St. Paul's by the Sea is 416 12th Avenue North, Jacksonville, Florida 32250.

January 5-6, 2000: I was a panelist on "The Role of the Juvenile and Family Drug Court Judge" and "Applying Incentives and Sanctions Within a Strengths-Based Framework," National Association of Drug Court Professionals, Phoenix, Arizona. I have no notes, transcripts or recordings. The address of the NADCP is 1029 North Royal Street, Suite 201, Alexandria, Virginia 22314.

March 14, 1999: Helping Our Children Find Their Way, Jacksonville Department of Juvenile Justice Annual Conference. A copy of my remarks is supplied.

January 23, 1999: Remarks during the Beautillion Militaire program, Jacksonville Chapter of Jack & Jill of America, Jacksonville, Florida. I gave words of encouragement to the students being honored for their academic, athletic, and leadership abilities. I have no notes, transcripts or recordings. The Jacksonville Chapter of Jack & Jill of America does not have a physical address.

January 18, 1999: Freedom is Not Free, remarks delivered at Emancipation Proclamation Celebration. A copy of my remarks is supplied.

January 18, 1999: I made remarks at the Martin Luther King celebration, Jacksonville Area Legal Aid, Jacksonville, Florida. I have no notes, transcripts or recordings, but press coverage is supplied. The address of Jacksonville Area Legal Aid is 126 West Adams Street, #101, Jacksonville, Florida 32202.

1999: Brief remarks of gratitude upon receiving the Hubbard House Domestic Peace Award. I have no notes, transcripts or recordings. The address of Hubbard House is P.O. Box 4909, Jacksonville, Florida 32201.

October 24, 1998: To Lose a Brother, Omega Psi Phi Regional Meeting, Embassy Suites, Jacksonville. A copy of my remarks is supplied.

August 13, 1998: Comments made at the Investiture of Judge Ingraham Drayton, Duval County Courthouse. A copy of my remarks is supplied.

March 21, 1998: Remarks during "Living Legends of Jacksonville," Jacksonville, Florida. I am unable to recall the sponsoring organization, and I have no notes, transcripts or recordings.

September 27, 1997: Moderator for "Race Relations and America's Public Education System," First National Dialogue of President Clinton's Race Initiative and the National Conference for Community and Justice, Jacksonville, Florida. The panel discussed the role of public education in addressing racism in America. I have no notes, transcripts or recordings. The address of the NCCJ is 1095 Day Hill Road, Suite 100, Windsor, Connecticut 06095.

May 27, 1997: Remarks at Fifth Grade Recognition Awards, Mt. Herman Exceptional Educational Center. A copy of my remarks is supplied.

January 19, 1997: Acceptance Speech for the Jewish Federation Humanitarian Award. A copy of my remarks is supplied.

October 1996: Remarks at Pre-Law Program, University of North Florida. A copy of the remarks is supplied.

March 9, 1996: Unity Week Panel, Jacksonville, Florida. I emceed a panel on race relations sponsored by a citizen group called Unity. I have no notes,

transcripts or recordings, but press coverage is supplied. The citizens' group, Unity, does not have a physical address.

December 16, 1995: Lest We Forget, Clay County NAACP Luncheon, Jacksonville, Florida. A copy of my remarks is supplied.

May 10, 1995: Remarks at American Society for Industrial Security, Naval Air Station Cecil Field. A copy of my remarks is supplied.

March 31, 1995: Classroom Girl Scouting / Boy Scouting Recognition Breakfast, Prime Osborn Convention Center. A copy of my remarks is supplied.

October 1992: As a faculty member of the Association of Trial Lawyers of America's College of Trial Advocacy, I taught an Essentials of Civil Litigation Seminar in Reno Nevada and prepared a paper entitled Ready, Set . . . Settle!. I have no notes, transcripts or recordings, and I no longer have a copy of the paper. The address of the American Association of Justice (formerly ATLA) is 777 Sixth Street NW, Suite 200, Washington, DC 20001.

Because of my interest in children and community-building, as a private attorney and assistant state attorney and later as a judge I have frequently agreed to speak with students in Duval County's schools and to various civic and religious organizations. I have also judged numerous mock trials, administered oaths of office, and conducted courthouse tours. I have not maintained records of all of these events, but have tried to create as complete a list as possible by searching my personal records, public databases, and the internet. Despite these efforts, however, there may be other remarks or presentations that I have been unable to recall or identify.

- 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.

Mary Kelli Palka, *Ex-Mayor Preached Being Fair, Being Just*, Florida Times-Union, Apr. 24, 2011. Copy supplied.

Wendi Zongker, *Program Keeps the Mentally Ill Out of State Jails*, Florida Times-Union, Apr. 22, 2008. Copy supplied.

Shannon Malcolm, *Mental Health Court Runs Smoothly*, Fernandina Beach News Leader, Apr. 3, 2008. Copy supplied.

Shannon Malcolm, *County to Support Mental Health Court*, Fernandina Beach News Leader, Sept. 20, 2007. Copy supplied.

Mary Hurst, *5 Families Open Hearts, Homes*, Florida Times-Union, Nov. 25, 2006. Copy supplied.

Shannon Malcolm, *'Mental Health Court' Envisioned*, Fernandina Beach News Leader, Nov. 15, 2006. Copy supplied.

New Homes for 8 Children, Fernandina Beach News Leader, Nov. 15, 2006. Copy supplied.

David Hunt, *Nassau Courts May Soon Help, Not Punish, the Mentally Ill*, Florida Times-Union, Nov. 3, 2006. Copy supplied.

Mary Hurst, *Mental Health Court Proposed*, Florida Times-Union, Oct. 18, 2006. Copy supplied.

Jefferson Street Pool Renamed for Julius Guinyard, Jacksonville Free Press, Oct. 13-19, 2005. Copy supplied.

Benjamin Price, *Black Mold in Courthouse*, Fernandina Beach News Leader, Aug. 24, 2005. Copy supplied.

Derek L. Kinner, *Mold Growth Discovered in Courthouse*, Florida Times-Union, Aug. 20, 2005. Copy supplied.

David Decamp, *Liberal-Minded Meeting Urges Supreme Court Fight*, Florida Times-Union, July 12, 2005. Copy supplied.

Tonyaa Weathersbee, *Scouts Can Learn Key Skills for Life*, Florida Times-Union, Jan. 14, 2004. Copy supplied.

Jim Schoettler, *Ruling Imperils Statewide DUI Cases*, Florida Times-Union, Jan. 8, 2004. Copy supplied.

Jessie-Lynne Kerr, *Juvenile Advocate Jones, 65, Succumbs to Cancer*, Florida Times-Union, Mar. 1, 2003. Copy supplied.

Kimberly Kappel, *Jacksonville Judge to Replace Retired Brooke*, Fernandina Beach News Leader, Jan. 8, 2003. Copy supplied.

Study Reveals City Leadership Must Take Helm to Improve Race Relations, Jacksonville Free Press, Sept. 25, 2002. Copy supplied.

Alliniece T. Andino, *Eliminating Racial Disparities the Goal*, Florida Times-Union, Sept. 18, 2002. Copy supplied.

Alliniece T. Andino, *Report on Race Relations Out Today*, Florida Times-Union, Sept. 17, 2002. Copy supplied.

Rose Marie Preddy, *Race Relations Focus of Sept. 18 Seminar*, Daily Record, Aug. 26, 2002. Copy supplied.

Mike Sharkey, *The Judges: Brian Davis*, Daily Record, Dec. 3, 2001. Copy supplied.

Alliniece T. Andino, *JCCI Takes On Race Issue*, Florida Times-Union, Oct. 24, 2001. Copy supplied.

Dana Treen, *Police Show Kids Better Path*, Florida Times-Union, Aug. 8, 2001. Copy supplied.

Alliniece T. Andino, *Race Profiling Exists but Not Excessive, Glover Says*, Florida Times-Union, June 23, 2001. Copy supplied.

Vivian Wakefield, *Restitution Orders Make Parents Liable for Children's Delinquent Acts*, Times-Union, Mar. 8, 2001. Copy supplied.

Patrick Boyle, *In New Courts. Kids on Drugs Get the Treatment*, Youth Today, Apr. 1, 2000. Copy supplied.

Vivian Wakefield, *State Courts Trying to Recruit Minorities*, Florida Times-Union, Jan. 24, 1999. Copy supplied.

David Bauerlein, *Businesses Prodded on Domestic Violence*, Florida Times-Union, Nov. 20, 1998. Copy supplied.

Beau Halton, *A Reduction in City's Race Tension*, Florida Times-Union, Apr. 25, 1996. Copy supplied.

Judge Orders Two Teens Held in Sniper Scare, United Press International, Nov. 12, 1992. Copy supplied.

Diane Hirth, *Prison Terms May Be Slashed with Reforms*, South Florida Sun-Sentinel, Feb. 23, 1992. Copy supplied.

4- to 6-Year-Olds Won't Face Trial on Vandalism Charges, Associated Press, Oct. 10, 1991 (reprinted in multiple outlets). Copy supplied.

Thief Gets Bonus from State Month after Firing, Orlando Sentinel, June 28, 1987. 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 February 1994, I was appointed as a Circuit Court Judge in the 4th Judicial Circuit by Governor Lawton Chiles. I have been re-elected twice without opposition. The Circuit Court is the highest trial level Court in Florida and has jurisdiction over all juvenile, family and probate proceedings, as well as felony criminal cases and civil cases involving disputes of over \$15,000. The Circuit Court also has jurisdiction over the appeals from county court cases as well as certiorari review of local administrative decisions. I have been assigned to the civil, family, juvenile, probate, domestic violence, drug court and mental health court benches and have served in both Duval and Nassau counties.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? 625

- i. Of these, approximately what percent were:

jury trials:	5%
bench trials:	95%
civil proceedings:	80%
criminal proceedings:	20%

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

In connection with the Circuit Court's trial jurisdiction I have not written any published opinions. I have entered hundreds of written orders. All are maintained in case files by the Clerk of the Court. The vast majority are routine orders without findings of fact or legal analysis, or orders prepared for me by counsel following my oral rulings. I cannot compile a list of orders containing legal analysis and findings of fact, such as would appear in an opinion. Those orders too are on file with the Clerk of the Court. Because they are not published, I cannot provide citations for them without reviewing each and every case file.

In connection with the Circuit Court's jurisdiction regarding appeals from county court cases, I have authored the following unpublished opinions.

Mercer v. State of Florida, Case No. 06-1-AP
Boatright v. State of Florida, Case No. 09-2-AP
National Revenue Service, Inc. v. Smith, Case No. 08-2-AP
Petty v. State of Florida, Case No. 09-3-AP
Parr v. Butler, Case No. 10-1-AP
Richardson v. Somerset Apartments, Case No. 10-2-AP
Dehner v. State of Florida, Case No. 11-2-AP

- 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. *The Florida Bar v. Gentry*, Case No. 92,332

In September 1995 and October 1998, I served as a referee in two contested Florida Bar disciplinary actions against an attorney, which involved the filing of frivolous federal litigation in one case and the use of abusive and vulgar language toward a client in another. In the original case a guilty plea was accepted and cost and fees imposed. In the latter an admonishment for minor misconduct was issued, an apology required, and costs imposed. This was my only opportunity to serve as a referee in a disciplinary matter, and post-punishment proceedings raised interesting questions regarding the public dissemination of disciplinary actions.

Bar counsel: Frances R. Brown-Lewis, Esq.
The Florida Bar
12500 Edgewater Drive
Orlando, FL 32804
(407) 425-5424

Pro se: Richard Ellis Gentry, Esq.
125 Twin Lake Grove Drive
Interlachen, FL 32148
(386) 684-3433

2. *Hamilton v. Whip and Ryan Foods*, Case No. 02-24-CA, and *Johnson v. Whip and Ryan Foods*, Case No. 02-25-CA

In September 2004, in Nassau County, I presided over the trial of consolidated automobile negligence cases resulting in a verdict in excess of \$1 million for each plaintiff. Plaintiff's co-counsel, however, failed to disclose directly adverse interests to a former client, having obtained conditional consents to his representation, and thereby forfeited more than \$300,000 in attorney's fees. Order supplied.

Counsel for Plaintiff: Eric S. Block, Esq.
6817 Southpoint Parkway, Suite #2502
Jacksonville, FL 32216
(904) 475-9400

Charles E. Earnhardt, Esq.
P.O. Box 411987

Melbourne, FL 32941
(321) 751-5585

Counsel for Defendant: L. Johnson Sarber, Esq.
P.O. Box 447
Jacksonville, FL 32201
(904) 398-0900

3. *Hogan v. Baptist Medical Center*, Case No. 06-44-CA

In September 2008, in Nassau County, I presided over the trial of a negligence action in which a surgeon alleged injury on a “dunking booth” loaned by a volunteer fire department to a hospital for use in a fund-raising event. The jury returned a defense verdict, which was reversed on appeal. After a motion seeking a change of venue was denied, the case settled. Order supplied.

Counsel for Plaintiff: Arthur I. Jacobs, Esq.
961687 Gateway Boulevard, Suite #201-I
Fernandina Beach, FL 32034
(904) 261-3693

Charles Sorenson, Esq.
136 East Bay Street
Jacksonville, FL 32202
(904) 356-6071

Counsel for Defendants: Joseph B. Stokes, Esq.
P.O. Box 41589
Jacksonville, FL 32203
(904) 355-4401

Teresa Arnold-Simmons, Esq.
1 Independent Drive, Suite #1650
Jacksonville, FL 32202
(904) 354-5500

4. *Huckleby v. Masters*, Case No. 06-118-CA

In March 2011, in Nassau County, I presided over a two and one-half week personal injury trial arising from defendant’s logging truck’s collision with plaintiff’s vehicle after bypassing a regulatory check point to avoid fines. The jury returned a verdict in excess of \$30 million, the largest on record in Nassau County. The plaintiff suffered severe and complex brain damage and sought punitive damages.

Counsel for Plaintiff: Steve Pajcic, Esq.
Robert Link, Esq.
1 Independent Drive, Suite #1900
Jacksonville, FL 32202
(904) 358-8881

Counsel for Defendant: Eric Leach, Esq.
815 South Main Street, Suite #200
Jacksonville, FL 32207
(904) 346-3800

William Stone, Esq.
201 North Hogan Street, Suite #400
Jacksonville, FL 32202
(904) 493-3764

5. Carlton Dunes Condominium Association, Inc. v. Nassau Beach Development,
Case No. 06-27-CA

In 2006, Carlton Dunes Condominium Association, Inc. brought this construction defect case regarding 7 condominium buildings located on Amelia Island in Nassau County. Breach of contract, breach of statutory warranty, and violation of building code causes of action were alleged against more than 20 defendants including contractors, architects and sub-contractors. The sheer number of claims, cross-claims and defendants qualified the litigation as complex. Through active case management the matter was ultimately settled at mediation for undisclosed sums. Order supplied.

Counsel for Plaintiff: Adam G. Adams, III, Esq.
1 Independent Drive, Suite #1300
Jacksonville, FL 32202
(904) 359-8797

Counsel for Defendants: Denise Anderson, Esq.
777 South Harbor Island Boulevard, Suite 500
Tampa, FL 33602
(813) 281-1900

Lilburn R. Railey, III, Esq.
15 North Eola Drive
Orlando, FL 32801
(407) 648-9119

6. *Housing Assistance Corporation of Nassau County, Inc. v. Fernandina Beach, RRH Limited, et al.*, Case No. 05-556-CA

This case involved the alleged theft of a business opportunity to own and manage an affordable housing project for the benefit of Nassau County residents. The Housing Assistance Corporation (“HAC”) of Nassau County, Inc. had a contract to acquire the Countryside Apartments, an affordable housing apartment complex in Nassau County. Just prior to the closing, it was alleged that defendants conspired with a third party, enabling that party to buy the property from underneath HAC’s feet and take over HAC’s prearranged financing. The case was tried over the course of four days in 2009, and the jury returned a verdict in favor of HAC. Collection efforts continue.

Counsel for Plaintiff: Jennifer A. Mansfield, Esq.
50 North Laura Street, Suite #3900
Jacksonville, FL 32202
(904) 353-2000

Bryce Ackerman, Esq.
125 N.E. First Avenue, Suite #1
Ocala, FL 34470
(352) 732-8121

Counsel for Defendant: E. Lanny Russell, Esq.
225 Water Street, Suite #1800
Jacksonville, FL 32202
(904) 359-7700

7. *Carter v. Brown & Williamson Tobacco Corp.*, Case No. 95-00934-CA

In August 1996, in Duval County, I presided over the trial of a products liability case resulting in a \$750,000 verdict and judgment against a cigarette manufacturer. It was the first time a cigarette company had been held liable for damages to an individual claiming injury from a cigarette-related disease. The case presented complex questions regarding statutes of limitations and first impression federal preemption claims. The defendants appealed the verdict. It was overturned by the 1st District Court of Appeals, but its decision was quashed by the Florida Supreme Court. *Carter v. Brown and Williamson*, 728 So. 2d 344 (Fla. 1st DCA 1999), *rev'd*, 778 So. 2d 932 (Fla. 2000). Order supplied.

Counsel for Plaintiff: Woody Wilner, Esq.
444 East Duval Street, 3rd Floor
Jacksonville, FL 32202
(904) 446-9817

Counsel for Defendant: J.W. Pritchard, Jr., Esq.
9585 Waterford Road
Jacksonville, FL 32257
(904) 731-2147

8. *State v. Mummery*, Case No. 10-1017-CF

The defendant in this case, an 18-year-old female, was arrested in 2010 for burglary of a home while she was intoxicated. A screening at the Nassau County jail revealed the existence of mental illness. The defendant was referred to the Mental Health Court over which I preside by periodically reviewing participants' treatment and behavioral progress, rewarding achievements and sanctioning failures. The defendant graduated from the Court's supervised program after 20 months, prevailing over chronic depression, a suicide attempt, hospitalization, joblessness and inpatient treatment to eventually excel in treatment, educational goals and self esteem.

Counsel for Prosecution: Joseph S. Hamrick, Esq.
State Attorney's Office
76347 Veterans Way, Suite #2105
Yulee, FL 32097
(904) 548-4700

Counsel for Defendant: Christofer Anne Clayton, Esq.
Law Office of the Public Defender
4th Judicial Circuit
76347 Veterans Way, Suite #2065
Yulee, FL 32097
(904) 548-4750

9. *In the Interest of A.C.*, Case No. 06-293-CJ

In October 2006, 15-year-old A.C. came to the Court's attention in connection with a charge of battery on a public or private education employee. A.C. had experienced behavioral and cognitive problems as early as preschool and suffered physical and sexual abuse at a young age. It was eventually determined that A.C. was developmentally delayed and suffered from post-traumatic stress disorder, oppositional defiant disorder, and attention deficit hyperactivity disorder. It was determined that she was incompetent to stand trial for the offenses for which she had been detained, and the Department of Children and Families, Department of Juvenile Justice, and Agency for Persons with Disabilities seemed unable to fashion a course of treatment or means of protecting or providing for the child. Repeated hearings and requirements that agencies charged with the child's care fashion a means of addressing her unique and severe problems ultimately resulted in an appropriate group home placement. Order supplied.

Counsel for Prosecution: Donna G. Thurson, Esq.
State Attorney's Office
4th Judicial Circuit
220 East Bay Street
Jacksonville, FL 32202
(904) 630-2400

Counsel for Defendant: Tom Townsend, Esq.
Law Office of the Public Defender
76347 Veterans Way, Suite #2065
Yulee, FL 32097
(904) 548-4750

10. *City of Fernandina Beach v. McGill Aviation Corporation*, Case No. 04-394-CA

In 2005, the City of Fernandina Beach sought to evict its airport's fixed base operator, McGill Aviation, which claimed the city had breached its lease agreement by unilaterally taking portions of the premises leased to McGill Aviation. The litigation resulted in injunctive relief and a lengthy arbitration resulted in McGill Aviation maintaining its right to operate at the airport and an award of significant attorney's fees in its favor.

Counsel for Plaintiff: James W. Middleton, Esq.
50 North Laura Street, Suite #2600
Jacksonville, FL 32202
(904) 598-6100

Counsel for Defendant: Steve Durant, Esq.
6550 St. Augustine Road, Suite #105
Jacksonville, FL 32257
(904) 652-2600

- 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. *Mercer v. State of Florida*, Case No. 06-1-AP. Copy supplied.

Counsel for Appellant: Donna P. Levine, Esq.
324 Datura Street, Suite #145
West Palm Beach, FL 33401
(561) 820-8782

Counsel for Appellee: Eric C. Roberson, Esq.
Assistant State Attorney
Nassau County Judicial Annex
76347 Veterans Way
Yulee, FL 32097
(904) 548-4700

2. *White v. Shorstein and Plotkin*, Case No. 08-104-CA. Copy supplied.

Wesley F. White, Esq.
Assistant State Attorney
Nassau County Judicial Annex
Yulee, FL 32097
(904) 548-4700

Harry L. Shorstein, Esq.
6550 Saint Augustine Road, Suite #303
Jacksonville, FL 32217
(904) 642-3332

Jay Plotkin, Esq.
444 East Duval Street, 3rd Floor
Jacksonville, FL 32202
(904) 446-9817

3. *National Revenue Service, Inc. v. Smith*, Case No. 08-2-AP. Copy supplied.

Counsel for Appellant: Jeffrey H. Northcutt, Esq.
1814 Cedar River Drive
Jacksonville, FL 32210
(904) 982-7527

Appellee was Pro se

4. *Scott v. RDL Logistics, LLC and Livesay*, Case No. 08-414-CA. Copy supplied.

Counsel for Plaintiff: Clyde W. Davis, Esq.
960185 Gateway Boulevard, Suite #104
Fernandina Beach, FL 32034
(904) 261-2848

Counsel for Defendants: Arthur I. Jacobs, Esq.
961687 Gateway Boulevard, Suite #201-I
Fernandina Beach, FL 32034
(904) 261-3693

5. *Parr v. Butler*, Case No. 10-1-AP. Copy supplied.

Counsel for Appellant: Arthur I. Jacobs, Esq.
961687 Gateway Boulevard, Suite #201-I
Fernandina Beach, FL 32034
(904) 261-3693

Counsel for Appellee: Joshua K. Martin, Esq.
96191 Ridgewood Circle
Fernandina Beach, FL 32034
(904) 432-8333

6. *Richardson v. Somerset Apartments*, Case No. 10-2-AP. Copy supplied.

Neither party was represented by counsel

7. *Dehner v. State of Florida*, Case No. 11-2-AP. Copy supplied.

Counsel for Appellant: Curtis S. Fallgatter, Esq.
200 East Forsyth Street
Jacksonville, FL 32202
(904) 353-5800

Counsel for Appellee: Beverly Collins, Esq.
Assistant State Attorney
Office of the State Attorney
76347 Veterans Way, Suite #2105
Yulee, FL 32097
(904) 548-4700

8. *Hamilton v. Whip and Ryan Foods*, Case No. 02-24-CA, and *Johnson v. Whip and Ryan Foods*, Case No. 02-25-CA. Copy supplied in response to 13(c).

Counsel for Plaintiff: Eric S. Block, Esq.
6817 Southpoint Parkway, Suite #2502
Jacksonville, FL 32216
(904) 475-9400

Charles E. Earnhardt, Esq.
P.O. Box 411987
Melbourne, FL 32941
(321) 751-5585

Counsel for Defendant: L. Johnson Sarber, Esq.
P.O. Box 447

Jacksonville, FL 32201
(904) 398-0900

9. *Brown v. Lancaster*, Case No. 04-28-CA. Copy supplied.

Counsel for Plaintiff: Joseph M. Ripley, Jr., Esq.
Gerald S. Bettman, Esq.
5515 Phillips Highway
Jacksonville, FL 32207
(904) 737-5503

Counsel for Defendants: Daniel S. Brim, Esq.
P.O. Box 746
Fernandina Beach, FL 32035
(904) 261-6113

10. *Cawthorn v. State of Florida*, Case No. 04-2-AP. Copy supplied.

Counsel for Appellant: William Mallory Kent, Esq.
1932 Perry Place
Jacksonville, FL 32207
(904) 398-8000

Counsel for Appellee: Donna Gregory Thurson, Esq.
State Attorney's Office
220 East Bay Street
Jacksonville, FL 32202
(904) 630-2400

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

To the best of my knowledge, certiorari has not been requested from the Supreme Court of the United States in any of my 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.

Power v. Boyle, 60 So. 3d 496 (Fla. 1st DCA 2011). I held the facts adduced sufficient to establish the requisite two incidents of violence necessary to the issuance of an injunction against violence under § 784.046 Fla. Stat. (2010). The 1st DCA found the incidents involving neighbors were immature and uncivil, but did not constitute violence or stalking for purposes of the statute.

Nassau County v. Titcomb, 41 So. 3d 270 (Fla. 1st DCA 2010). Nassau county residents sued to stop the development of areas designated as wetlands. They asserted that they had standing to challenge the county water management's ruling that the area was uplands, not wetlands, and the ordinance approving its development because they enjoyed the natural resources at issue by fishing, boating, hiking, etc. They argued that the county's action was inconsistent with its Comprehensive Plan. I agreed with plaintiffs and struck down the ordinance. The 1st DCA affirmed my conclusion that plaintiffs had standing but reversed my order quashing the development ordinance, finding that the ordinance was consistent with the Comprehensive Plan which contemplated re-categorization. Order supplied.

M.M. v. State, 36 So. 3d 797 (Fla. 1st DCA 2010). Pursuant to § 812.025 Fla. Stat. (2009) the 1st DCA reversed my final order of adjudication and disposition in adjudicating a juvenile delinquent of the offenses of grand theft and dealing in stolen property arising from the same course of conduct.

Hogan v. Gray Gable, 30 So. 3d 573 (Fla. 1st DCA 2010). I presided over a jury trial that resulted in a verdict for the defense in this personal injury suit alleging injuries sustained from a dunking booth. The 1st DCA remanded for a new jury trial, finding that I erred in failing to determine if a dunking booth, the instrumentality of injury, was in substantially similar condition to its previous use where the absence of previous injury was a feature of the trial. Order supplied.

T.F. v. State, 20 So. 3d 988 (Fla. 1st DCA 2009). The 1st DCA remanded for further proceedings my acceptance of a juvenile's plea of guilty, finding an insufficient record to determine its voluntariness.

Fashingbauer v. Fashingbauer, 19 So. 3d 401 (Fla. 1st DCA 2009). The 1st DCA affirmed in part and reversed in part the final judgment for dissolution of marriage I entered in this case. The DCA disagreed with the treatment of one beach lot as marital property, finding that the parties' use of marital funds to pay taxes on the lot did not convert it into a marital asset. Order supplied.

Haddock v. Carmody, 1 So. 3d 1133 (Fla. 1st DCA 2009). I found that Florida Statutes § 196.061 (2005) was unconstitutional as applied to plaintiffs because it deprived them of their homestead tax exemption, and that plaintiffs were entitled to exemption. The 1st DCA reversed both findings.

State v. D.A.G., 995 So. 2d 601 (Fla. 1st DCA 2008). My order vacating a juvenile's eight and a half year old adjudication as void was reversed by the 1st DCA because it held the motion to vacate was untimely.

J.W.J. v. State, 994 So. 2d 1223 (Fla. 1st DCA 2008). The 1st DCA affirmed my adjudication of delinquency for felony charges, and affirmed in part and reversed in part my imposition of certain special conditions of probation.

Strassner v. Strassner, 982 So. 2d 1224 (Fla. 1st DCA 2008). The 1st DCA reversed and remanded for further proceedings my decision to impute minimum wage to a former wife in calculating her child support obligation because of my failure to also find the actual ability to earn said sum and a deliberate refusal to work on the former wife's part. Order supplied.

Craig v. Craig, 982 So. 2d 724 (Fla. 1st DCA 2008). The 1st DCA reversed that portion of my final judgment for dissolution of marriage dealing with equitable distribution because it found that there was no evidence to support the finding that the subject land could be subdivided and sold for the prices assumed. Order supplied.

Jones v. Atkinson, 974 So. 2d 573 (Fla. 1st DCA 2008). I presided over a jury trial in this automobile injury case that resulted in a verdict apportioning liability evenly between the parties. I granted plaintiff's motion for new trial based on the compromise verdict. The 1st DCA reversed, finding that the issues at trial were "hotly contested" and disagreed with my finding that the record was "devoid of significant evidence" of the plaintiff's negligence. Order supplied.

M.S.G. III v. State, 971 So. 2d 273 (Fla. 1st DCA 2008). The 1st DCA upheld the Court's finding that a juvenile engaged in an affray, but reversed the Court's finding that the juvenile had deliberately disrupted a school function because there was no evidence that he acted with deliberate intent.

W.W. Plastering v. Chisholm Construction, Inc., 898 So. 2d 276 (Fla. 1st DCA 2005). The 1st DCA reversed my award of attorney's fees to defendants, finding that an initial motion for fees made in connection with an earlier action that was voluntarily dismissed could not carry forward to a new case filed by the same plaintiff seeking to foreclose a mechanic's lien. Order supplied.

State Dept. of Transportation v. Nassau Partners Limited, 878 So. 2d 1286 (Fla. 1st DCA 2004). I awarded costs to the landowner in an eminent domain case. The 1st DCA affirmed my order with respect to the landowner's entitlement to fees, but remanded for additional "specific findings" as a matter of first impression regarding the necessity of hours expended and reasonableness of rate. Order supplied.

Martin v. Wilcox, 876 So. 2d 695 (Fla. 1st DCA 2004). The 1st DCA required on remand that I consider the merits of a landowner's motion attacking a settlement agreement after the entry of an order approving the agreement where, pursuant to the agreement, the landowner had reserved the right to collaterally attack the agreement within 60 days. Order supplied.

K.S. v. State, 840 So. 2d 1116 (Fla. 1st DCA 2003). I adjudicated the juvenile guilty of trespassing in a park. The 1st DCA reversed, finding that no evidence of willfulness or notice had been presented.

Brown & Williamson Tobacco Corp. v. Carter, 723 So. 2d 833 (Fla. 1st DCA 1998). The 1st DCA reversed the jury's verdict and remanded the case with instructions that it be dismissed because the claim was barred by the statute of limitations, trial evidence was preempted by the federal cigarette labeling and advertising act and plaintiffs were allowed to proceed on an unpleaded claim. The Florida Supreme Court quashed the 1st DCA's decision and sustained the jury's verdict. *See Carter v. Brown and Williamson Tobacco Court*, 778 So. 2d 932 (Fla. 2000). Order supplied in response to Question 13(c).

A.S. v. State, 763 So. 2d 1216 (Fla. 1st DCA 2000). I conducted a disposition hearing for a high risk juvenile. The juvenile's mother was not present for the hearing. The 1st DCA required a new disposition hearing because there was no evidence that the juvenile's mother had received proper notice of the hearing.

A.B. v. State, 763 So. 2d 1218 (Fla. 1st DCA 2000). The 1st DCA reversed my adjudication of delinquency and order of high-risk commitment and remanded for further proceedings, finding that I had erred in denying the child's motion to withdraw his guilty plea.

S.D.W. v. State, 746 So. 2d 1232 (Fla. 1st DCA 1999). I found the juvenile guilty of one count of battery on a school board official and one count of battery. The 1st DCA affirmed the conviction of battery on a school official but overturned the conviction for battery because it found there was no evidence that the juvenile had intended to kick anyone during the second incident. The court also remanded with instructions to conform the written order with my oral pronouncements at sentencing.

Keiser v. Old Line Ins. Co. of Am., 735 So. 2d 612 (Fla. 1st DCA 1999). My order awarding attorney's fees was reversed in the absence of a transcript and sufficient factual findings regarding the reasonableness of hours expended and rates charged.

Russ v. City of Jacksonville, 734 So. 2d 508 (Fla. 1st DCA 1998). I presided over a false arrest trial in which a verdict was returned for the defendant. The 1st DCA reversed and remanded for a new trial, holding that I had the authority to vacate or modify an interlocutory ruling of a predecessor judge and that certain impeachment evidence should have been admitted.

Brown & Williamson Tobacco Corp. v. Carter, 728 So. 2d 344 (Fla. 1st DCA 1999). The 1st DCA found the question of attorney's fees to be moot in light of its decision on the merits in *Brown & Williamson Tobacco Corp. v. Carter*, 723 So. 2d 833 (Fla. 1st DCA 1998). However, its ruling on the merits was reversed.

See Carter v. Brown & Williamson Tobacco Corp., 778 So. 2d 932 (Fla. 2000). Order supplied.

Boone v. Mastroianni, 709 So. 2d 192 (Fla. 1st DCA 1998). The 1st DCA issued a per curiam reversal based on *Smith v. Welton*, 710 So. 2d 135 (Fla. 1st DCA 1998), which held that Florida's statute authorizing property appraisers to adjust assessment values violated protections afforded homestead properties by Florida's constitution. *Smith* and *Boone* were consolidated before the Florida Supreme Court, which held that the appraisers lacked authority under the statute to retroactively adjust the assessments, and thus affirmed only the result of the 1st DCA's opinion. *Smith v. Welton*, 729 So. 2d 371 (Fla. 1999). Order supplied.

Maersk Line Limited v. Weaver, 708 So. 2d 347 (Fla. 1st DCA 1998). The 1st DCA required the dismissal of a complaint for failing to state a cause of action for the tort of outrageous conduct causing severe emotional distress and found as a result that the Court did not have personal jurisdiction over the foreign defendant. Order supplied.

Boney v. Collier Custom Homes, Inc., 694 So. 2d 52 (Fla. 1st DCA 1997). The 1st DCA, per curiam, remanded for further proceedings following the reversal of my order to dismiss the case. Order supplied.

Wetzel v. Wetzel, 671 So. 2d 234 (Fla. 1st DCA 1996). The 1st DCA remanded the final judgment of dissolution of marriage and directed the parties to present additional evidence so that the Court could make factual findings supporting the award of rehabilitative alimony and equitable distribution. Order supplied.

Irwin v. Perryman, 666 So. 2d 959 (Fla. 1st DCA 1996). Upon confession of error, the 1st DCA reversed and remanded my order regarding the former husband's child support obligation so as to deduct from gross income state income tax paid, and required the Court to conform its order regarding the length of child support payment to Florida Statutes § 743.07 (1993). Order 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.

As a member of a trial level court, the decisions I issue result in unpublished orders and judgments. Those orders and judgments that I have personally written are stored in my computer in a directory for each type of case (civil, juvenile or family) and filed with the Clerk of Court. The orders and judgments that were not written by me, but which were submitted by the parties for my review and execution, are filed in the Court file which is maintained by the Clerk of Court.

- 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 authored no significant opinions on federal or state constitutional issues.

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

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

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

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

Our jurisdiction does not have an "automatic" recusal system. Florida Rule of Judicial Administration 2.160(e) provides that a motion to recuse must be filed within a reasonable time not to exceed 10 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 facts, if true, would warrant recusal.

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

Amelia Island Plantation Community Association, Inc. v. Pollock, Case No. 03-109-CA. A Motion to Disqualify was filed by the defendant alleging scheduling difficulties, a previous association with opposing counsel, a *sua sponte* ruling and a suggestion that the

Court had predetermined the outcome of the case. In determining whether to recuse myself, I asked whether I could set aside the emotions raised by the aspersions cast and concluded in fairness to the defendant that I could not. The baselessness of the motion and the defendant's status as a former judicial officer compelled me to refer her conduct to the Florida Bar Association for investigation. The defendant was sanctioned by the Florida Bar Association.

Morgan v. Morgan and Morgan v. Nelson, Case Nos. 03-935-CA and 05-39-CA. I recused myself voluntarily on this matter because of my friendship with all of the parties.

Carswell v. Adams, Case No. 06-420-CA. I recused myself *sua sponte* in this matter because of my friendship with the decedent and his family.

TAMA Radio Licenses of Jacksonville v. D.B. Zwirn Special Opportunities Fund, Case No. 08-75-CA. I recused myself *sua sponte* from this matter in light of my friendship with plaintiff's counsel.

Dawkins v. Stiles, Case No. 09-616-CA. I initially denied a motion to recuse filed by the plaintiff in this matter as legally insufficient. After further reflection on the nature of the controversy and the fact of the Court's residency within the community from which the cause of action arose – a reason different from that alleged in the plaintiff's motion – I recused myself.

First Union National Bank v. McCormick, Case No. 04-4-AP. I recused myself from the appeal in this case because it was my order being appealed.

Lewis v. Green, Case No. 05-1-AP. I recused myself from this matter because it was my order that was the subject of the appeal.

Destrez v. Air France, Case No. 05-153-CC. I recused myself from this matter because it was my order that was the subject of the appeal.

BAC Home Loans Servicing v. Austin, Case No. 09-1154-CA. I recused myself from this cause of action because I was a personal friend and neighbor of the defendants.

Baker v. Futch, Case No. 06-728-DR, *Wyche v. Futch*, Case No. 06-729-DR, *Doyle v. Futch*, Case No. 06-733-DR, *Futch v. Baker*, Case No. 06-746-DR, and *Futch v. Baker*, Case No. 06-747-DR. I recused myself in this case upon the pro se movant's request because although untrue, movant's factual allegations (taken as true, as required by Florida rule) would have prompted a reasonable and prudent person to fear an inability to get a fair and impartial trial.

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 served as an Assistant State Attorney from 1982 to 1988. I was appointed by State Attorney Ed Austin (deceased). I also served as Chief Assistant State Attorney from 1991 to 1994. I was appointed by State Attorney Harry Shorstein.

- 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.

I served as a volunteer in the 1986 campaign of Governor Bob Graham for the United States Senate. I was responsible for helping to get out the vote.

I served as a volunteer in the 1991 campaign of former State Attorney Ed Austin for Mayor of the City of Jacksonville. I was responsible for helping to get out the vote.

In 2000 and 2006, I ran unopposed for and was elected to the Circuit Court 4th Judicial Circuit Court bench.

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 clerk to a judge.

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

I have never practiced law 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.

1980 – 1982

Mahoney, Hadlow and Adams, P.A.

Barnett Bank Building

Jacksonville, Florida 32202
Associate

1982 – 1988
State Attorney's Office
4th Judicial Circuit
220 East Bay Street
Jacksonville, Florida 32202
Assistant State Attorney

1988 – 1991
Terrell Hogan (formerly known as Brown, Terrell, Hogan, Ellis,
McClamma, Yegelwel and Davis; Brown, Terrell, Hogan, Ellis,
McClamma and Yegelwel)
Blackstone Building, Suite 804
233 East Bay Street
Jacksonville, Florida 32202
Partner (1991)
Associate (1988 – 1991)

1991 – 1994
State Attorney's Office
4th Judicial Circuit
220 East Bay Street
Jacksonville, Florida 32202
Chief Assistant State 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.

b. Describe:

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

I began my practice of law in September 1980 as an associate attorney at Mahoney, Hadlow and Adams, P.A. I was a member of the labor law division. My primary responsibility was research and litigation support for senior partners.

Beginning in March 1982, I practiced criminal law as a prosecutor in the State Attorney's Office. My responsibilities ranged from the decision to

charge through the trial of defendants for misdemeanor and felony offenses.

In 1988, I became an associate attorney at Brown, Terrell, Hogan, Ellis, McClamma and Yegelwel, a 6-person civil litigation law firm. As an associate attorney I managed a caseload that included various tort actions at various stages of litigation. I was typically responsible for client intake, case investigation, witness development and preparation, discovery practice, motion practice, and both jury and non-jury trials. By May 1991, I was offered a partnership in the firm.

In July 1991, I accepted an appointment as Chief Assistant State Attorney and again practiced criminal law with the same, though diminished, individual case responsibility but enhanced supervisory responsibilities for approximately 60 attorneys.

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

At Mahoney, Hadlow and Adams, P.A., my labor law practice was primarily on behalf of management. Typical clients included business, banking and manufacturing interests.

During my first term of service in the State Attorney's Office, the State of Florida was my client and I typically worked closely with citizen victims of crime. During that time, I specialized in economic crime, consumer fraud, homicide, sexual battery and juvenile prosecutions.

As an associate attorney with Brown, Terrell, Hogan, Ellis, McClamma and Yegelwel, clients were typically plaintiffs seeking monetary damages for a variety of torts including personal injury, medical malpractice and wrongful death.

Finally, as Chief Assistant State Attorney I once again represented the State of Florida. I was involved in supervising the various prosecutorial and administrative responsibilities of the office. I also assisted the State Attorney in the development of office policy and procedures.

- 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.

I have regularly appeared in court for clients. As an associate attorney, early in my practice, such appearances were rare. As an Assistant State Attorney my appearances in court were almost daily. When I returned to private practice and

as Chief Assistant State Attorney, the frequency of appearances decreased, but was still regular.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | ≥1% |
| 2. state courts of record: | 99% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 50% |
| 2. criminal proceedings: | 50% |

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.

As an attorney, I tried approximately 70 cases to verdict or judgment. In 75% of these I was either lead or sole counsel.

i. What percentage of these trials were:

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

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

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

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:

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

1. *State of Florida v. Cummings*, Case No. 86-785-CF

In September 1986, in Duval County, I was chief trial counsel for the State of Florida in this armed robbery prosecution before the Honorable Louis Safer, 4th Judicial Circuit Court. The case was significant because of the defendant's previous acquittal of a related robbery and the defendant's habitual offender status. I gave the opening statement, presented and cross-examined witnesses and argued in closing against defendant's contention of misidentification. The defendant was found guilty as charged.

Counsel for Defendant: Michael Edwards, Esq.
218 East Ashley Street
Jacksonville, FL 32202
(904) 350-9800

2. *State of Florida v. Roberts*, Case No. 87-2600-CF

In September 1987, in Duval County, I was chief trial counsel for the State of Florida in this murder prosecution before the Honorable William Wilkes, 4th Judicial Circuit Court. The case involved a domestic violence decapitation. I gave the opening statement, presented and cross-examined witnesses and argued in closing against defendant's contention of misidentification. The defendant was found guilty.

Counsel for Defendant: Alan Chipperfield, Esq.
Office of the Public Defender
35 North Main Street
Gainesville, FL 32601
(352) 338-7375

3. *State of Florida v. Braddy*, Case No. 87-43583-CF

In October 1987, I was chief trial counsel in this second degree murder prosecution before the Honorable L. Page Haddock, 4th Judicial Circuit Court. The case involved the domestic violence shooting of the victim in the back. The proffered defense was that the gun accidentally discharged. I gave the opening statement, presented fact and expert witnesses, and argued in summation. The defendant was found guilty as charged.

Counsel for Defendant: Alan Chipperfield, Esq.
Office of the Public Defender
25 North Main Street
Gainesville, FL 32601
(352) 338-7375

4. *Simpson v. The Celotex Corporation, et al.*, Case No. 87-15087-CA

In December 1988, I was trial co-counsel for the plaintiff in the negligence civil conspiracy and strict liability trial against an asbestos manufacturer before the Honorable A. C. Soud, Jr., 4th Judicial Circuit Court. I gave an opening statement, presented fact and expert witnesses and argued in summation. The claims of five separate plaintiffs were tried before a single jury. The jury returned four damage awards.

Co-counsel for Plaintiff: Wayne Hogan, Esq.
Evan Yegelwel, Esq.
233 East Bay Street, 8th Floor
Jacksonville, FL 32202
(904) 632-2424

Counsel for Defendant: Frank Perritt, Esq.
945 Arbor Lane
Jacksonville, FL 32207
(904) 396-2487

William Burns, Esq.
1 Independent Drive, Suite #1900
Jacksonville, FL 32202
(904) 358-8881

5. *Johnson v. Carney & Sons Trucking Services, Inc.*, Case No. 88-14815-CA

In July 1989, in Duval County, I was trial co-counsel for plaintiff in a negligence action against an asphalt trucking company before the Honorable Lawrence Fay, 4th Judicial Circuit Court. The case involved the company's failure to supervise and investigate the habitual traffic offender status of its at-fault driver. I offered expert and fact witness testimony. A verdict of \$325,000 was returned.

Co-counsel for Plaintiff: Jim Terrell, Esq.
233 East Bay Street, 8th Floor
Jacksonville, FL 32202
(904) 632-2424.

Counsel for Defendant: Hal Catlin, Esq.
1792 Lake Miona Drive
The Villages, Florida, 32162
(352) 391-1970

6. *Edenfield v. W. W. Gay Mechanical Contractors, Inc.*, Case No. 86-9574-CA

In April 1990, in Duval County, I was chief trial counsel for plaintiff in a negligence action before the Honorable Lawrence D. Fay, 4th Judicial Circuit Court. The case

involved engineering and immunity issues regarding a subcontractor, and disabling burns suffered by the plaintiff. I offered an opening statement, presented fact and expert witnesses, cross-examined defense witnesses and presented the closing argument. The jury returned a verdict of \$225,000.

Co-counsel for Plaintiff: Jim Terrell, Esq.
233 East Bay Street, 8th Floor
Jacksonville, FL 32202
(904) 632-2424

Counsel for Defendant: Bruce Bullock, Esq.
5515 Phillips Highway, Suite #2
Jacksonville, FL 32207
(904) 731-0535

7. *Powell v. State of Florida*, Case No. 85-2659

In July 1990, in Hillsborough County, I was trial co-counsel for plaintiff in a negligence action before the Honorable J. Rogers Padgett, 13th Judicial Circuit Court. The suit was against the Hillsborough County State Attorney's Office for failing to protect an estranged wife horribly burned by her husband against whom she was to testify for the State. I examined prosecutors and made opening and closing arguments. The jury returned a \$2.3 million verdict, which was reversed on appeal, *Powell v. State*, 586 So. 2d 1180 (Fla. 2nd DCA 1991).

Co-counsel for Plaintiff: James D. Clark, Esq.
101 South Franklin Street
Tampa, FL 33602
(813) 250-0608

Counsel for Defendant: David McClain, Esq.
320 West Kennedy Boulevard, Suite #600
Tampa, FL 33606
(813) 221-1331

Pamela Lutton, Esq.
Attorney General's Office
400 South Monroe Street, #PL-01
Tallahassee, FL 32399
(850) 414-3300

8. *Holland v. Jacksonville Apartment Associates, Ltd., et al.*, Case No. 89-10275-CA

In August 1991, in Duval County, I was trial co-counsel for plaintiff in a premises liability trial against apartment owners before the Honorable Charles Mitchell, 4th Judicial Circuit Court. The case involved the provision of inadequate security for tenants

and the plaintiff, who was raped by an intruder, despite knowledge of increasing neighborhood crime. I prepared the plaintiff and fact and expert witnesses for trial and assisted in the cross-examination of defense witnesses. The jury returned a verdict in excess of \$1 million.

Co-counsel for Plaintiff: Jim Terrell, Esq.
233 East Bay Street, 8th Floor
Jacksonville, FL 32202
(904) 632-2424

Annette Ritter, Esq.
7936 Fallon Oaks Lane
Jacksonville, FL 32277
(904) 744-7391

Counsel for Defendant: R. J. Inman, Esq.
2252 Gulf Life Tower
Jacksonville, FL 32202
(904) 396-2537

Noah Jenerette, Esq.
231 East Adams Street
Jacksonville, FL 32202
(904) 353-6241

David Etheridge, Esq.
225 Water Street
Jacksonville, FL 32202
(904) 355-4401

9. *State of Florida v. Parker*, Case No. 90-12598-CF

In March 1993, in Duval County, I was trial co-counsel for the State of Florida in this felony murder trial before the Honorable Alban E. Brooke, 4th Judicial Circuit Court. The case presented a difficult causation issue arising from the death of an elderly citizen during a purse snatching by a habitual offender. The jury had to decide whether death resulted from the minimal force and emotional trauma associated with the purse's snatching or natural causes. I prepared and presented the victim's testimony, expert witnesses and gave a closing argument. The defendant was found guilty.

Co-counsel for Plaintiff: Michael S. Tyde, Esq.
4004 Atlantic Boulevard
Jacksonville, FL 32207
(904) 398-2212

Counsel for Defendant: Charlie Adams
610 Blodgetts Lane
Jacksonville, FL 32206
(904) 751-2939

10. *State of Florida v. Sutton*, Case No. 93-4386-CF

In September 1993, in Duval County, I was chief trial counsel for the State of Florida in this attempted first degree murder prosecution before the Honorable Hudson Oliff, 4th Judicial Circuit Court. A co-defendant was simultaneously tried by a second jury and the crime involved the attempted killing of an 11-year-old in his mother's presence. I prepared and presented witnesses, gave the opening statement, and cross-examined witnesses. The defendant was found guilty.

Co-counsel for Plaintiff: Bernie de La Rionda, Esq.
State Attorney's Office
220 East Bay Street
Jacksonville, FL 32202
(904) 630-2400

Counsel for Defendant: Charlie Adams, Esq.
610 Blodgetts Lane
Jacksonville, FL 32206
(904) 751-2939

Refik Eler, Esq.
Office of the Public Defender
25 North Market Street
Jacksonville, FL 32202
(904) 630-1530

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In re: The Death of Alexander

In September 1983, I was co-counsel to the Grand Jury, State of Florida, Duval County, investigating the police shooting death of Alexander. This was significant in that the investigation occurred in a highly charged context imbued with allegations of racial prejudice. The Grand Jury found the shooting justified as it occurred during a struggle over the officer's gun by a motorcyclist fleeing a traffic violation.

In re: Report of the Grand Jury

In June 1992, I was co-counsel to the Grand Jury, State of Florida, Duval County, investigating the death of U.S. Navy Petty Officer First Class Smith. Petty Officer Smith died when his vehicle careened into the St. Johns River from the open middle span of the Main Street Bridge, which carried no warning lights, sirens, traffic arms or safety barriers. A highly critical presentment resulted in the Department of Transportation remedying the defects, and reorganizing its structure and procedures regarding vehicular and pedestrian safety on the bridge.

In re the Death of Smith

In March 1993, I was counsel to the Grand Jury, State of Florida, Nassau County, investigating the police shooting death of a mentally ill United States Navy Seal. While the Grand Jury did not find criminal liability, its presentment severely criticized the Nassau County Sheriff's Office and recommended sweeping changes in its operation as it relates to crisis management.

Drug Court and Mental Health Court

As Chief Assistant State Attorney I was instrumental, with State Attorney, Harry Shorstein, in establishing the first drug court in the 4th Judicial Circuit in 1992. Later I had the privilege from the bench of presiding over the court in Duval County and establishing the Circuit's first Juvenile Drug Court in 1997. In 2007, I established the first Mental Health Court in the Circuit in Nassau County, over which I have continuously presided.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

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

I have no financial or business interests from which I might expect to be compensated in the future. I do participate in the Florida Retirement System and maintain a vested benefit therein payable monthly upon attaining normal retirement age. I also anticipate receiving income through the State of Florida's Deferred Compensation Plan established under Internal Revenue Code 457.

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.

If I am confirmed, I have no plans, commitment, 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.

If confirmed, I will adhere to the Code of Conduct for United States Judges and other applicable authority regarding the conflicts of interest and recuse myself accordingly. I am not aware of any potential conflicts of interest presently.

- 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 intend to be guided by the Code of Conduct for United States Judges in resolving any conflicts of interest that might arise.

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.

Florida's Canons of Judicial Conduct prohibit judges from practicing law. Accordingly, during all of my judicial career I have chosen to serve the disadvantaged by serving in leadership roles with organizations whose missions were concerned with the varied needs

of the disadvantaged. Similar ethical considerations prevented my representation of disadvantaged clients while serving as a prosecutor early on in my career.

In private practice I provided pro bono representation through the Jacksonville Legal Aid Association and offered legal advice to non-profit organizations serving the disadvantaged as a board member. I currently devote several hours each week to organizations whose agendas impact the disadvantaged of my community.

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 June 4, 2009, I submitted an application to the Florida Federal Judicial Nominating Commission. On July 21, 2009, I interviewed with the Middle District Conference of the Judicial Nominating Commission in Orlando, Florida, and was notified by the Commission that my name, along with two others, was being submitted to Senators Nelson and Martinez. In August 2009, I interviewed with Senator Nelson and Senator Martinez at Senator Nelson's Orlando office. Subsequently, Senator Nelson notified me that he was submitting my name, along with two others, to the White House for consideration in connection with the nomination. I was not nominated at that time.

On June 14, 2011, I submitted an application to the Florida Federal Judicial Nominating Commission in connection with the current vacancy. On August 4, 2011, I interviewed with the Middle District Conference of the Judicial Nominating Commission in Orlando, and was notified by the Judicial Nominating Commission that my name, along with three others, was being submitted to Senators Nelson and Rubio. On October 12, 2011, I interviewed with Senator Nelson and Senator Rubio in their Washington, DC offices. Both Senators advised me they were submitting my name, along with three others, to the White House for consideration in connection with the nomination. Since November 2, 2011, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On December 7, 2011, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, D.C. On February 29, 2012, 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. On November 10, 2011, I was contacted by Jeffrey Barber of the Department of Justice regarding my cooperation with FBI processes associated with the pre-nomination process.

No.

AFFIDAVIT

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

March 1, 2012

(DATE)

Brian Jordan Davis

(NAME)



KAREN J. LOCKETT
Notary Public, State of Florida
My Comm. Expires Sept. 27, 2014
Commission No. EE 19444

Karen J. Lockett
3/1/12

(NOTARY)



CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT OF FLORIDA

BRIAN J. DAVIS
CIRCUIT JUDGE

NASSAU COUNTY COURTHOUSE
FERNANDINA BEACH, FLORIDA 32034
TELEPHONE: (904) 491-7275
FAX: (904) 491-2051

January 7, 2013

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire I previously filed in connection with my nomination on February 29, 2012, to be United States District Judge for the Middle District of Florida. Incorporating the additional information listed below, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

Q.12.b. - Reports, Memoranda or Policy Statements

In re Implementation of Judicial Branch Governance Study Group Recommendations – Amendments to the Florida Rules of Judicial Administration (No. SC11-1374), February 9, 2012. Copy supplied.

Q.12d. - Public Speaking Events

July 23, 2012: Questionnaires and Resumes from Circuit Court Group 1 Circuit Court race in which I sought re-election. Copy supplied (my responses begin at page 5 of the document).

In connection with my contested re-election to the circuit court bench, between June and September, 2012, I participated in non-partisan forums organized by various groups (rotaries, bar associations, community groups) for judicial candidates. I and other candidates answered questions posed about our qualifications for office (requested written response samples supplied). I did so without notes and I am not aware of any transcripts or recordings of the events.

Q.13.a. - Cases I have presided over that have gone to verdict or judgment

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Q.13.f. - Reversals

Therriault v. Therriault, _____ So.3d _____, 2012 WL 6098019 (Fla. App. 1 Dist. Dec. 10, 2012). My decision to award periodic permanent alimony was upheld, but my decision to require the husband to maintain life insurance was reversed and remanded because I failed to make findings of fact regarding the availability and cost of life insurance.

Q.14. - Recusal

Croxton v. Croxton, Case No. 11-1207-DR. I recused myself from this cause of action because of my kinship with the wife's counsel.

Lukacs v. Lukacs, Case No. 07-627-DR. I recused myself from this cause of action because the husband's political opposition to my contested judicial race created an unavoidable appearance of bias.

Q.15.a. - Public Office, Political Activities and Affiliations

In 2012, with opposition I was re-elected to the Circuit Court 4th Judicial Circuit Bench.

I also am forwarding an updated net worth statement and financial disclosure report as requested in the questionnaire. I thank the committee for its consideration of my nomination.

Sincerely,

Brian J. Davis

Enclosures

cc: The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

--- So.3d ----, 2012 WL 399878 (Fla.), 37 Fla. L. Weekly S82
(Cite as: 2012 WL 399878 (Fla.))

Editor's Note: Additions are indicated by Text
and deletions by ~~Text~~.

NOTICE: THIS OPINION HAS NOT BEEN RE-
LEASED FOR PUBLICATION IN THE PERMA-
NENT LAW REPORTS. UNTIL RELEASED, IT IS
SUBJECT TO REVISION OR WITHDRAWAL.

Supreme Court of Florida.
In re IMPLEMENTATION OF JUDICIAL BRANCH
GOVERNANCE STUDY GROUP RECOMMEN-
DATIONS—AMENDMENTS TO the FLORIDA
RULES OF JUDICIAL ADMINISTRATION.

No. SC11-1374.
Feb. 9, 2012.

John F. Harkness, Jr., Executive Director, The Florida
Bar, Tallahassee, FL, and Keith H. Park, Chair, Judi-
cial Administration Committee, West Palm Beach,
FL, for Petitioner.

PER CURIAM.

*1 The Court, on its own motion, amends the Florida Rules of Judicial Administration in response to recommendations of the Judicial Branch Governance Study Group (Study Group).^{FN1} The amendments, most of which were suggested by the Study Group and some of which have been modified or added by the Court, are intended to strengthen the governance and policy development structures of the Florida judicial branch, improve the effective and efficient management of the branch, and enhance communication within the branch. These refinements will enable the judicial branch to better fulfill its mission to protect rights and liberties, uphold and interpret the law, and provide for peaceful resolution of disputes, and achieve its vision of accessible, fair, effective, responsive, and accountable courts, as stated in the branch's long-range strategic plan.^{FN2}

BACKGROUND

In October 2009, after the Court approved the current long-range strategic plan for the Florida judicial branch,^{FN3} then Chief Justice Peggy Quince established the Judicial Branch Governance Study Group.^{FN4} The Study Group^{FN5} was charged with

undertaking an in-depth study of the current governance system of the Florida judicial branch.^{FN6} The Study Group was tasked with (1) examining the structure and functions and assessing the efficacy and efficiency of the current governance system, (2) making recommendations to improve the governance of the branch, and (3) suggesting changes to the present governance system that will improve the effective and efficient management of the branch.^{FN7} The National Center for State Courts assisted the Study Group with its work and provided the group with a report of research results,^{FN8} findings, and conclusions^{FN9} that served as the foundation for many of the group's recommendations.

In January 2011, the Study Group submitted its comprehensive final report, with recommendations the group determined will advance improvements in the governance of the branch.^{FN10} The recommendations focus on such areas as (1) the role and responsibilities of this Court and the roles, responsibilities, terms, and selection of the Chief Justice and chief judges of the appellate and trial courts; (2) the role of the Office of the State Courts Administrator; (3) the role and structure of the Judicial Management Council; (4) the authority of the conferences of judges; (5) communication within the branch; and (6) legislative advocacy on behalf of the branch. The recommendations include a number of suggested changes to Part II (State Court Administration) of the Rules of Judicial Administration.^{FN11} After considering the Study Group's report and recommendations, we adopt many of the rule changes as suggested, adopt some suggested changes with modifications, and adopt other rule changes on our own motion. The more significant rule amendments are discussed below.

AMENDMENTS

Rule 2.205 (The Supreme Court):

First, we amend subdivision (a) (Internal Government) of rule 2.205 to clarify the leadership roles of this Court and the Chief Justice and to address the selection and term of the Chief Justice. Subdivision (a)(1) addresses the exercise of this Court's powers and jurisdiction. We amend subdivision (a)(1)(A), as suggested by the Study Group, to recognize that this Court establishes policy for the judicial branch. Consistent with the Court's policy-making authority, in-

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cluding recommending state budget and compensation priorities for the judicial branch, subdivision (a)(1)(B) is added to prohibit any judge or supreme court created body, or any conference of judges from recommending to the legislative or executive branch state budget priorities, including compensation and benefits, that have not been approved by the Court. The subdivision does not apply to judges expressing their personal views who affirmatively make it explicitly clear that they are not speaking on behalf of the judicial branch.

*2 We add new subdivision (a)(1)(C) to rule 2.205 to require that newly created judicial branch commissions, committees, task forces, work groups, and similar study or advisory groups be established by the Court, not solely by the Chief Justice. The new subdivision also clarifies that the Court will use existing committees or commissions to address long-term issues.^{FN12} When practicable, the Court will establish ad hoc committees or advisory groups to address specific problems under the umbrella of an existing committee or commission.

Subdivision (a)(2) of rule 2.205, which addresses the selection, term, and authority of the Chief Justice, is amended to strengthen the Chief Justice's leadership role and allow for needed continuity in leadership. We modify the suggested amendment to subdivision (a)(2)(A) to allow the Chief Justice to serve successive two-year terms, not to exceed a total of eight years. As suggested by the Study Group, we further amend that subdivision to provide that the Chief Justice should be selected based on managerial, administrative, and leadership abilities, without regard solely to seniority and that the Chief Justice may be removed by a vote of four justices. Subdivision (a)(2)(B) is amended to enhance the Chief Justice's authority. As modified by the Court, the amendment provides that the Chief Justice is the administrative officer of the judicial branch and of the Supreme Court and is responsible for the dispatch of the business of the branch and of the Court and for directing the implementation of policies and priorities, as determined by the Supreme Court for the operation of the branch and of the Court. As suggested by the Study Group, the following are added to the Chief Justice's enumerated powers and responsibilities: (1) the responsibility to serve as the primary spokesperson for the judicial branch regarding policies and practices that have statewide impact; (2) the authority to directly inform all judges on a

regular basis on the state of the judiciary, the state of the budget, issues of importance, priorities and other matters of statewide interest, and the responsibility to routinely communicate with the chief judges and leaders of the district, circuit, and county court conferences; and (3) the responsibility to exercise reasonable efforts to promote and encourage diversity in the administration of justice.

To promote communication within the branch, new subdivision (a)(2)(E) is added, as suggested by the Study Group, to provide that the Chief Justice shall meet on a regular basis with the chief judges of the district courts and the circuit courts to discuss and provide feedback for implementation of policies and practices that have statewide impact. We add the requirement that where practicable the justices of this Court should be included in the meetings. To further enhance communication, subdivision (e)(2) of rule 2.205 is amended, as suggested by the Study Group, to add to the State Courts Administrator's duties the responsibility to inform the judiciary of the state courts system's final budget request and any proposed substantive law changes approved by the Supreme Court.

Rule 2.210 (District Courts of Appeal); Rule 2.215 (Trial Court Administration):

*3 The amendments to rules 2.210(a)(2) (District Courts of Appeal; Chief Judge) and 2.215(b) (Trial Court Administration; Chief Judge) strengthen the leadership role of the chief judges of the district courts and trial courts. The amendments are designed to provide the chief judges with clear authority to direct judges to adhere to court and judicial branch policies and administrative plans and to achieve greater administrative consistency.^{FN13}

Rules 2.210(a)(2) (district court chief judge) and 2.215(b)(1) (trial court chief judge) are amended, as suggested by the Study Group, to provide that the chief judge should be selected based on managerial, administrative, and leadership abilities, without regard solely to seniority. We add language to renumbered rule 2.210(a)(2)(F) to provide that a chief judge of a district court may serve successive two-year terms, but in no event shall the total term exceed eight years. As suggested by the Study Group, the renumbered rule is further amended to provide that this Court may remove a chief judge of a district court. Rule 2.215(c) already provides for successive two-year terms and

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removal by this Court. We amend that rule to provide that in no event shall a chief judge of a trial court serve for more than eight years. However, we clarify here that a district or trial court chief judge who will have served as chief judge for more than eight years before his or her current term expires may complete the current term.

Rule 2.210(a)(2) is amended, as suggested by the Study Group, to include a specific set of administrative responsibilities of district court chief judges similar to those contained in rule 2.215(b) for circuit court chief judges. We add a requirement to rule 2.215(b)(5) that to the extent practical, the chief judge shall assign only one administrative judge to supervise the family court.

Suggested new rules 2.210(a)(2)(G) and 2.215(b)(11) are added, with minor modification, to provide that the failure of any judge to comply with an order or directive of the chief judge shall be considered neglect of duty and may be reported by the chief judge to the Chief Justice who shall have the authority to take such corrective action as may be appropriate. The chief judge may report the neglect of duty to the Judicial Qualifications Commission or other appropriate person or body, or take such other corrective action as may be appropriate.

Consistent with new rule 2.205(a)(2)(E), rules 2.210(a)(2)(H) and 2.215(b)(12) are added, as suggested by the Study Group, to provide that at the call of the Chief Justice, the chief judges of the circuit courts and district courts of appeal shall meet with each other and the Chief Justice at least quarterly to discuss and provide feedback on policies and practices that have statewide impact.

Rule 2.220 (Conferences of Judges):

Based on a Study Group recommendation, we amend rule 2.220 (Conference of County Court Judges) to create a conference of active and senior judges for each level of court. Much of the current rule creating the Conference of County Court Judges is retained in new subdivision (a). New subdivision (b) is added to recreate by rule the Conference of Circuit Court Judges, which is currently created by [section 26.55, Florida Statutes \(2011\)](#). New subdivision (b) will become effective upon the repeal of the statute. New subdivision (c) is added to the rule to formally create the Conference of District Court of Appeal

Judges. Among the other purposes for the conferences stated in the rule, each conference will provide input to the newly created Unified Committee on Judicial Compensation, discussed below, on judicial compensation and benefit issues and will assist the judicial branch in soliciting support and resources on those issues.

Rule 2.225 (Judicial Management Council):

*4 At the suggestion of the Study Group, the language of existing rule 2.225 is deleted and new language is added recreating the Judicial Management Council of Florida. The responsibilities of the Council are narrowed and its membership is limited. As envisioned by the Study Group, the reconstituted Council will serve as a focused advisory body to assist the Chief Justice and this Court in identifying trends, potential crisis situations, and the means to address them. The Council will become part of a loop that will assist the Court with forward-looking vision, while the Court gets feedback from the trial and district courts, the chief judges, and the conferences. ^{FN14}

Under subdivision (a), the Council will meet at least quarterly. The Council will be responsible for: (1) identifying potential crisis situations affecting the judicial branch and developing strategy to address them; (2) identifying and evaluating information that would assist in improving the performance and effectiveness of the judicial branch; (3) developing and monitoring progress relating to long-range planning for the judicial branch; (4) reviewing the charges of the various court and Florida Bar commissions and committees, recommending consolidation or revision of the commissions and committees, and recommending a method for the coordination of the work of those bodies; and (5) addressing issues brought to the Council by this Court. New subdivision (c) outlines the various actions the Court may take on the Council's recommendations.

We modify the suggested language for new subdivision (d) of rule 2.225 to limit the membership of the Council to fifteen voting members to be selected by this Court. The voting members will include the Chief Justice, who will serve as chair, an additional justice of this Court, representatives from each level of court, and public members. Each member, other than the Chief Justice, initially will be appointed for a two-year or four-year term, with the terms staggered to ensure continuity and experience on the Council

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and for four-year terms thereafter. The State Courts Administrator will be a nonvoting member, and the Council may request other nonvoting persons to participate on an as-needed temporary basis.

Rule 2.230 (Trial Court Budget Commission):

To enhance communication on trial court budget and funding issues, we amend subdivision (b) (Responsibilities) of rule 2.230 to require the Trial Court Budget Commission to seek and consider input from the Commission on Trial Court Performance and Accountability. To facilitate the input requirement, we amend subdivision (e) (Membership and Organization) to add the chair of the Commission on Trial Court Performance and Accountability as an ex officio nonvoting member of the Trial Court Budget Commission. The rule already provides for the presidents of the Conference of Circuit Court Judges and the Conference of County Court Judges to serve as ex officio nonvoting members.

Rule 2.235 (District Court of Appeal Budget Commission):

*5 We also amend rule 2.235 to enhance communication and continuity of budgetary expertise on the District Court of Appeal Budget Commission. Subdivision (b) (Responsibilities) of rule 2.235 is amended to require the District Court of Appeal Budget Commission to seek and consider input from the Commission on District Court of Appeal Performance and Accountability on district court budget and funding issues. Consistent with existing rule 2.230(b)(10) ^{FN15} and the creation of the Unified Committee on Judicial Compensation, discussed below, we amend subdivision (b)(10) of rule 2.235 to provide that the District Court of Appeal Budget Commission shall not make recommendations as to pay or benefits for judges.

Subdivision (e) (Membership and Organization) of rule 2.235 is amended, as suggested by the Study Group, to provide for four-year staggered terms for voting members, effective July 1, 2013, and to add the chairs of the District Court of Appeal Performance and Accountability Commission and the Appellate Court Technology Committee, and the president of the District Court of Appeal Judges Conference as ex officio nonvoting members.

Rule 2.244 (Judicial Compensation):

We amend rule 2.244 (Judicial Compensation) to

recognize the Court's current practice of providing a unified mechanism for advancing judicial compensation and benefits issues. The unified approach outlined in new subdivision (c) of the rule ensures that judges from each level of the courts have a voice in the process, with ultimate oversight by this Court. New subdivision (c) creates the Unified Committee on Judicial Compensation to develop and recommend to the Court judicial pay and benefits priorities and to advocate for judicial pay and benefits issues approved by the Court for inclusion in the annual judicial branch budget request.

Under subdivision (c)(3), the membership of the Unified Committee will include the Chief Justice of this Court, the presidents and presidents-elect of the Conference of District Court of Appeal Judges, the Conference of Circuit Court Judges, and the Conference of County Court Judges, and the chairs and vice-chairs of the District Court Budget Commission and the Trial Court Budget Commission. As part of the unified approach, new rule 2.205(a)(1)(B), discussed above, prohibits individual judges, supreme court created groups, and the conferences of judges from advocating judicial compensation and benefits issues that have not been approved by this Court to the legislative and executive branches. However, as explained above in connection with the amendments to rule 2.220, the conferences of county, circuit, and district court judges will provide input to the Unified Committee and will assist the Court in seeking support and resources on judicial compensation and benefit issues.

CONCLUSION

Accordingly, we amend the Florida Rules of Judicial Administration as reflected in the appendix to this opinion. New language is indicated by underlining and deletions are indicated by struck-through type. New rule 2.220(b) (Conference of Circuit Court Judges) shall become effective upon the repeal of [section 26.55, Florida Statutes \(2011\)](#). The remainder of the amendments shall become effective immediately upon release of this opinion. However, because the amendments were not published for comment prior to their adoption, interested persons shall have sixty days from the date of this opinion to file comments with the Court. See [Fla. R. Jud. Admin. 2.140\(g\)\(1\)](#) (stating that changes to Part II of the Rules of Judicial Administration made without notice shall be published for comment.) ^{FN16}

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*6 It is so ordered.

[PARIENTE](#), [POLSTON](#), [LABARGA](#), and [PERRY](#), JJ., concur.

[CANADY](#), C.J., concurs in part and dissents in part with an opinion.

[QUINCE](#), J., concurs in part and dissents in part with an opinion.

[LEWIS](#), J., dissents with an opinion.

[CANADY](#), C.J., concurring in part and dissenting in part.

I dissent from the adoption in rule 2.210(a)(2)(F) and rule 2.215(c) of term limits for the chief judges of the district and circuit courts. Although term limits for chief judges might be the right policy, this Court should not adopt such a policy without first receiving input from the trial courts and the district courts.

[QUINCE](#), J., concurring in part and dissenting in part.

I agree with many of the changes included in the majority opinion concerning the governance structure of the judicial branch. For the most part I believe that most of the changes will result in a more efficient and effective branch of government—the judiciary. However, I cannot agree to two aspects of these changes.

First, I do not agree with the change to rule 2.205(a)(1)(C) that would require that all judicial branch “commissions, committees, task forces, work groups, and similar study or advisory groups be established by the Court.” In order to have an effective chief justice and to strengthen the chief’s position, the chief should have the authority to establish such commissions and other groups without the necessity of having it approved by the entire court. I am sure that the chief when feasible will bring the issue to the entire Court, but I would not tie her or his hands by having this as a requirement.

Secondly, I would not extend the chief justice’s term to a possible eight years under rule 2.205(a)(2)(A). While the possible term of the chief justice should be more than two years, I would cap the term at four years. The provision concerning the removal of a chief justice may seem to provide a safety valve to the eight years, but the likelihood of using that provision is probably remote. Instead of putting the justices through what could be a turbulent situation, I would simply have a two-year term with a possible successive two-year term and no more.

[LEWIS](#), J., dissenting.

Under a proposal of “Governance,” the majority in many ways takes the Court system backward to re-create circumstances similar to those found by the citizens of Florida to be unworkable and abusive over 40 years ago. The changes of today in many instances are simply that, change for the purpose of change without regard to whether a significant problem exists. The process that generated the changes was significantly impacted by perceptions from other states that will only lead to the problems from those foreign states being transposed into Florida when the perceived problem which generated the proposed change did not previously exist here.

*7 The most significant alterations that will have a practical adverse impact are centered upon the Chief Justice and chief judges, changes that will not improve effective or efficient management but only become divisive measures that will polarize and politicize positions within the court system. The approach of change simply to make a change based on outside views is not well-considered nor one that should be adopted by this Court system.

Original Proceeding—Implementation of Judicial Branch Governance Study Group

APPENDIX

RULE 2.205. THE SUPREME COURT

(a) Internal Government.

(1) Exercise of Powers and Jurisdiction.

(A) The supreme court shall exercise its powers, including establishing policy for the judicial branch, and jurisdiction en banc. Five justices shall constitute a quorum and the concurrence of 4 shall be necessary to a decision. In cases requiring only a panel of 5, if 4 of the 5 justices who consider the case do not concur, it shall be submitted to the other 2 justices.

(B) Consistent with the authority of the supreme court to establish policy, including recommending state budget and compensation priorities for the judicial branch, no judge, supreme court created committee, commission, task force, or similar group, and no conference (Conference of District Court of Appeal Judges, Conference of Circuit Court Judges, Confer-

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ence of County Court Judges) is permitted to recommend state budget priorities, including compensation and benefits, to the legislative or executive branch that have not been approved by the supreme court. This subdivision is not intended to apply to judges expressing their personal views who affirmatively make it explicitly clear that they are not speaking on behalf of the judicial branch.

(C) Newly created judicial branch commissions, committees, task forces, work groups, and similar study or advisory groups must be established by the supreme court, not solely by the chief justice. Such study or advisory groups may be created and charged by rule adopted by the court, or by administrative order issued by the chief justice in accordance with court action. Members of such groups shall be appointed by administrative order of the chief justice, after consultation with the court. When practicable, ad hoc committees and other ad hoc study or advisory groups, which should be used to address specific problems, shall be established under the umbrella of an existing committee or commission, which should be used to address long-term problems.

(2) Chief Justice.

(A) The chief justice shall be chosen by majority vote of the justices for a term commencing on July 1 of even numbered years of 2 years commencing on July 1, 2012. The selection of the chief justice should be based on managerial, administrative, and leadership abilities, without regard to seniority only. A chief justice may serve successive terms limited to a total of 8 years. The chief justice may be removed by a vote of 4 justices. If a vacancy occurs, a successor shall be chosen promptly to serve the balance of the unexpired term.

*8 (B) The chief justice shall have the following administrative powers and duties. The chief justice shall be the administrative officer of the judicial branch and of the supreme court and shall be responsible for the dispatch of the business of the branch and of the court and direct the implementation of policies and priorities as determined by the supreme court for the operation of the branch and of the court. The administrative powers and duties of the chief justice shall include, but not be limited to:

(i) be the administrative officer of the court and

shall be responsible for the dispatch of its business; the responsibility to serve as the primary spokesperson for the judicial branch regarding policies and practices that have statewide impact including, but not limited to, the judicial branch's management, operation, strategic plan, legislative agenda and budget priorities;

(ii) have the power to act on requests for stays during the pendency of proceedings, to order the consolidation of cases, to determine all procedural motions and petitions relating to the time for filing and size of briefs and other papers provided for under the rules of this court, to advance or continue cases, and to rule on other procedural matters relating to any proceeding or process in the court;

(iii) have the power to assign active or retired county, circuit, or appellate judges or justices to judicial service in this state, in accordance with subdivisions (a)(3) and (a)(4) of this rule;

(iv) have the power, upon request of the chief judge of any circuit or district, or sua sponte, in the event of natural disaster, civil disobedience, or other emergency situation requiring the closure of courts or other circumstances inhibiting the ability of litigants to comply with deadlines imposed by rules of procedure applicable in the courts of this state, to enter such order or orders as may be appropriate to suspend, toll, or otherwise grant relief from time deadlines imposed by otherwise applicable statutes and rules of procedure for such period as may be appropriate, including, without limitation, those affecting speedy trial procedures in criminal and juvenile proceedings, all civil process and proceedings, and all appellate time limitations; and

(v) the authority to directly inform all judges on a regular basis by any means, including, but not limited to, email on the state of the judiciary, the state of the budget, issues of importance, priorities and other matters of statewide interest; furthermore, the chief justice shall routinely communicate with the chief judges and leaders of the district courts, circuit and county court conferences by the appropriate means;

(vi) the responsibility to exercise reasonable efforts to promote and encourage diversity in the administration of justice; and

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(vii) the power to perform such other administrative duties as may be required and which are not otherwise provided for by law or rule.

*9 (C) The chief justice shall be notified by all justices of any contemplated absences from the court and the reasons therefor. When the chief justice is to be temporarily absent, the chief justice shall select the justice longest in continuous service as acting chief justice.

(D) If the chief justice dies, retires, or is unable to perform the duties of the office, the justice longest in continuous service shall perform the duties during the period of incapacity or until a successor chief justice is elected.

(E) The chief justice shall meet on a regular basis with the chief judges of the district courts and the chief judges of the circuit courts to discuss and provide feedback for implementation of policies and practices that have statewide impact including, but not limited to, the judicial branch's management, operation, strategic plan, legislative agenda and budget priorities. Such meetings shall, if practicable, occur at least quarterly and be conducted in-person. At the discretion of the chief justice, any of these meetings may be combined with other judicial branch and leadership meetings and, where practicable include the justices of the supreme court.

(3)–(4) [No Change]

(b)–(d) [No Change]

(e) **State Courts Administrator.**

(1) [No Change]

(2) **Duties.** The state courts administrator shall supervise the administrative office of the Florida courts, which shall be maintained at such place as directed by the supreme court; shall employ such other personnel as the court deems necessary to aid in the administration of the state courts system; shall represent the state courts system before the legislature and other bodies with respect to matters affecting the state courts system and functions related to and serving the system; shall supervise the preparation and submis-

sion to the supreme court, for review and approval, of a tentative budget request for the state courts system and shall appear before the legislature in accordance with the court's directions in support of the final budget request on behalf of the system; shall inform the judiciary of the state courts system's final budget request and any proposed substantive law changes approved by the supreme court; shall assist in the preparation of educational and training materials for the state courts system and related personnel, and shall coordinate or assist in the conduct of educational and training sessions for such personnel; shall assist all courts in the development of improvements in the system, and submit to the chief justice and the court appropriate recommendations to improve the state courts system; and shall collect and compile uniform financial and other statistical data or information reflective of the cost, workloads, business, and other functions related to the state courts system. The state courts administrator is the custodian of all records in the administrator's office.

(f)–(g) [No Change]

RULE 2.210. DISTRICT COURTS OF APPEAL
***10 (a) Internal Government.**

(1) [No Change]

(2) **Chief Judge.**

(A) The selection of a chief judge should be based on managerial, administrative, and leadership abilities, without regard to seniority only.

(B) The chief judge shall be the administrative officer of the court, and shall, consistent with branch-wide policies, direct the formation and implementation of policies and priorities for the operation of the court. The chief judge shall exercise administrative supervision over all judges and court personnel. The chief judge shall be responsible to the chief justice of the supreme court. The chief judge may enter and sign administrative orders. The administrative powers and duties of the chief judge include, but are not limited to, the power to order consolidation of cases, and to assign cases to the judges for the preparation of opinions, orders, or judgments. The chief judge shall have the authority to require all judges of the court, court officers and court personnel, to comply with all court and judicial branch policies,

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administrative orders, procedures, and administrative plans.

(C) The chief judge shall maintain liaison in all judicial administrative matters with the chief justice of the supreme court, and shall, considering available resources, ensure the efficient and proper administration of the court. The chief judge shall develop an administrative plan that shall include an administrative organization capable of effecting the prompt disposition of cases, the assignment of judges, other court officers, and court personnel, and the control of dockets. The administrative plan shall include a consideration of the statistical data developed by the case reporting system.

(D) All judges shall inform the chief judge of any contemplated absences that will affect the progress of the court's business. If a judge is temporarily absent, is disqualified in an action, or is unable to perform the duties of the office, the chief judge or the chief judge's designee may assign a matter pending before the judge to any other judge or any additional assigned judge of the same court. If it appears to the chief judge that the speedy, efficient, and proper administration of justice so requires, the chief judge shall request the chief justice of the supreme court to assign temporarily an additional judge or judges from outside the court to duty in the court requiring assistance, and shall advise the chief justice whether or not the approval of the chief judge of the court from which the assignment is to be made has been obtained. The assigned judges shall be subject to administrative supervision of the chief judge for all purposes of this rule. Nothing in this rule shall restrict the constitutional powers of the chief justice of the supreme court to make such assignments as the chief justice shall deem appropriate.

(E) The chief judge shall regulate the use of all court facilities, regularly examine the dockets of the courts under the chief judge's administrative supervision, and require a report on the status of the matters on the docket. The chief judge may take such action as may be necessary to cause the docket to be made current.

*11 (F) The chief judge shall be chosen by a majority of the active judges of the court for a term commencing on July 1 of each odd-numbered year, and shall serve for a term of 2 years. A chief judge may serve for successive terms but in no event shall

the total term as chief judge exceed 8 years. In the event of a vacancy, a successor shall be chosen promptly to serve the balance of the unexpired term. The selection of a chief judge should be based on managerial, administrative, and leadership abilities. The chief judge may be removed by a two-thirds vote of the active judges. The chief judge shall be the administrative officer of the court, responsible for the dispatch of its business, shall have the power to order consolidation of cases, and shall assign cases to the judges for the preparation of opinions, orders, or judgments. If the chief judge is unable to discharge these duties, the judge longest in continuous service or, as between judges with equal continuous service, the one having the longest unexpired term and able to do so, shall perform the duties of chief judge pending the chief judge's return to duty. Judges shall notify the chief judge of any contemplated absence from the court and the reasons therefor. A chief judge may be removed as chief judge by the supreme court, acting as the administrative supervisory body of all courts, or by a two-thirds vote of the active judges.

(G) The failure of any judge to comply with an order or directive of the chief judge shall be considered neglect of duty and may be reported by the chief judge to the chief justice of the supreme court who shall have the authority to take such corrective action as may be appropriate. The chief judge may report the neglect of duty by a judge to the Judicial Qualifications Commission or other appropriate person or body, or take such other corrective action as may be appropriate.

(H) At the call of the chief justice, the chief judges of the circuit court and district courts of appeal shall meet on a regular basis and with each other and with the chief justice to discuss and provide feedback for implementation of policies and practices that have statewide impact including, but not limited to, the judicial branch's management, operation, strategic plan, legislative agenda and budget priorities. Such meetings shall, if practicable, occur at least quarterly and be conducted in person. At the discretion of the chief justice, any of these meetings may be combined with other judicial branch and leadership meetings.

(I) The chief judge shall have the responsibility to exercise reasonable efforts to promote and encourage diversity in the administration of justice.

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(b)–(e) [No Change]

RULE 2.215. TRIAL COURT ADMINISTRATION

(a) [No Change]

(b) Chief Judge.

(1) The chief judge shall be a circuit judge who possesses managerial, administrative, ability and leadership abilities, and shall be selected without regard to seniority only.

*12 (2) The chief judge shall be the administrative officer of the courts within the circuit and shall, consistent with branch-wide policies, direct the formation and implementation of policies and priorities for the operation of all courts and officers within the circuit. The chief judge shall exercise administrative supervision over all courts, judges and court personnel within the judicial circuit in the exercise of judicial powers and over the judges and officers of the courts. The chief judge shall be responsible to the chief justice of the supreme court. The chief judge may enter and sign administrative orders, except as otherwise provided by this rule. The chief judge shall have the authority to require that all judges of the court, other court officers, and court personnel comply with all court and judicial branch policies, administrative orders, procedures and administrative plans.

(3) The chief judge ~~shall be the chief judicial officer of the circuit,~~ shall maintain liaison in all judicial administrative matters with the chief justice of the supreme court, and shall, ~~develop an administrative plan for~~ considering available resources, ensure the efficient and proper administration of all courts within that circuit. The chief judge shall develop an administrative plan that shall be filed with the supreme court and plan shall include an administrative organization capable of effecting the prompt disposition of cases; assignment of judges, other court officers, and ~~executive assistants~~ all other court personnel; control of dockets; regulation and use of courtrooms; and mandatory periodic review of the status of the inmates of the county jail. The plan shall be compatible with the development of the capabilities of the judges in such a manner that each judge will be qualified to serve in any division, thereby creating a judicial pool from which judges may be assigned to various courts throughout the state. The administrative plan shall

include a consideration of the statistical data developed by the case reporting system. Questions concerning the administration or management of the courts of the circuit shall be directed to the chief justice of the supreme court through the state courts administrator.

(4) The chief judge shall assign judges to the courts and divisions, and shall determine the length of each assignment. The chief judge is authorized to order consolidation of cases, and to assign cases to a judge or judges for the preparation of opinions, orders, or judgments. All judges shall inform the chief judge of any contemplated absences that will affect the progress of the court's business. If a judge is temporarily absent, is disqualified in an action, or is unable to perform the duties of the office, the chief judge or the chief judge's designee may assign a proceeding pending before the judge to any other judge or any additional assigned judge of the same court. The chief judge may assign any judge to temporary service for which the judge is qualified in any court in the same circuit. If it appears to the chief judge that the speedy, efficient, and proper administration of justice so requires, the chief judge shall request the chief justice of the supreme court to assign temporarily an additional judge or judges from outside the circuit to duty in the court requiring assistance, and shall advise the chief justice whether or not the approval of the chief judge of the circuit from which the assignment is to be made has been obtained. The assigned judges shall be subject to administrative supervision of the chief judge for all purposes of this rule. When assigning a judge to hear any type of postconviction or collateral relief proceeding brought by a defendant who has been sentenced to death, the chief judge shall assign to such cases a judge qualified to conduct such proceedings under subdivision (b)(10) of this rule. Nothing in this rule shall restrict the constitutional powers of the chief justice of the supreme court to make such assignments as the chief justice shall deem appropriate.

*13 (5) The chief judge may designate a judge in any court or court division of circuit or county courts as “administrative judge” of any court or division to assist with the administrative supervision of the court or division. To the extent practical, the chief judge shall assign only one administrative judge to supervise the family court. The designee shall be responsible to the chief judge, shall have the power and duty to carry out the responsibilities assigned by the chief judge,

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and shall serve at the pleasure of the chief judge.

(6) [No Change]

(7) The chief judge shall regulate the use of ~~courtrooms~~ all court facilities, regularly examine the dockets of the courts under the chief judge's administrative supervision, and require a report on the status of the ~~actions~~ matters on the dockets. The chief judge may take such action as may be necessary to cause the dockets to be made current. The chief judge shall monitor the status of all pending postconviction or collateral relief proceedings brought by defendants who have been sentenced to death and shall take the necessary actions to assure that such cases proceed without undue delay. On ~~July 1 and October 1, 1996,~~ and on the first day of every January, April, July, and October thereafter, the chief judge shall inform the chief justice of the supreme court of the status of all such pending cases.

(8)–(9) [No Change]

(10) (A) The chief judge shall not assign a judge to preside over a capital case in which the state is seeking the death penalty, or collateral proceedings brought by a death row inmate, until that judge has become qualified to do so by:

(i) presiding a minimum of 6 months in a felony criminal division or in a division that includes felony criminal cases, and

(ii) successfully attending the “Handling Capital Cases” course offered through the Florida ~~College of Advanced Judicial Studies~~ Court Education Council. A judge whose caseload includes felony criminal cases must attend the “Handling Capital Cases” course as soon as practicable, or upon the direction of the chief judge.

(B) The chief justice may waive these requirements in exceptional circumstances at the request of the chief judge.

(C)–(D) [No Change]

(11) The failure of any judge to comply with an order or directive of the chief judge shall be considered neglect of duty and may be reported by the chief

judge to the chief justice of the supreme court who shall have the authority to take any corrective action as may be appropriate. The chief judge may report the neglect of duty by a judge to the Judicial Qualifications Commission or other appropriate person or body, or take such other corrective action as may be appropriate.

(12) At the call of the chief justice, the chief judges of the circuit court and district courts of appeal shall meet on a regular basis and with each other and with the chief justice to discuss and provide feedback for implementation of policies and practices that have statewide impact including, but not limited to, the judicial branch's management, operation, strategic plan, legislative agenda and budget priorities. Such meetings shall, if practicable, occur at least quarterly and be conducted in person. At the discretion of the chief justice, any of these meetings may be combined with other judicial branch and leadership meetings.

*14 (13) The chief judge shall have the responsibility to exercise reasonable efforts to promote and encourage diversity in the administration of justice.

(c) Selection. The chief judge shall be chosen by a majority of the active circuit and county court judges within the circuit for a term of 2 years commencing on July 1 of each odd-numbered year, or if there is no majority, by the chief justice, for a term of 2 years. The election for chief judge shall be held no sooner than February 1 of the year during which the chief judge's term commences beginning July 1. All elections for chief judge shall be conducted as follows:

(1) All ballots shall be secret.

(2) Any circuit or county judge may nominate a candidate for chief judge.

(3) Proxy voting shall not be permitted.

(4) Any judge who will be absent from the election may vote by secret absentee ballot obtained from and returned to the Trial Court Administrator.

A chief judge may be removed as chief judge by the supreme court, acting as the administrative supervisory body of all courts, or may be removed by a two-thirds vote of the active judges. The purpose of

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this rule is to fix a 2-year cycle for the selection of the chief judge in each circuit. A chief judge may serve for successive terms but in no event shall the total term as chief judge exceed 8 years. ~~The selection of the chief judge should be based on managerial, administrative, and leadership abilities.~~ A chief judge who is to be temporarily absent shall select an acting chief judge from among the circuit judges. If a chief judge dies, retires, fails to appoint an acting chief judge during an absence, or is unable to perform the duties of the office, the chief justice of the supreme court shall appoint a circuit judge to act as chief judge during the absence or disability, or until a successor chief judge is elected to serve the unexpired term. When the office of chief judge is temporarily vacant pending action within the scope of this paragraph, the duties of court administration shall be performed by the circuit judge having the longest continuous service as a judge or by another circuit judge designated by that judge.

(d)-(i) [No Change]

Committee Notes

[No Change]

Court Commentary

[No Change]

RULE 2.220. CONFERENCES OF COUNTY COURT JUDGES

(a) Conference of County Court Judges.

(a1) Creation. There shall be a “Conference of County Court Judges of Florida,” consisting of the ~~duly commissioned active and senior~~ county court judges of the State of Florida.

(b2) Purpose. The purpose of the conference shall be:

(1A) the betterment of the judicial system of the state;

(2B) the improvement of procedure and practice in the several courts; ~~and~~

(3C) to conduct conferences and institutes for continuing judicial education and to provide forums in which the county court judges of Florida may meet and discuss mutual problems and solutions; ~~and~~

*15 (D) to provide input to the Unified Commit-

tee on Judicial Compensation on judicial compensation and benefit issues, and to assist the judicial branch in soliciting support and resources on these issues.

(e3) Officers. Management of the conference shall be vested in the officers of the conference, an executive committee, and a board of directors.

(1A) The officers of the conference shall be:

(A) the president, president-elect, immediate past president, secretary, and treasurer, who shall be elected at large; and

(B) one vice-president elected from each appellate court district.

(2B) The executive committee shall consist of the officers of the conference and an executive secretary.

(3C) The board of directors shall consist of the executive committee and a member elected from each judicial circuit.

(4D) There shall be an annual meeting of the conference.

(5E) Between annual meetings of the conference, the affairs of the conference shall be managed by the executive committee.

(d4) Authority. The conference may adopt ~~a constitution and by laws~~ governance documents, the provisions of which shall not be inconsistent with this rule.

(b) Conference of Circuit Court Judges.

(1) Creation. There shall be a “Conference of Circuit Court Judges of Florida,” consisting of the active and senior circuit judges of the several judicial circuits of the state.

(2) Purpose. The purpose of the conference shall be:

(A) the betterment of the judicial system of the state;

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(B) the improvement of procedure and practice in the several courts;

(C) to conduct conferences and institutes for continuing judicial education and to provide forums in which the circuit court judges of Florida may meet and discuss mutual problems and solutions; and

(D) to provide input to the Unified Committee on Judicial Compensation on judicial compensation and benefit issues, and to assist the judicial branch in soliciting support and resources on these issues.

(3) Officers. Management of the conference shall be vested in the officers of the conference, an executive committee, and a board of directors.

(A) The officers of the conference shall be:

(i) the president, president-elect, immediate past president, secretary, and treasurer, who shall be elected at large; and

(ii) one vice-president elected from each appellate court district.

(B) The executive committee shall consist of the officers of the conference and an executive secretary.

(C) The board of directors shall consist of the executive committee and a member elected from each judicial circuit.

(D) There shall be an annual meeting of the conference.

(E) Between annual meetings of the conference, the affairs of the conference shall be managed by the executive committee.

(4) Authority. The conference may adopt governance documents, the provisions of which shall not be inconsistent with this rule.

***16 (c) Conference of District Court of Appeal Judges.**

(1) Creation. There shall be a “Florida Conference of District Court of Appeal Judges,” consisting of

the active and senior district court of appeal judges of the State of Florida.

(2) Purpose. The purpose of the conference shall be:

(A) the betterment of the judicial system of the state;

(B) the improvement of procedure and practice in the several courts;

(C) to conduct conferences and institutes for continuing judicial education and to provide forums in which the district court of appeal judges of Florida may meet and discuss mutual problems and solutions; and

(D) to provide input to the Unified Committee on Judicial Compensation on judicial compensation and benefit issues, and to assist the judicial branch in soliciting support and resources on these issues.

(3) Officers. Management of the conference shall be vested in the officers of the conference and an executive committee.

(A) The officers of the conference shall be the president, president-elect, and secretary-treasurer.

(B) The executive committee shall consist of the president and president-elect of the conference and the chief judge of each district court of appeal.

(D) There shall be an annual meeting of the conference.

(E) Between annual meetings of the conference, the affairs of the conference shall be managed by the executive committee.

(4) Authority. The conference may adopt governance documents, the provisions of which shall not be inconsistent with this rule.

RULE 2.225. JUDICIAL MANAGEMENT COUNCIL

~~(a) Creation and Responsibilities. There is hereby created the Judicial Management Council of Florida,~~

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which shall be charged with the following responsibilities:

(1) The comprehensive study and formulation of recommendations on issues related to the efficient and effective administration of justice that have statewide impact, affect multiple levels of the court system, or affect multiple constituencies in the court and justice community.

(A) Issues that may be examined by the Judicial Management Council include, but are not limited to:

(i) the organization, jurisdiction, and management of the courts;

(ii) the qualifications, selection process, compensation, disciplinary process, and removal process for judicial officers;

(iii) administrative policies and programs of the court system;

(iv) state and local budgets for the courts and related entities, and the balance of funding between state and local government;

(v) available revenues that are currently or may be used to support the courts, including fines, forfeitures, filing fees, add-ons, surcharges, and liens;

(vi) rules of court and rulemaking process;

(vii) legislative issues, including changes in the statutes or the constitution; and

(viii) the policies, procedures, and programs of other entities that are involved in court proceedings, or otherwise affect the work of the courts.

*17 (B) Issues may become part of the Judicial Management Council's agenda by:

(i) referral from the chief justice;

(ii) referral from the supreme court; or

(iii) identification by the Judicial Management Council on its own initiative based on the recom-

mendations of members; input from judges, the bar, court personnel, or other sources; input from public hearings; referral of issues by the Florida Legislature, either informally or through the passage of legislation; or referral of issues by the governor, cabinet, or executive branch agencies.

(C) The chief justice and the supreme court shall consider referring significant new issues or problems with implications for judicial branch organization, policy, or budgeting to the Judicial Management Council, prior to the creation of any new committees.

(2) The development and recommendation of the long range strategic plan and quality management and accountability program for the judicial branch, which are required pursuant to [article III, section 19, of the Florida Constitution](#).

(3) The development of recommendations to all Constitutional Revision Commissions.

(4) To review and respond to the work of other commissions, task forces, councils, and committees of the judicial, legislative and executive branches, and The Florida Bar, which may consider matters having policy, funding, or operational implications for the judicial branch and the justice system.

(5) To provide a liaison with private sector entities with an interest in the court system, including the Florida Council of 100.

(b) Schedule of Reports.

(1) The Judicial Management Council shall prepare an annual report on its activities, along with recommendations on substantive legislation and budget resources, which shall be presented to the chief justice and the supreme court on October 1 of each year.

(2) The Judicial Management Council shall prepare a biennial review of the judicial branch's long range strategic plan and formulate recommendations for a 2 year operational plan based on such review, which shall be presented to the chief justice on July 1 of each even numbered year.

(3) The Judicial Management Council may pre-

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~~pare other reports as it deems necessary, which shall be presented to the chief justice or the supreme court upon completion.~~

~~(e) Supreme Court Action on Recommendation by the Judicial Management Council. The chief justice or the supreme court may take any or all of the following actions on recommendations made by the Judicial Management Council:~~

~~(1) Direct that action be taken to influence or change administrative policy, management practices, rules, or programs that are the subject of the recommendations.~~

~~(2) Include the recommendation in the State Courts System's legislative agenda or budget requests.~~

~~(3) Refer the recommendation back to the Judicial Management Council with an indication that:~~

~~*18 (A) the Judicial Management Council shall undertake further study;~~

~~(B) the supreme court takes no position on the issue and encourages the Judicial Management Council to take whatever further action on the matter the Judicial Management Council deems appropriate; or~~

~~(C) the supreme court disapproves of the recommendation and directs either reassessment of the recommendation or no further action by the Judicial Management Council.~~

~~(4) Refer the recommendation to other entities, such as the Florida Legislature, the governor, the cabinet, executive branch agencies, or The Florida Bar, as the supreme court deems appropriate.~~

~~(d) Membership and Organization. The membership of the Judicial Management Council shall be appointed with the intention of ensuring diversity and representation of groups involved in or affected by the judicial system.~~

~~(1) There shall be 21 official members of the Judicial Management Council, to be appointed by the chief justice, which shall include:~~

~~(A) one supreme court justice;~~

~~(B) two district court of appeal judges, to be nominated by the Florida Conference of District Court of Appeal Judges;~~

~~(C) two circuit court judges, one of whom shall be an active chief judge, to be nominated by the Florida Conference of Circuit Judges;~~

~~(D) two county court judges, to be nominated by the Conference of County Court Judges;~~

~~(E) one state attorney, to be nominated by the Florida Prosecuting Attorneys Association;~~

~~(F) one public defender, to be nominated by the Florida Public Defenders Association;~~

~~(G) the attorney general or the attorney general's designee;~~

~~(H) one clerk of court, to be nominated by the Florida Association of Court Clerks;~~

~~(I) two representatives of The Florida Bar, one of whom shall be a member of the board of governors, to be nominated by the board of governors;~~

~~(J) one representative of the governor's legal office, to be designated by the governor;~~

~~(K) one member of the Florida Senate and one member of the House of Representatives;~~

~~(L) four public members; and~~

~~(M) one member of the Florida Council of 100, to be nominated by the Florida Council of 100.~~

~~(2) The legislative members shall serve as ad hoc, voting members, whose absence shall not be considered for purposes of determining whether a quorum is present at meetings.~~

~~(3) The chief justice may appoint no more than 8 members at large who shall serve as voting members for a term of 3 years.~~

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~~(4) The chief justice or the chief justice's designee shall serve as chair of the Judicial Management Council.~~

~~(5) To ensure continuity through the Judicial Management Council's development of a long range strategic plan for the judicial branch, the original members of the council shall be appointed for a term of 3 years. The members' terms thereafter shall be on a staggered, multi year basis, to be designated by future administrative orders of the chief justice.~~

~~*19 (6) The Judicial Management Council shall establish a committee structure and procedures that ensure broad-based involvement of and input from interested constituencies. The Judicial Council shall have the authority and resources to improve its inclusiveness through a variety of means, such as:~~

~~(A) establishing committees or subcommittees that include persons who are not members of the Council but whose input may be needed on selected issues;~~

~~(B) referring matters to existing groups or committees, such as committees of The Florida Bar, for comment and recommendations;~~

~~(C) conducting focus groups, workshops, and town hall type meetings;~~

~~(D) conducting public hearings; and~~

~~(E) conducting surveys.~~

~~(7) The Judicial Management Council shall explore and recommend appropriate protocols for information sharing and coordination of work by the various committees that have been created by the court system. When appropriate, the Judicial Management Council shall include such committees in the process of developing the long range strategic plan.~~

~~(e) Staff Support and Funding. The Office of the State Courts Administrator shall provide primary staff support to the Judicial Management Council. Adequate staffing and other resources shall be made available to the Office of the State Courts Administrator to ensure the effective and efficient completion of tasks assigned to the Judicial Management Council.~~

~~Sufficient resources shall also be provided for meetings of the Judicial Management Council and its committees or subcommittees, and other expenses necessary to the satisfactory completion of its work.~~

(a) Creation and Responsibilities. There is hereby created the Judicial Management Council of Florida, which shall meet at least quarterly, and be charged with the following responsibilities:

(1) identifying potential crisis situations affecting the judicial branch and developing strategy to timely and effectively address them;

(2) identifying and evaluating information that would assist in improving the performance and effectiveness of the judicial branch (for example, information including, but not limited to, internal operations for cash flow and budget performance, and statistical information by court and type of cases for (i) number of cases filed, (ii) aged inventory of cases—the number and age of cases pending, (iii) time to disposition—the percentage of cases disposed or otherwise resolved within established time frames, and (iv) clearance rates—the number of outgoing cases as a percentage of the number of incoming cases);

(3) developing and monitoring progress relating to long-range planning for the judicial branch;

(4) reviewing the charges of the various court and Florida Bar commissions and committees, recommending consolidation or revision of the commissions and committees, and recommending a method for the coordination of the work of those bodies based on the proposed revisions; and

*20 (5) addressing issues brought to the council by the supreme court.

(b) Referrals. The chief justice and the supreme court shall consider referring significant new issues or problems with implications for judicial branch policy to the Judicial Management Council prior to the creation of any new committees.

(c) Supreme Court Action on Recommendations by the Judicial Management Council. The supreme court may take any or all of the following actions on recommendations made by the Judicial

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Management Council:

(1) adopt the recommendation of the council in whole or in part, with or without conditions, including but not limited to:

(A) directing that action be taken to influence or change administrative policy, management practices, rules, or programs that are the subject of the recommendations;

(B) including the recommendation in the judicial branch's legislative agenda or budget requests;

(2) refer specific issues or questions back to the council for further study or alternative recommendations;

(3) reject the recommendation or decision in whole or in part;

(4) refer the recommendation to other entities, such as the Florida Legislature, the governor, the cabinet, executive branch agencies, or The Florida Bar, as the supreme court deems appropriate; or

(5) take alternative action.

(d) Membership.

(1) The council shall consist of 15 voting members, including the chief justice, who shall chair the council, an additional justice of the supreme court, representatives from each level of court, and public members.

(2) All voting members shall be appointed by the supreme court. Each member, other than the chief justice, will initially be appointed for a 2- or 4-year term, with the terms staggered to ensure continuity and experience on the council and for 4-year terms thereafter.

(3) The state courts administrator shall be a nonvoting member. The council may request other nonvoting persons to participate on an as-needed temporary basis to gain expertise and experience in certain issues on review.

(e) Staff Support and Funding. The Office of the State Courts Administrator shall provide primary staff support to the Judicial Management Council. Adequate staffing and other resources shall be made available to the Office of the State Courts Administrator to ensure the effective and efficient completion of tasks assigned to the Judicial Management Council. Sufficient resources shall also be provided for meetings of the Judicial Management Council and its committees or subcommittees, and other expenses necessary to the satisfactory completion of its work.

RULE 2.230. TRIAL COURT BUDGET COMMISSION

(a) [No Change]

(b) Responsibilities. The Trial Court Budget Commission is charged with specific responsibility to:

(1) establish budgeting and funding policies and procedures consistent with judicial branch plans and policies, directions from the supreme court, and in consideration of input from the Commission on Trial Court Performance and Accountability and other supreme court committees and from the Florida Conference of Circuit Court Judges and the Florida Conference of County Court Judges;

*21 (2)–(8) [No Change]

(9) identify potential additional sources of revenue for the trial courts; ~~and~~

(10) recommend to the supreme court legislative pay plan issues for trial court personnel, except the commission shall not make recommendations as to pay or benefits for judges; ~~and~~

(11) request input from the Commission on Trial Court Performance and Accountability on recommendations from that commission that may impact the trial court budget or require funding.

(c) Operational Procedures. The Trial Court Budget Commission will establish operating procedures necessary to carry out its responsibilities as outlined in subdivision (b), subject to final approval by the supreme court. These procedures shall include:

(1) a method for ensuring input from interested

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constituencies, including the chief judges and trial court administrators of the trial courts, other members of the trial court judiciary, the Judicial Management Council, the Commission on Trial Court Performance and Accountability, and other judicial branch committees and commissions; and

(2) [No Change]

(d) [No Change]

(e) Membership and Organization. The Trial Court Budget Commission will be composed of 21 voting members appointed by the chief justice who will represent the interests of the trial courts generally rather than the individual interests of a particular circuit or division. The respective ~~chairpersons~~ presidents of the Conference of Circuit Court Judges, and the Conference of County Court Judges, and the chair of the Commission on Trial Court Performance and Accountability shall serve as ex officio nonvoting members of the Commission. The chief justice will make appointments to ensure that the broad interests of the trial courts are represented by including members who have experience in different divisions, who have expertise in court operations or administrative matters, and who offer geographic, racial, ethnic, and gender diversity.

(1)–(6) [No Change]

(f) [No Change]

RULE 2.235. DISTRICT COURT OF APPEAL BUDGET COMMISSION

(a) [No Change]

(b) Responsibilities. The District Court of Appeal Budget Commission is charged with specific responsibility to:

(1) establish budgeting and funding policies and procedures consistent with judicial branch plans and policies, directions from the supreme court, and in consideration of input from the Commission on District Court of Appeal Performance and Accountability, and other supreme court committees;

(2)–(8) [No Change]

(9) identify potential additional sources of revenue for the district courts; ~~and~~

(10) recommend to the supreme court legislative pay plan issues for district court personnel, except the commission shall not make recommendations as to pay or benefits for judges; and

(11) request input from the Commission on District Court of Appeal Performance and Accountability on recommendations from that commission that may impact the district court budget or require funding.

***22 (c) Operational Procedures.** The District Court of Appeal Budget Commission will establish operating procedures necessary to carry out its responsibilities as outlined in subdivision (b), subject to final approval by the supreme court. These procedures shall include:

(1) a method for ensuring input from interested constituencies, including the chief judges, marshals, and clerks of the district courts, other members of the district court judiciary, the Judicial Management Council, the Commission on District Court of Appeal Performance and Accountability, and other judicial branch committees and commissions; and

(2) [No Change]

(d) [No Change]

(e) Membership and Organization. The District Court of Appeal Budget Commission will be composed of 10 voting members appointed by the chief justice who will represent the interests of the district courts generally rather than the individual interests of a particular district.

(1) The membership shall include the chief judge of each district court of appeal, who shall serve for his or her term as chief judge. The membership shall also include one additional judge from each district court of appeal, appointed by the chief justice, with advice from each chief judge. The marshal of each district court of appeal shall serve as a nonvoting ~~participant~~ member. Ex officio nonvoting members shall also include the chairs of the District Court of Appeal Performance and Accountability Commission and the Appellate Court Technology Committee, and

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the president of the District Court of Appeal Judges Conference.

(2) The chief justice will appoint 1 member to serve as chair and 1 member to serve as vice chair, each for a ~~one~~four-year term, or until the member's term on the commission expires.

(3) [No Change]

(4) Effective July 1, 2013, the commission shall be reconstituted with staggered terms for voting members, as follows: (A) The chief judge of each district will be appointed for his or her term as chief judge. (B) The additional judge from each odd-numbered district will be appointed for a four-year term. (C) The additional judge from each even-numbered district will be appointed for a two-year term, and thereafter to four-year terms. (D) Each nonvoting member will serve so long as he or she continues to hold the office which entitles him or her to membership on the commission.

(f) [No Change]

RULE 2.244. JUDICIAL COMPENSATION

(a) **Statement of Purpose.** The purpose of this rule is to set forth the official policy of the judicial branch of state government concerning the appropriate salary relationships between justices and judges at the various levels of the state courts system and the mechanism for advancing judicial compensation and benefits issues. Although ultimate discretion in establishing judicial compensation is vested in the Florida Legislature, the salary relationships referenced in this rule reflect the policy of the judicial branch when requesting adjustments to judicial salaries.

~~*23 (b) District Court of Appeal~~**Annual Salaries.** The annual salary of a district court of appeal judge should be equal to 95 percent of the annual salary of a supreme court justice. ~~(c) Circuit Court.~~ The annual salary of a circuit court judge should be equal to 90 percent of the annual salary of a supreme court justice. ~~(d) County Court.~~ The annual salary of a county court judge should be equal to 85 percent of the annual salary of a supreme court justice.

(c) Unified Committee on Judicial Compensation.

(1) Creation. There shall be created a Unified Committee on Judicial Compensation to address judicial pay and benefits issues.

(2) Purpose. The purpose of the Unified Committee on Judicial Compensation shall be to:

(A) develop and recommend to the supreme court judicial pay and benefits priorities; and

(B) advocate for judicial pay and benefits issues approved by the supreme court for inclusion in the annual judicial branch budget request.

(3) Membership. The membership shall include the chief justice of the supreme court, the presidents and presidents-elect of the Conference of District Court of Appeal Judges, the Conference of Circuit Court Judges, and the Conference of County Court Judges, and the chairs and vice-chairs of the District Court Budget Commission and the Trial Court Budget Commission.

(4) Staffing. The Office of the State Courts Administrator will provide primary staff support to the committee.

FN1. We have jurisdiction. See art. V, § 2(a), Fla. Const.; Fla. R. Jud. Admin. 2.140(g)(1).

FN2. See The Florida Supreme Court Task Force on Judicial Branch Planning, *Long-Range Strategic Plan for the Florida Judicial Branch (2009-2015)* ("Long-Range Strategic Plan") 7 (2009) (stating mission and vision of judicial branch and recognizing that the branch must govern itself effectively and efficiently).

FN3. See *supra* note 2.

FN4. See *In re Judicial Branch Governance Study*, Fla. Admin. Order No. AOSC09-43 (Oct. 19, 2009) (on file with Clerk, Fla. Sup. Ct.) ("Admin. Order AOSC09-43").

FN5. Study Group members include: Justice Ricky Polston (Supreme Court), Chair; Justice Jorge Labarga (Supreme Court); Judge

--- So.3d ----, 2012 WL 399878 (Fla.), 37 Fla. L. Weekly S82
(Cite as: **2012 WL 399878 (Fla.)**)

Joseph Farina (Eleventh Judicial Circuit), Vice-chair; Judge Richard B. Orfinger (Fifth District Court of Appeal); Mr. Gerald B. Cope Jr. (former Judge of Third District Court of Appeal); Judge Alice Backwell (Ninth Judicial Circuit); Judge **Brian J. Davis** (Fourth Judicial Circuit); Judge Peter Marshall (Volusia County Court); Judge Debra Roberts (Pasco County Court); Mr. Alan B. Bookman (former president of The Florida Bar); and Mr. John G. White (former president of The Florida Bar).

[FN6](#). Admin. Order AOSC09-43 at 2.

[FN7](#). Admin. Order AOSC09-43 at 3.

[FN8](#). The Center's consulting services were provided by grant funding obtained from the State Justice Institute. Its research strategies included: (1) interviews by the National Center consultants of more than forty key individuals in the court system regarding the structure, balance, and continuity of governance; committee structure, coordination, and effectiveness; and communication with the branch; (2) a web-based survey conducted by the National Center regarding intra-branch communication; (3) solicitation by the Chair of comments from each member of the Florida Bar Board of Governors, representatives of Florida Bar sections and rules committees, the Florida Justice Association, Florida TaxWatch, and statewide business associations regarding collaboration with court leadership on policy, rulemaking, and legislative/funding issues; and (4) comparative research conducted by the Strategic Planning Unit of the Office of the State Courts Administrator on approaches to governing court systems in eleven selected states. *See* Judicial Branch Governance Study Group, *Judicial Branch Governance Study Group Report to the Florida Supreme Court 3* (2011) (“Study Group Report”). We thank all those who participated in the research process.

[FN9](#). *See* National Center for State Courts, *Final Report to the Florida Judicial Branch Governance Study Group* (Nov. 2010).

[FN10](#). *See* Study Group Report at 4.

[FN11](#). Recommendations not involving rule amendments will be addressed administratively and are not addressed here.

[FN12](#). Under new rule 2.225(b), discussed below, the Court will consider referring all significant new issues or problems that implicate branch policy to the Judicial Management Council before establishing a new committee to address the issue.

[FN13](#). *See* Study Group Report at 17.

[FN14](#). *See* Study Group Report at 9.

[FN15](#). Rule 2.230(b)(10) provides that the Trial Court Budget Commission “shall not make recommendations as to pay or benefits for judges.”

[FN16](#). An original and nine paper copies of all comments must be filed with the Court on or before April 9, 2012, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. Electronic copies of all comments also must be filed in accordance with the Court's administrative order *In re Mandatory Submission of Electronic Copies of Documents*, Fla. Admin. Order No. AOSC04-84 (Sept. 13, 2004) (on file with Clerk, Fla. Sup. Ct.).

Fla., 2012.

In re Implementation of Judicial Branch Governance Study Group Recommendations--Amendments to Florida Rules of Judicial Admin.

--- So.3d ----, 2012 WL 399878 (Fla.), 37 Fla. L. Weekly S82

END OF DOCUMENT

July 23, 2012

BLOG: From the editorial page: Election Video: Circuit Court, Group 1
Mike Clark
The Florida Times-Union, Jacksonville

July

23--

http://c.brightcove.com/services/viewer/federated_f9?isVid=1&isUI=1&videoID=1749859016001&playerID=40190701001&playerKey=AQ~~,AAAAAETmbMg~,6otZKqk1CcBH8HsWjpX3iNYQ2qLFLFGj&domain=embed&dynamicStreaming=true
[http://c.brightcove.com/services/viewer/federated_f9?isVid=1&isUI=1&videoID=1749859016001&playerID=40190701001&playerKey=AQ~~,AAAAAETmbMg~,6otZKqk1CcBH8HsWjpX3iNYQ2qLFLFGj&domain=embed&dynamicStreaming=true]

Circuit Court Group 1

What follows are questionnaires and resumes from four candidates for the Group 1, Circuit Court race. Check out the brief videos from the candidates.

MELINA BUNCOME

Website: www.buncomeforjudge.org [<http://www.buncomeforjudge.org/>]

What is your major accomplishment in public life?

As a single mother, raising two children to become responsible, caring, considerate, educated adults.

In my professional life, I am most proud of earning my law degree, becoming qualified to represent defendants in death penalty cases, and becoming the first African-American woman to hold a position in the capital crimes division of the Public Defender's Office in Duval County.

What endorsements have you received?

I have been endorsed by several members of the community.

Have you been arrested, sued or filed for bankruptcy?

No.

Which judges do you admire and explain the qualities that impress you.

I have practiced before several memorable and admirable judges during my 18 years career in public service. I admire and respect judge Henry Davis. He administers justice with consistency and fairness. I also admire judge Karen Cole. She is an activist for the children in the community and is always willing to educate others. I also admired Judge Peter Fryfield. He had a great sense of humor and was fair in his dealings with defendants.

What are the most important qualities of a judge? How does that relate to you?

A judge must be fair, impartial, dedicated, respectful, possess a strong knowledgeable of the law, must uphold the

law (even if it is unpopular), be willing to guide/mentor young attorneys, while simultaneously being willing to listen and learn from others. As you look at my work experience as well as my involvement in variety of diverse community projects, you will note that I embrace the qualities that I admire in others.

Have there been any complaints filed against you with the Florida Bar and what was the outcome?

Yes, in 17 years of representing thousands of indigent criminal defendants, it is predictable that not everyone is pleased with the outcome of their case. Each complaint was deemed unfounded by the Bar.

Describe the general nature of your practice. Describe your typical clients and their problems.

For the past 14 years I have worked at the Public Defender's Office in Duval County representing indigent defendants charged with criminal offenses ranging from misdemeanor charges to premeditated capital murder. Currently, I am assigned to the Capital Crimes Division where I represent defendants charged with homicide and are facing several years in prison, life in prison without the possibility of parole, and/or the death penalty.

How often have you appeared in court per month?

I am in court every week. Depending on my motion and trial schedule, I can be in court as many as 20 times per month.

What percentage of practice has been civil and criminal?

100% of my practice is criminal. I have handled civil cases on a pro bono basis.

List and describe the three most significant cases that you personally litigated and the outcome.

1. State v. J. Washington: As lead counsel on the penalty phase, we obtained a jury recommendation for life.
2. State v. R. Hawkins: As lead counsel, Mr. Hawkins was found not guilty and his family was able to realize that the judicial system works.
3. State v. E. Rivera: As lead counsel a motion to dismiss the case was granted. Mr. Rivera was able to take care of his children and not be in fear.

BUNCOME RESUME

EDUCATION:

University Of The Virgin Island-St. Thomas, VI 1987 -- B.A. Political Science; minor In psychology

El Centro Junior College-Dallas Texas 1989 A.S. Social Science-paralegal

[Nova Southeastern University](#)-Fort Lauderdale, 1993 -- Juris Doctorate

EMPLOYMENT

1997 -- Present Attorney -- Public Defender's Office, Jacksonville

1996 -- 1997 Attorney -- Private Practice

1994 -- 1996 Public Defender's Office Broward County

1980 -- 1987 Pueblo Supermarket Cashier To Frontend Manager

Bar Admission: Florida Bar 1994

Bar Memberships: Florida Bar 1994 To Present, Jacksonville Bar 2010 To Present, D.W. Perkins Bar 2012

ORGANIZATIONS

Girl Scouts Of Gateway Council 1999-present

Troop Leader, Association Chair, Bd Of Directors Popw Arner Volunteer At Lakeshore Park

[Salvation Army](#) Women Auxiliary 2012 Member Sulzbacher Volunteer 1997 To Present

Law Explorers- Boy Scouts Of America -- Former Leader Booster Club Vocal

Lavilla School Of The Arts 2002-2004 Booster Club Vocal President

Paxon School Of Advance Studies 2004-2009 Justice Teaching 200?-present

Jacksonville Area Legal Aid: Ask An Attorney, Pro Bono 2010-present

Parent Teacher Student Association (PTSA) 1997-present -president At First Coast High School 2010-present
Womenade 2011- Present

FAMILY

Born: United States Virgin Islands, St. Thomas May 5, 1965

Divorced

Children: Daughter- Senior At The [University Of Florida](#) Son-freshman At Florida State College Of Jacksonville

Length of time in Jacksonville: 15 years

GREG MESSORE

What is your major accomplishment in public life?

I would like to believe that I have several major accomplishments in public life, so narrowing the answer to a single one is difficult. That said, the most important accomplishment has to be the opportunity to litigate death penalty cases. Regardless of one's opinion of the death penalty and those who are charged with the crimes that result in their facing it, the justice system demands that those individuals receive a competent defense. From my time as a journalist when I personally witnessed the execution of Ted Bundy in January 1989, I have a unique perspective of exactly what the ultimate punishment entails. Now as an attorney for the past 18 years I find myself as often the only individual that stands between my client and the imposition of that punishment. Naturally as Circuit Judge I will be sworn to uphold the law, and I will certainly do that. What my experience allows me to do however, is ensure that the system works and works in the manner it should.

What endorsements have you received?

I have many persons who have expressed their ardent support for my campaign. I have a strong presence in the downtown area, having lived in the heart of the city since 2003. Numerous business owners and fellow residents are solidly behind me, including Tony Allegretti and Marco Monroy -- co-owners of the Burrito Gallery (downtown), Uptown Market (Springfield) and Burrito Gallery Express (Jacksonville Beach). A significant number of attorneys from all over Clay, Duval and Nassau counties are behind me as well as courthouse bailiffs and law enforcement officers who have watched me during my more than 150 jury trials. I am currently working toward more "name" endorsements, but I am somewhat hesitant to officially garner the support of groups who might give the appearance of impropriety or favoritism once elected.

BRIEF RESUME

I attended the Providence Country Day School in Rhode Island, Tufts University in Medford, Massachusetts, the [Franklin Pierce Law Center](#) in Concord, New Hampshire, and then received my LLM (Master of Laws Degree with a Concentration in Criminal Law) from the University of San Diego School of Law. I then served as a law clerk for an Associate Rhode Island Supreme Court Justice, served as a Assistant Public Defender in the Fourth Judicial Circuit from 1998 to 2005, ran my own law practice from 2005-2009, and then have since returned to the P.D.s Office litigating exclusively homicide/death penalty cases. As previously mentioned I began my career as a journalist from 1987-1990 (including stints at the New York Times Newspaper Group-owned Lake City Reporter and [Sarasota Herald-Tribune](#)). I won several Florida Association of Newspapers awards and the Publisher's Award from the New York Times for a series on a religious sect in Lake City. I have lived in Jacksonville since April 1997, am divorced with no children and have not served in the military.

Have you been arrested, sued or filed for bankruptcy? If yes, please explain.

I was the subject of a lawsuit from my homeowners' association regarding a dispute of fees owed. A mutual resolution was reached between the parties.

Which judges do you admire and explain the qualities that impress you.

A bit of a touchy question, as I would hate to leave someone out. Judge Lance Day has been an inspiration to me for the manner in which he conducts his courtroom and the fair manner in which he treats the parties before him as well as the lawyers. I admire and respect Judge Mallory Cooper, Judge Adrian Soud and Judge Waddell Wallace for their patience, temperament and thoroughness. All qualities I hope to bring to the bench. I am particularly impressed with how quickly Judge Adrian Soud has taken to being a judge and I certainly expect to be able to hit the ground running as quickly as he has. My vast trial experience certainly will allow me to conduct jury trials the way they should be done.

What are the most important qualities of a judge? How does that relate to you?

Well, first, see above. But basically the most important quality is fairness. But beyond just paying lip service to that word, it requires three important qualities -- intelligence, experience and having the basic human qualities of sympathy, empathy and a commitment to allow everyone to be heard. I have the requisite education and intelligence, I have the experience both personally and professionally and I have, perhaps most importantly, an understanding of the human condition. By that I simply mean the ability to connect with people, to listen to them and to understand their motivations. I have lived in many different places, surrounded by a wide variety of persons with different social, economic and educational backgrounds. I have been able to relate to and get along with nearly all of them.

Have there been any complaints filed against you with the Florida Bar and what was the outcome?

I don't think there is a person on earth who has practiced criminal law and NOT received their share of bar complaints. It goes hand in hand with the business. However, I have never had a bar complaint result in any disciplinary action. All have been closed without any finding of wrongdoing whatsoever.

Describe the general nature of your practice. Describe your typical clients and their problems.

As explained above, a significant portion of my career has been as an Assistant Public Defender -- approximately a total of 11 years. So, of course that is primarily criminal, along with other such matters as Jimmy Ryce cases (civil commitment proceedings). While in private practice for about three-and-one-half years, I also primarily practiced criminal law with some civil matters as well. So my "typical" client is an individual accused of a crime. That is also their main "problem", although it is often their personal problems that have led to their criminal problem. Not to sound like a "bleeding heart" (I assure you I am not), because some persons accused of crimes are simply not very nice people. My job has always been to do my very best to ensure that there is as equal a playing field as possible and then we can only hope that the system works.

How often have you appeared in court per month?

At times in my career -- daily. Now that I exclusively litigate homicide/death penalty cases my courtroom appearances are not as frequent -- perhaps three times a week.

What percentage of practice has been civil and criminal?

As mentioned above -- over the course of 18 years I would estimate approximately 90 percent criminal and 10 percent civil. However, more importantly, it is the trial experience I possess that cures any perceived imbalance in the percentages.

List and describe the three most significant cases that you personally litigated and the outcome.

1. State v. Tiffany Cole -- the infamous "elderly couple buried alive" case. My first death penalty case in 2006. Since your paper reported on the matter extensively I won't belabor the facts. Very tough case and I was in charge of the penalty phase. The jury returned a recommendation, by a vote of 9-3, for death. At the time she was the only female on Florida's death row. My introduction to the world of death penalty litigation, and once you've argued for a person's very life nothing is every really ever the same again.

2. State v. Deangelo Thomas -- 2011. I delivered what we call the "life speech" -- the closing argument -- during the penalty phase. Once again covered in detail by the FTU. Thomas killed a Navy officer in his home in the presence of his girlfriend and his child. Jury voted 6-6, resulting in a life recommendation. State Attorney Angela Corey fought for the judge to override the jury, but after Judge Jeff Morrow dies about a week later, Judge Michael Weatherby ultimately upheld the jury's decision. The praise I received from Judge Morrow over a beer after the case was very gratifying. The praise and the beer.

3. State v. Merlin Williams. 2010. Also covered by FTU. Another life recommendation. Another 6-6 vote. Williams and his girlfriend beat an African immigrant to death with a hammer. Once again received praise from Judge Charles Arnold for my efforts. Of the six death penalty cases I have litigated to trial three have resulted in life recommendations

JUDGE BRIAN J. DAVIS

What is your major accomplishment in public life?

My major accomplishment in public life is serving as a Circuit Judge of the 4th Judicial Circuit of Florida for more than 18 years.

What endorsements have you received?

Informally, I have received the support of many elected officials and organizations serving the community. Because

my campaign is in its early stages I have yet to formalize endorsements, but expect to receive broad and varied support from the communities I serve.

I am a native of Jacksonville and have live here 50 of my almost 60 years. I have not served in the military. I have not yet developed campaign materials.

Have you been arrested, sued or filed for bankruptcy? If yes, please explain.

I have never been arrested or filed for bankruptcy.

In May, 1998, I was sued by Lisa T. Webb individually and on behalf of her children after I collided with the rear of her vehicle at an entrance ramp to a highway in Jacksonville. There was no vehicular damage and the personal injury claims settled for \$5,000 following mediation. Webb vs. Davis, 4th Judicial Circuit Court, Duval County, Case No. 98-195-CA-CV-G.

In October, 2007, I was sued by George M. Richardson in the United States Court, Middle District of Florida following state court eviction proceedings over which I presided claimed by Mr. Richardson to be biased against him. My Motion to Dismiss was granted with prejudice in March, 2008. Rtchardson vs. Morgan, Holley and Davis, Case No. 3:07-cv-940-J-32TEM

Which judges do you admire and explain the qualities that impress you?

I believe it would be inappropriate for me to comment on the qualities of living judges that impress me. Retrospectively, I admire the late United States Supreme Court Justice Thurgood Marshall because of his dedication to community service. Locally, the late Honorable Louis Safer is admired by me because of his unwavering focus on treating all persons appearing in Court with dignity and thereby enhancing the respect necessary to the effective functioning of your judicial system. I have been inspired by both Justice Marshall and Judge Safer to work to improve my community and to enhance the respect afforded our judicial system through my work on and off the bench.

What are the most important qualities of a judge? How does that relate to you?

The most important attribute of a judge is impartiality. The absence of that quality absolutely erodes the respect necessary to the function of our courts to civilly resolve disputes. I am confident I have and will continue to remain impartial and unbiased in my decision making.

Have there been any complaints filed against you with the Florida Bar and what was the outcome?

I am not aware of any complaints being filed against me with the Florida Bar.

Describe the general nature of your practice. Describe your typical clients and their problems.

I began my practice of law in September, 1980 as an associate attorney in the labor law division of a law firm consisting of approximately 60 attorneys at the time. Beginning in March, 1982, I practiced criminal law as a prosecutor until May, 1988, at which time I became an associate attorney in a 6 person civil litigation law firm. By May, 1991, I was offered a partnership in the firm, but in July, 1991, accepted an appointment as Chief Assistant State Attorney and again practicing criminal law .

The labor law practice referenced above was primarily on behalf of management. Typical clients Included business, banking and manufacturing interests. My original term of service in the State Attorney's Office typically involved citizen victims of crime. During my term of service there, I had the opportunity to specialize in economic crime, consumer fraud, homicide, sexual battery and juvenile prosecutions. As an associate attorney with Brown, Terrell, et al clients were typically plaintiffs seeking monetary damages for a variety of torts including personal injury, medical

malpractice and wrongful death. Finally, my term of service as Chief Assistant State Attorney involved supervising the various prosecutorial and administrative responsibilities of the office. I also assisted the State Attorney in the development of office policy and procedures.

As an attorney I regularly appeared in Court for clients. As an Associate Attorney, early in my practice, such appearances were rare. As an Assistant State Attorney my appearances in Court were almost daily. When I returned to private practice and as Chief Assistant State Attorney the frequency of appearances decreased, but was still regularly.

As a sitting judge, I have served in the Civil, Family, Juvenile, Probate, Drug Court and Mental Health Court divisions.

How often have you appeared in court per month?

As a sitting judge since 1994 I have appeared in Court approximately 20 days per month (5 days per week) and on occasion some Saturdays and Sundays in connection with weekend duty.

What percentage of your practice has been civil and criminal?

Less than 1 % of my practice as an attorney was in federal courts more than 99% was in state courts of record. Prior to taking the bench 50% of my practice was in civil proceedings and 50% was in criminal proceedings. As a judge 80% of my calendar has involved civil matters, 20% criminal matters.

List and describe the three most significant cases that you personally litigated and the outcome.

As an attorney I litigated the following significant cases:

State of Florida vs. Roberts, Case No. 87-2600-CF

In September, 1987 in Duval County, I was chief trial counsel for the State of Florida in the Murder prosecution of Don O. Roberts before the Honorable William Wilkes, 4th Judicial Circuit Court. The case involved a domestic violence decapitation. The Defendant was found guilty.

Edenfield vs. [W W Gay Mechanical Contractors, Inc.](#), Case No. 86-9574-CA

In April, 1990, in Duval County, I was chief trial counsel in a negligence action before the Honorable Lawrence D. Fay, 4th Judicial Circuit Court. The case was significant because of difficult engineering and immunity issues regarding a subcontractor and because of the disabling burns suffered by the Plaintiff. The jury returned a verdict of \$225,000.00.

Powell vs. State of Florida, Case No. 85-2659

In July, 1990, in [Hillsborough County](#), I was trial co-counsel in a negligence action before the Honorable I. Rogers Padgett, 13th Judicial Circuit Court. I examined prosecutors and made opening and closing arguments. The jury returned a \$1.3 million verdict (reversed on appeal, Powell v. State, 586 So.2d 1180 (Fla. 2nd DCA 1991) against the Hillsborough County State Attorney's Office for failing to protect an estranged wife horribly burned by her husband against whom she was to testify for the State. The case also represents the only time I have tried a matter outside of the 4th Judicial Circuit of Florida.

As a judge I presided over the following significant cases:

Carter VS. Brown & Williamson Tobacco Corp., Case No. 95-00934-CA

In August, 1996, in Duval County, FL, as a Circuit Court Judge I tried to verdict a product's liability case resulting in a \$750,000.00 verdict and judgment (Carter v. Brown and Williamson, 848 So.2d 365 (Fla. 1st DCA 2003) rev. den. 894 So.2d 969 (Fla. 2005) against a cigarette manufacturer. It was the first time a cigarette company had been held liable for damages to an individual claiming injury from a cigarette related disease. The case presented complex questions regarding statutes of limitations and first impression federal preemption claims.

Huckleby vs. Masters, Case No. 06-118-CA

In March, 2011, in Nassau County, Florida as a Circuit Court Judge I presided over a two and one-half week personal injury claim resulting in a Jury verdict in excess of thirteen million dollars, the largest of record in Nassau County. The case was significant because of the severity and complexity of the Plaintiff's brain damage and the availability of punitive damages.

In the Interest of A. C., Case No. 06-293-CJ

In October, 2006, A.C. a 15 year old came to the Court's attention in connection with the charge of battery on a public or private education employee. Having experienced behavioral and cognitive problems as early as preschool and suffered physical and sexual abuse at a young age, it was eventually determined that A.S. was both developmentally delayed and suffered from post-traumatic stress disorder, oppositional defiant disorder, attention deficit hyperactivity disorder. It was also determined that she was incompetent to stand trial for the offenses for which she had been detained and the Department of Children and Families, Department of Juvenile Justice, and Agency for Persons with Disabilities seemed unable to fashion a course of treatment or means of protecting or providing for the child. Repeated hearings and requirements that agencies charged with the child's care fashion a means of addressing her unique and severe problems ultimately resulted in an appropriate group home placement.

DAVIS RESUME

The Honorable Brian Jordan Davis

Professional Experience

Fourth Judicial Circuit Court Judge

Nassau County: Civil, Family, Juvenile, Probate, Mental Health Court Divisions January, 2003 -- present.

Duval County: Juvenile Division -- January, 1999 -- December, 2002; Juvenile Drug Court, 1998 -- 2002; Civil Division -- January, 1996 -- December, 1998.

Family Law Division -- February, 1994 -- December, 1995.

State Attorney's Office, Fourth Judicial Circuit

Chief Assistant State Attorney, July 1991 -- February 1994

Brown, Terrell, Hogan, Ellis, McClamma, Yegelwel & Davis, P.a.

Associate Attorney, May 1988 -- May 1991; Partner, May 1991 -- July 1991, Personal Injury, Medical Malpractice And Wrongful Death Law.

State Attorney's Office, Fourth Judicial Circuit Assistant State Attorney: March, 1982 -- April, 1988. Chief, Economic Crime & Consumer Fraud Division, January, 1987 -April, 1988. Homicide Prosecutor, January, 1987 --

April, 1988. Chief, Circuit and County Court Trial Divisions, January, 1985 -December, 1986. Prosecutor, Sexual Battery, Circuit Adult, Juvenile and County Adult Divisions, March, 1982 -- December, 1984.

Mahoney, Hadlow & Adams, P.A.

Associate Attorney, Labor Law, September, 1980 -- March, 1982.

American Can Company: Employee Relations Coordinator: October, 1974 -- August, 1977. Greenwich, Connecticut; Greenbay, Wisconsin; Darlington, South Carolina.

EDUCATION

[University Of Florida](#): Juris Doctorate, 1980. Law Review 1979-1980. Legal Writing And Appellate Advocacy Honors 1977-1980.

Princeton University: Bachelor Of Arts, Psychology, 1974. Miller-Schroeder Memorial Prize, Honorable Mention, Undergraduate Thesis.

Duval County School System: Secondary And Primary Education. Honors Graduate, 1970.

PROFESSIONAL ASSOCIATIONS AND HONORS

United States Courts, Middle District Of Florida Presidential Judicial Nominee, February 2012

Florida Bar, May, 1981

United States District Court, Middle District, 1981

United States Circuit Courts, Fifth And Eleventh Circuits, 1981

Academy Of Florida Trial Lawyers, 1989 -- 1995

Association Of Trial Lawyers Of America National College Of Trial Advocacy Faculty, 1989 -- 1993

American Bar Association, 1980 -- 1994 National Bar Association Member, 1985 -- 1996

Jacksonville Bar Association, Law Week Committee, 1981; Lecturer, 1989; Pro Bono/legal Aid Committee 1991 And 1994; 1981 -- 2012

D. W. Perkins Bar Association, President, 1985; Founder, Annual Scholarship Banquet; 1981 -- 2012

Supreme Court Civil Wry Instruction Committee, 1996 -1999 Supreme Court Children's Court Improvement Committee, 2001- 2002

Supreme Court Treatment-based Drug Court Steering Committee, 2000 -- 2002

Florida Bar Grievance Committee Member, 1989 _ 1991 The Chester Bedell Inn Of Court, 1989 -- 1991; 1995 -- 2004 The Nassau County Inn Of Court, 2008 -- Present

Florida First District Court Of Appeals, Judicial Nominating Commission 1992-1995; Vice-chairman, 1993

University Of North Florida, Pre-law Studies Program Advisory Board Member, 1997-2005

Judicial Management Council's Committee On Trial Court Performance And Accountability -- 1999 -- Present

Florida Bar Commission: Legal Needs Of Children, 2000 _ 2002 American Board Of Trial Advocates, Judge Of The Year, 2002

COMMUNITY INVOLVEMENT AND HONORS

Martin Luther King, Jr" Humanitarian Award, Jewish Federation, 1997 Leadership Jacksonville, Class Of 1987, Youth Program Volunteer, 2006 _ Present

Ebenezer United Methodist Church, Chairman, Council Of Ministries, 1988 _ 1990. Chairman, Board Of Trustees, 1986 -1988. Vice Chairman, Administrative Board, 1982 _ 1985. Pastor -- Parrish Relations Committee -- 1999 - 2011

African American Achievers Award, Government, 1995, J. M. Family Enterprises, Inc.

Boy Scouts Of America, Eagle Scout. Assistant Scoutmaster, Troop 51,1982 _ 1984; District Commission Member, 1992; Council Executive Board 1994 -- 1997; Urban Scouting District Commissioner; Boy Scouts Of America, 1994 -- 1999; District Chairman, 1999 _ 2003; Program Chairman, 2004 -- 2005; District Nominating Committee Chair, 2012

NAACP, Life Member

Omega Psi Phi Fraternity, 1982 _ Present

Jacksonville Community Council, Inc., Volunteer, 1987 -- 1995 ; Co-chair, Race Relations Study, 2001 -2005

Hubbard House, Inc., Board Of Directors, 1991 _ 1994

American Cancer Society, Volunteer, 1985 _ 1995

Stanton College Preparatory High School, Pta Member 1995 _ 1999

Help Center, Inc., Board Of Directors, 1991 -- 1992; Chairman, 1993

Operation Streets, Youth Facilitator, 1992 _ 1993

National Council Of Jewish Womenhippy, Board Member, 1992 _ 1999

National Conference For Community And Justice, Board Of Directors, 1996 _ 2002; Executive Committee, 1997

Onejax, Board Of Directors, 2007 -2012

Pace Center For Girls, Board Of Directors, 1999

Jaguars Foundation, Community Advisory Board Member, 1995 _ Present

Mayor's Domestic Violence Task Force. Chairman, 1998-1999

Ribault Advisory Committee, 2006 _ 2008

Community Foundation Quality Education Forum 2006 _ Present

Jacksonville Public Education Fund, 2008 _ Present

PERSONAL

Born: January 28, 1953 Jacksonville, Florida

Address: 1820 Daytona Ln. N, Jax, FL 32218 904-757-3965 (hm)/(904) 491-7275(ofc) bdavis@nassauclerk.com
[mailto:bdavis@nassauclerk.com]

Married: Wife (Tanya) and two children (Brian and Cicely)

DONALD B. MAIRS

Campaign website: mairsforjudge.com/

PERSONAL INFORMATION:

Date of Birth: May 2, 1963

Place of Birth: Hamburg, Germany

Length of Jacksonville Residence: 40 years

Marital Status: Married

Children: 4

**For further information, I can be reached at don@mairslaw.com [mailto:don@mairslaw.com] or 904-699-1499.

EDUCATION:

Bachelor of Science in Economics, [Florida State University](#) May 1985

Juris Doctor, Florida State University College of Law May 1988

LEGAL EXPERIENCE:

2007 -Present: The Mairs Law Firm, Jacksonville, FL Sole Practitioner

2005-2007: Law Office of Reinhold and Mairs, P.L., Jacksonville, FL

Partner 2003-2005 Bedell, Dittmar, DeVault, Pillans & Coxe, P .A., Jacksonville, FL

Partner 1996-2003 Bedell, Dittmar, DeVault, Pillans & Coxe, P .A., Jacksonville, FL

Associate: 1994-1996 Law Office of Henry M. Coxe, III, P.A., Jacksonville, FL

Associate: 1988-1994 Office of the Public Defender, Fourth Judicial Circuit, Jacksonville, FL

Assistant Public Defender, Division Chief, 1991; Special Defense, 1992

AFFILIATIONS & ACCOMPLISHMENTS:

Board Certified by The Florida Bar in Criminal Trial Law 1996-Present

Special Master Fourth Judicial Circuit, 1999-2000

Criminal Procedure Rules Committee member, 2001-2007

Beaches Habitat Member, 2002-2007 President, 2005-2006

What is your major accomplishment in public life?

Throughout my career, I had the privilege of being appointed by judges to provide representation to indigent clients. Due to my experience level, I have been appointed to some high-profile cases where the defendant was charged with the gravest of offenses. I accepted those appointments as part of my desire to aid the court in the administration of justice by providing effective representation, thereby assuring that persons accused of crimes are only convicted after being afforded the due process required by our state and federal constitutions.

In terms of my community involvement, I served on the Board of Beaches Habitat for five years (two of those years I served as President). I have also served on the vestry at my church and began an outreach ministry, Reconcile Jacksonville Beaches. The outreach ministry was initiated in 1997 and involved the pairing of church with primarily Caucasian members and a church of primarily African-American members. St. Paul's By-the-Sea Episcopal Church and St. Andrews AME were the two churches involved. Events included an annual Martin Luther King service (which continues to occur on an annual basis), pulpit exchange, combined [Parish](#) dinner, and building a Beaches Habitat house in 1999. Both Beaches Habitat and Reconcile Jacksonville Beaches are examples of my commitment to making my community a better place to live and work.

What endorsements have you received?

I have qualified to run in the Group 1 Circuit Court Judge race. Currently, this seat is held by the Honorable Brian Davis. However, there is good reason to believe that Judge Davis will be vacating the seat prior to the election, as Judge Davis has been nominated by President Obama to become a United States District Judge. Following the nomination, Judge Davis recently attended a confirmation hearing in Washington D.C. and is awaiting the vote of the Senate Committee before whom he appeared. Assuming the Committee votes in his favor, the final step will be a vote by the full Senate as to whether he should ascend to the federal bench. This background information is important as I have made it clear to Judge Davis, for whom I have great respect, that should he not be confirmed, it is not my intent to unseat him and I will withdraw from the race. Because of the respect that many people have for Judge Davis, their support for my candidacy is understandably conditional. I am very pleased and encouraged by the support I have been offered should Judge Davis be confirmed.

Have you been arrested, sued or filed for bankruptcy? If yes, please explain.

Yes, I have been sued on one occasion. The suit is a foreclosure action involving a home my father built, which became my property when my father passed in 2005. In 2011, I attempted to sell the home but was unable to do so because of a serious foundational issue discovered during the inspection of the home. Unable to sell the home and unable to continue the financial obligation, a foreclosure action was instituted. Still attempting to resolve the issue, I applied for an option whereby I agree to voluntarily relinquish the deed in lieu of foreclosure, and very recently learned that the lender has agreed to this option, meaning the foreclosure action will be dismissed.

Which judges do you admire and explain the qualities that impress you?

While there are many judges whom I admire, one judge that exhibits so many of the traits I intend to emulate is the Honorable Timothy Corrigan. First and foremost, he is fair. He is thoroughly prepared for each hearing, gives each party ample opportunity to be heard, and listens attentively. He is patient and respectful, yet efficient and decisive. Everyone who appears in front of Judge Corrigan, regardless of whether they obtain the result for which they hoped, leave having been treated fairly and having been fully heard.

What are the most important qualities of a judge? How does that relate to you?

Please see below as to what are the most important qualities of a judge. Throughout my 24-year legal career, I have developed the skills a trial lawyer needs to be successful: preparation, thoroughness, and attention to detail. These skills combined with my reputation in the legal community as possessing an even temperament and respectful demeanor, would assist me in serving as an effective judge. Lawyers whom I have practiced with and against would attest to my willingness to consider both sides of a controversy, even when acting as an advocate, and have expressed to me that they believe I would be a good judge. I can personally attest that I am prepared to serve the community and assume the responsibility of being a circuit court judge.

Have there been any complaints filed against you with the Florida Bar and what was the outcome?

During my 24 years practicing criminal defense law, I have had clients who have filed complaints against me with The Florida Bar. In each case, I filed a response, as required. In every case, no further action was taken by The Florida Bar. I have never been disciplined, either informally or formally, by the Florida Bar.

Describe the general nature of your practice. Describe your typical clients and their problems.

I am a sole practitioner who represents individuals under criminal investigation or charged with crimes in state and federal court. Issues which my clients commonly face include the desire for pretrial release, pretrial motions to have evidence suppressed or a motion dismissed, engaging in the discovery process and plea negotiations, and proceeding to trial in an attempt to prove their innocence. I am Board Certified in criminal trial practice and have tried over 40 jury trials. I have been Board Certified since 1996 and have renewed my certification every 5 years since 1996. To maintain board certification, I have continued representing individuals at trials, continued my legal education, and have been peer reviewed for each recertification period. I specialize in criminal trial work and am "AV Preeminent" rated by Martindale-Hubbell, the highest rating available by this professional peer rating organization.

How often have you appeared in court per month?

I appear in court four to five times per week, and on average, 20 to 25 times per month.

What percentage of practice has been civil and criminal?

95% criminal and 5% civil.

MAIRS RESUME

Honesty, work ethic, accountability, and compassion- these are some of the many character traits my parents instilled in me and that I work to achieve and master every day. I have had the privilege of helping people with law-related matters for 23 years.

In addition to being a lawyer, I am also a Christian and father of four children, Ben (14), Sarah (13), Ava (4), and Cole (1). In addition to these roles, I now aspire to become a Circuit Court Judge. An important lesson my father taught me was the importance of delayed gratification. While I aspired to be a judge as a young lawyer, I came to realize that the opportunity to serve as a judge must be earned, not just by obtaining a law degree but through

experience. My life and legal experiences have groomed and prepared me such that I am now qualified to now serve the citizens of the Fourth Judicial Circuit as a judge.

I have lived in Duval County for almost 40 years. My father, Larry, was an electrical engineer and small business owner, and mother, Joan, taught elementary school, specializing in children with learning disabilities. I have a brother, Ian Mairs, a playwright and teacher who lives in Jacksonville, and a sister, Janet Reid, who lives in Australia with her husband and four children.

I attended public school in the Arlington area and graduated from Terry Park High School in 1981. While attending school, I also began working at the age of 14 (and never stopped). I had a paper route, worked at the Arlington Car Wash and Winn Dixie. Upon graduating from high school and prior to starting college, I worked at the North Florida Shipyards on the paint and labor crew. After finishing the summer on the docks, I enrolled in college at [Florida State University](#) and went on to obtain a degree in 1985. I then applied and was accepted into the Florida State University College of Law, which I attended for three years. After seven years of school, I was qualified to sit for the Florida Bar exam, which I passed, becoming a practicing lawyer in 1988.

Soon after graduating, I returned home and accepted a position with the Office of the Public Defender in Jacksonville, where over the next six years, I handled a wide variety of criminal law matters, gained extensive trial experience, and became Division Chief of a felony division in Circuit Court. I left the Office of the Public Defender in 1994 to work in private practice with Henry M. Coxe, III, former President of The Jacksonville and Florida Bar. Mr. Coxe and I then joined the law firm of Bedell, Dittmar, De Vault, Pillans, and Coxe, P.A., where I went on to become a partner. In 2007, based on my desire to start my own law practice, I founded the Mairs Law Firm located in the San Marco area of Jacksonville. The Mairs Law Firm has enjoyed great success, as I have been given the opportunity to represent numerous clients in both federal and state court.

I am very proud to state that I am a Board Certified Trial Lawyer, meaning I have achieved the highest level of recognition the Florida Bar offers for lawyers practicing in a specialized area of law. I achieved this certification in 1996. To become certified, a lawyer must have handled at least 20 jury trials to verdict, completed 45 hours of continuing legal education within three years, undergo a peer review evaluation as to character, ethics, and reputation for professionalism, and pass a written examination demonstrating knowledge, skills, and proficiency in the specialized area of law. Every five years, the lawyer must be recertified. I have continuously maintained my certification for 15 years.

In addition to practicing law and raising teenagers and little ones with my wife Rita Mairs, I am also an active member in several professional organizations. The organizations include The Florida Bar (member of Criminal Procedure Rules Committee from 2001-2007), The Jacksonville Bar Association, The Federal Bar Association for the Middle District of Florida, and The Florida Association of Criminal Defense Lawyers. I also recently taught a law course to members of the Jacksonville Sheriffs Office at the Northeast Criminal Justice Training and Education Center. A non-law-related activity I was involved in that was very important to me was my service on the board of Beaches Habitat for five years, two of which I served as president (2002-2007). This habitat affiliate, while relatively small, won several awards during my time on the board. We built 18 houses, offered afterschool tutoring, and helped to provide scholarships to the University of North Florida to several of the children who resided in the habitat homes. When not carrying out my duties as a lawyer or serving my community, I can be found on the water in my boat, a 1977 Mako, affectionately named "The Mud Duck."

I am excited to take on the challenge of earning the respect, trust, and support of the citizens of the Fourth Judicial Circuit and eventually serving those citizens in my capacity as a Circuit Court Judge.

CASES LITIGATED AND OUTCOME

1. State of Florida v. Ernest Glover, Case Numbers 2002-CF-008650 and 2002-CF-008029, Fourth Judicial Circuit Court, Division CR-A, Judge John H. Skinner, Prosecutor Bernardo H. De la Rionda, co-counsel O. David Barksdale. Date tried: August 2-6, 2004.

Ernest Glover was charged with First Degree Murder in two cases. Henry M. Coxe, III, was appointed to represent Mr. Glover, and I was enlisted to handle the case while working at The Bedell Firm with Mr. Coxe. David Barksdale (another attorney at The Bedell Firm) and I tried the case together.

While only one murder was tried at a time, the State introduced evidence of one murder as Williams Rule evidence in the trial of the other murder. Mr. Glover was accused of cutting the throat of one victim and strangling the other, and there was evidence Mr. Glover had engaged in sexual activity with both victims. There was extensive litigation surrounding the admissibility of this Williams Rule evidence, which I handled prior to the jury trial. There was also DNA evidence involved in the case, and I retained a DNA expert whom I called to testify at trial.

There was evidence to support the conclusion that Mr. Glover was retarded and, therefore, not eligible for the death penalty. The State believed that Mr. Glover was not retarded but instead, was exaggerating his mental state. There was a hearing conducted, and I retained an expert to present evidence at the hearing concerning the authenticity and severity of Mr. Glover's retardation. The Court found that Mr. Glover was mentally retarded, and could therefore, not be executed.

At trial, after deliberating for almost six hours, the jury found Mr. Glover guilty of the lesser included offense of Second Degree Murder. I consider this case to be a significant case due to its complexity (Williams Rule, DNA, etc.) as well as the finding by the jury, even after learning of both murders and the heinous nature of those murders, that Mr. Glover was guilty of a lesser offense.

2. State of Florida v. Kimothy Simmons, Case Number 2006-CF-004134, Fourth Judicial Circuit Court, Division CR-B, Judge Michael R. Weatherby, Prosecutor Bernardo H. De la Rionda. Date tried: March 3-6, 2008.

Mr. Simmons (a juvenile) was accused of First Degree Murder. He was accused of posing as a police officer to gain entry into a young woman's apartment in the Riverside area of Jacksonville. Once inside, he stabbed the young woman numerous times, killing her. Mr. Simmons was first determined to be a suspect in the murder when he was recognized by a detective with the Jacksonville Sheriff's Office as an individual who had shoplifted several items of police-type gear from an Army Navy Store. Surveillance cameras captured the theft, and items from the store were found near the scene of the murder. There was a lot of media attention related to the murder, as it remained unsolved for some time.

I was appointed to represent Mr. Simmons and handled the entire discovery in the case and was sole counsel at trial. Given the extent of police involvement in the investigation of the murder prior to Mr. Simmons arrest, there were extensive reports and records to review and prepare for trial. I also filed and argued a motion to suppress. Given the nature of the crime, the State was unwilling to negotiate with Mr. Simmons.

Due to the existence of DNA and fingerprint evidence, along with Mr.

Simmons' post-arrest statements, his trial strategy included conceding to Second Degree Murder. The defense argument was that the killing was not premeditated, but instead, a crime of passion. The sole issue became whether the verdict should be for First or Second Degree Murder. The jury deliberated for several hours and then returned a verdict of guilty on the First Degree Murder charge. The jury did not, however, find that the murder was premeditated, but found it was committed during the commission of a felony.

I consider this case to be significant due to the extensive media attention surrounding the case, as well as the jury's finding that the murder was not premeditated even after hearing that Mr. Simmons had posed as a police officer to gain entry into the victim's home and had stabbed the victim numerous times.

3. State of Florida v. Nathaniel Ryan, Case Number 2008-CF-000390, Eighth Judicial Circuit Court, Judge James P. Nilon, Prosecutor Ralph Yazdiya. Hearing held: April 6, 2009.

I was retained to represent Mr. Ryan regarding a charge of DUI Manslaughter that occurred in Baker County, Florida. Mr. Ryan was operating a Honda A.T.V. with a juvenile passenger on a dirt road in Baker County, Florida.

During the operation of the A.T.v. on a dirt grade, Mr. Ryan lost control of the A.T.V. causing the A.T.V. to strike a tree, ejecting both occupants. The juvenile passenger died as a result of the injuries sustained in the accident. Blood was drawn from Mr. Ryan, and the blood alcohol level was determined to be .121 grams of ethyl alcohol per 100ml of blood.

Mr. Ryan was married. The victim in his case was his sister-in-law's child.

The death of the child was tragic, and the child's mother wanted Mr. Ryan to receive ten to fifteen years in prison. The State would not agree to any sentence less than ten years and would not waive guidelines, which mandated that Mr. Ryan receive at least ten years in prison. In addition, there is a four year mandatory minimum sentence required for this charge. To argue for less than years, I decided to have a sentencing hearing focusing on whether the Court could deviate from the guidelines, and if so, what sentence would be appropriate.

I prepared a sentencing memorandum (attached as a writing sample) in support of a downward departure from the sentencing guidelines. I presented witness testimony at the sentencing hearing and offered written materials in support of Mr. Ryan's request for less than ten years. The Court had to first determine if I had established a legal basis for departure and if so, was a departure warranted in this case.

The Court ruled that I presented sufficient evidence to justify a downward departure and determined that a downward departure was warranted. The Court sentenced Mr. Ryan to six years in prison followed by nine years of probation. Mr. Ryan and his family thanked me for helping them through a very difficult time.

I consider this case to be significant due to the delicate nature with which I had to handle it due to the familial relationships involved, as well as the departure sentence obtained, which was appropriate based on the unique circumstances of this case that I was able to convey to the Court.

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FLORIDA BAR JUDICIAL CANDIDATE
VOLUNTARY SELF-DISCLOSURE STATEMENT

FLORIDA BAR
JUDICIAL CANDIDATE
VOLUNTARY SELF-DISCLOSURE STATEMENT

**PLEASE BEAR IN MIND YOUR OBLIGATIONS UNDER JUDICIAL CANON NO. 7
IN PROVIDING ANSWERS TO THIS QUESTIONNAIRE.**

**THE FLORIDA BAR DOES NOT ASSUME ANY RESPONSIBILITY FOR YOUR ANSWERS NOR WILL THE
BAR MAKE EDITS TO YOUR ANSWERS TO COMPORT WITH THE CANONS. THE BAR DOES RESERVE
THE RIGHT TO REDACT OBSCENE LANGUAGE BEFORE DISSEMINATION.**

Name: Brian Jordan Davis

Date Disclosure Statement Completed: June 26, 2012

Judicial Position Sought: Circuit Court Judge

Jurisdiction: 4th Judicial Circuit

Jurisdiction(s) in which admitted to practice law:

Jurisdiction	Date Admitted
Florida Bar	1981
U. S. Circuit Court, 5th Circuit, 11th Circuit and Middle Dist.	1981 (currently inactive)

Florida Bar No. 0320684

Years admitted to practice law: 13

Years in the legal profession: 31

Personal Statement:

In 100 words or less, without discussing any particular issue which may come before you if you become a judge, explain why you believe you would be a good judge:

The most important attribute of a judge is impartiality. The absence of that quality absolutely erodes the respect necessary to the function of our courts to civilly resolve disputes. Judges must possess qualities of patience, attentiveness, studiousness and calmness. They must be good communicators, assure fairness and engender respect. I believe engendering respect for the institution of the court to be most important. I achieve that outcome by always remaining impartial consistently exhibiting all of the referenced attributes and by being invariably respectful to parties, counsel and participants.

FLORIDA BAR JUDICIAL CANDIDATE
VOLUNTARY SELF-DISCLOSURE STATEMENT

Prior Candidacy in Judicial Election(s):

If you have run in an election for judicial office before, please list the position, court, and relevant date(s):

Court	Relevant Dates	Position
Not applicable		

Prior and/or Current Judicial Experience:

If you have held judicial office, please state the Courts involved, the dates of service, and the Court:

Court	Relevant Dates	Office
4th Judicial Circuit	February 14, 1994, to present	Circuit Court Judge

Number of evidentiary hearings, trials and/or oral arguments over which you have presided:

0-5 6-15 16-30 31-50 51-100 101-200 201+

Additional comments:

Please identify the number of jury trials 30+ and the number of bench trials 600+ over which you have presided.

Additional comments:

Current judges may respond to the following questions regarding legal practice only with reference to pre-judicial legal experience.

Area(s) of Practice:

Civil Criminal Government Other _____

FLORIDA BAR JUDICIAL CANDIDATE
VOLUNTARY SELF-DISCLOSURE STATEMENT

Please list the primary areas in which you have specialized or have legal expertise and allocate a percentage of your practice to each area.

At Mahoney, Hadlow and Adams, P.A., my labor law practice was primarily on behalf of management. Typical clients included business, banking and manufacturing interests. During my first term of service in the State Attorney's Office, the State of Florida was my client and I typically worked closely with citizen victims of crime. During that time, I specialized in economic crime, consumer fraud, homicide, sexual battery and juvenile prosecutions.

Number of evidentiary hearings, trials and/or oral arguments in which you have participated as legal counsel:

0-5 6-15 16-30 31-50 51-100 101-200 201+

Additional comments:

Please identify the number of jury trials 25 and the number of bench trials 50 in which you have participated.

Additional comments:

Number of arbitration hearings in which you have participated as legal counsel or hearing officer:

0-5 6-15 16-30 31-50 51-100 101-200 201+

Additional comments:

Number of administrative hearings in which you have participated as legal counsel of hearing officer:

0-5 6-15 16-30 31-50 51-100 101-200 201+

Additional comments:

To the extent applicable, please quantify any additional alternative dispute resolution/negotiation experience:

FLORIDA BAR JUDICIAL CANDIDATE
VOLUNTARY SELF-DISCLOSURE STATEMENT

Have you ever been Board Certified in any area(s) of practice, if yes please identify:

The Area(s) of Practice:

Not applicable

When you were certified in each Area of Practice:

Whether you are currently certified in those areas:

Please provide the percentage of your practice that has involved representing plaintiffs 95 % and the percentage that has involved representing defendants 5 %.

Undergraduate Education:

Name of Institution:

Princeton University

Degree received/Major:

1974 / B.A., Psychology

Academic awards, recognitions, honors, leadership roles and participation in academic organizations:

Miller-Schroeder Memorial Prize for Senior Thesis (honorable mention)

FLORIDA BAR JUDICIAL CANDIDATE
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Law School Education:

Name of Institution: The University of Florida College of Law

Degree received: 1980, J. D.

Internships/in-school clerkships, academic awards, recognitions, honors, leadership roles and participation in academic organizations (e.g., law review, moot court, legal clinics):

Law Review, Student Works Editor
Appellate and Moot Court Honors
Phi Delta Phi Legal Fraternity
BALSA Mentor

Number of hours devoted to public work while in undergraduate 280 or law school 210.

Additional Educational History (if applicable):

Name of Institution	Degree Received	Special awards, recognitions, honors, or leadership roles (if any)

Employment:

Present employer: State of Florida, 4th Judicial Circuit

Number of years with present employer: 18

Present position: Circuit Court Judge

Explain relevant experience or skills gained that you will bring to the bench:

I began my practice of law in September 1980 as an associate attorney at Mahoney, Hadlow and Adams, P.A. I was a member of the labor law division. My primary responsibility was research and litigation support for senior partners.
Continued on attached sheet

FLORIDA BAR JUDICIAL CANDIDATE
VOLUNTARY SELF-DISCLOSURE STATEMENT

List All Prior Employers and Occupations, Legal or Non-legal, for the Last Ten Years:

Employer: _____

Number of years employed with this employer: _____

Position/specialty: _____

Explain relevant experience or skills gained that you will bring to the bench:

Employer: _____

Number of years employed with this employer: _____

Position/specialty: _____

Explain relevant experience or skills gained that you will bring to the bench:

Employer: _____

Number of years employed with this employer: _____

Position/specialty: _____

Explain relevant experience or skills gained that you will bring to the bench:

FLORIDA BAR JUDICIAL CANDIDATE
VOLUNTARY SELF-DISCLOSURE STATEMENT

Law Organizations:

Please list legal organizations in which you have been an active member for more than two (2) years and all legal organizations in which you hold a leadership position or which required nomination to join:

Organization Name	Dates of Participation	Office Held (If applicable)
Academy of Florida Trial Lawyers American Bar Association Association of Trial Lawyers of America Chester Bedell Inn of Court	1989-1999 1982-1984 1989-1992 1989-1991; 1995	Nat'l Col. of Trial Advocacy Faculty
D. W. Perkins Bar Association Florida Bar Association Florida First District Court of Appeals	1985-present 1981-2011 1992-1995	President, Founder Annual Scholarship Banquet Grievance Committee Member
Jacksonville Bar Association Nassau County Bar Association Nassau County Inn of Court	1981 1991 and 1993 2009-present 2009-2011	Law Week Committee Chair Pro Bono / Legal Aid Committee

Honors and Publications:

Please list any published articles or books that you have authored, any speeches or lectures you have given, and any honors, prizes or awards you have received:

Title	Date	Additional Information
Chief Justice Henry Lee Anstead, Justice for All Award Equal Opportunity Award, Jacksonville Urban League	2004 2003	
American Bd of Trial Advocates, Judge of the Yr Dedicated Service Award, NCCJ Bd of Directors Appreciation Award, 125th Fighter Wing for Outstanding Contribution to Black History	2002 2002 2001	
Public Citizen of the Year Award, Nat'l Assoc. of Social Workers Appreciation for Outstanding Service to Scouting Award, Greater Grant A.M.E.	2000 2000	

FLORIDA BAR JUDICIAL CANDIDATE
VOLUNTARY SELF-DISCLOSURE STATEMENT

Public Service – Pro Bono, Volunteer Work or Military Service:

Please provide the dates, activities and any special accomplishments, honors or leadership roles you have played in volunteer, public or military service organizations or in providing pro bono, volunteer, public or military service:

American Beach Homeowners' Association Member (2007-Present)
Biscayne Estates Homeowners' Association Member (1989-Present)
Boy Scouts of America
Eagle Scout (1968)
Assistant Scout Master, Troop 51 (1982-1984)
District Commission Member (1992)
Council Executive Board (1995)
Urban Scouting Commissioner (1995)
Merit Badge Counselor (2010)
Nominating Committee Chair (2011)

Health:

Do you currently suffer from or have you suffered from any of the following ailments in the last three years:

- Dependence on narcotics, drugs or intoxicating beverages
- Pathological or compulsive behavior
- Memory loss or impaired judgment

Yes No

If yes, please identify the ailment and provide full details, including the relevant dates, including dates of diagnosis, if applicable, the treatment received and any additional relevant information:

Discipline:

If you have ever been found, either involuntarily or by consent, to have committed a violation of The Florida Bar Disciplinary Rules, the Florida Rules of Judicial Administration or the Florida Code of Judicial Conduct for which the discipline imposed was one of the following: (a) public reprimand; (b) suspension; or (c) disbarment, please provide the following information:

Date of charge: Not applicable

Date of Disposition: _____

Rule(s) found to have violated: _____

Discipline imposed for rule violation(s): _____

Date reinstated to the Bar or bench: _____

Any conditions imposed for reinstatement (e.g., disgorgement, probation or public service):

FLORIDA BAR JUDICIAL CANDIDATE
VOLUNTARY SELF-DISCLOSURE STATEMENT

If you have been found to have committed a violation of the ethical or discipline rules, please explain the circumstances surrounding your discipline:

Not applicable

For current or former judges:

Has the Florida Supreme Court, or a similar body in another state, ever ruled against you on a Notice of Formal Charges by the Judicial Qualifications Commission? If so, please explain the circumstances surrounding the charges and include a description of any discipline imposed:

No

Military Discharge:

If you served in the military and your discharge was anything other than honorable or you received a court martial, please provide that information here:

Not applicable

Criminal Convictions:

Have you ever been convicted or pled no contest to a crime involving dishonesty or moral turpitude? If so, provide the following information:

Date of Conviction or Plea of No Contest: Not applicable

Crime for which you were convicted or Pled No Contest: _____

Sentence: _____

Any additional conditions imposed: _____

If you have been convicted or pled no contest to a crime involving dishonesty or moral turpitude and would like to explain the circumstances surrounding your criminal conviction, you may do so here:

FLORIDA BAR JUDICIAL CANDIDATE
VOLUNTARY SELF-DISCLOSURE STATEMENT

CERTIFICATION

I certify that the information given on The Florida Bar Judicial Candidate Voluntary Self-Disclosure Statement is complete, true and correct to the best of my knowledge and belief.

Executed this 27 day of June, 2012.

Name Brian Jordan Davis

Certification Confirmation (must be checked prior to submission):

Continuation of answer to *primary areas in which you have specialized or have legal expertise, etc., on pg. 4*

As an associate attorney with Brown, Terrell, Hogan, Ellis, McClamma and Yegelwel, clients were typically plaintiffs seeking monetary damages for a variety of torts including personal injury, medical malpractice and wrongful death.

Finally, as Chief Assistant State Attorney I once again represented the State of Florida. I was involved in supervising the various prosecutorial and administrative responsibilities of the office. I also assisted the State Attorney in the development of office policy and procedures.

Continuation of answer to *Employment question on pg. 6*

Beginning in March 1982, I practiced criminal law as a prosecutor in the State Attorney's Office. My responsibilities ranged from the decision to charge through the trial of defendants for misdemeanor and felony offenses.

In 1998, I became an associate attorney at Brown, Terrell, Hogan, Ellis, McClamma and Yegelwel, a 6-person civil litigation law firm. As an associate attorney I managed a caseload which included various tort actions at various stages of litigation. Client intake, case investigation, witness development and preparation, discovery practice, motion practice, jury trial and non-jury were typical. By May 1991, I was offered a partnership in the firm.

In July 1991, I accepted an appointment as Chief Assistant State Attorney and again practiced criminal law with the same, though diminished, individual case responsibility but enhanced supervisory responsibilities for approximately 60 attorneys.

Continuation of answer to *Law Organizations question on pg. 8*

Florida Supreme Court
Civil Jury Instruction Committee (1992-1993)
Treatment Based Drug Court Steering Committee (2000-2002)
Judicial Branch Governance Study (2010)
Trial Court Performance and Accountability Commission (2002-present)
National Bar Association (1985-1994), 2011
National Black Prosecutors Association
Charter Member, 1984
National District Attorneys Association (1983-1988; 1991-1993)
Phi Delta Phi Legal Fraternity (1980)
University of North Florida Pre-Law Studies Program Advisory Board (1997-2005)

Continuation of answer to *Honors and Publications question on pg. 8*

Appreciation Award, 10th Annual Dr. Martin Luther King, Jr., Holiday Celebration, JALA, Inc. (1999)
Hubbard House Domestic Peace Award (1999)
Florida Coalition Against Domestic Violence, Outstanding Contributions Award (1999)

Introduction to Ch. 3 at p.47, Dr. Alvin White, Education is Not a Four Letter Word (2010).

Letter to Assistant Warden Randall Mobley, Correctional Compass Newsletter, September, 1999.

2011 Florida Judicial Branch Governance Study Group Report

2006 Report on District Court of Appeals Workload and Jurisdiction,
Committee on District Court of Appeal Workload and Jurisdiction

2005 Report on District Court of Appeals Workload and Jurisdiction
Committee on District Court of Appeal Workload and Jurisdiction

Various reports of the Florida Supreme Court's Trial Court Performance and Accountability Commission.

The Florida Advisory Committee to the United States Civil Rights Commission in March, 1996 issued a report regarding racial tensions in Florida. My testimony before the commission's committee in Jacksonville, Florida is recorded in its report

October 9, 2011: *Justice for All*, Men's Day Program, Simpson United Methodist Church.

August 3, 2010: *Remarks at Data Busters' Awards Ceremony*, Peck Center Fernandina Beach.

July 13, 2009: *Comments made at the funeral of Ms. Willie Lee Joyner Lucas*

November 9, 2006: I said a prayer at a lunch held at Walker's Landing at Amelia Island Plantation for Judge Williams on the occasion of his becoming a senior judge.

May 5, 2006: *Remarks at ceremony honoring victims of domestic violence*, Nassau County Judicial Annex, Yulee, Florida

May, 2005: *No Longer Children*, Baptist Youth Program, Fernandina Beach, Florida

June 5, 2005: *James Weldon Johnson Festival Public Forum & Founder's Luncheon*, Ritz Theater/LaVilla Museum. I served as a moderator of a forum

October 21, 2005: *Remarks delivered at Leadership Day event*, Mattie V. Rutherford Alternative Education Center, Jacksonville, Florida

June, 2004: *By Water and Spirit*, Ebenezer United Methodist Church, Jacksonville, Florida. I delivered remarks at my granddaughter's christening

September 10, 2003: *Remarks at African-American Professionals Seminar*, Prime Osborn Convention Center, Jacksonville, Florida

Thanksgiving Day 2002 or 2003: *Peace and Hope of Freedom*

September 13, 2002: *Remarks at Founders Anniversary Banquet*, Nasitra Club

June 7, 2002: *Keynote Address at Annual Banquet*, Clay County NAACP, Events Hall of Clay County Council on Aging

February, 2002: *Remarks at Black History Extravaganza*, Jefferson Davis Middle School, Jacksonville, Florida. The event was sponsored by Team Up, Communities in Schools, 3100 University Blvd. South, Suite 300, Jacksonville, FL 32216.

October 18, 2001: *Remarks at Preventing School Violence forum*, Mandarin High School, Jacksonville, Florida. I was a member of a panel on school violence and bullying

January 16, 2000: *Martin Luther King, Jr. Service Keynote Address*, St. Paul's by the Sea, Jacksonville Beach, Florida. The event was sponsored by St. Paul's by the Sea, 416 12th Ave. N., Jacksonville, Florida.

March 14, 1999: *Helping Our Children Find Their Way*, Jacksonville Department of Juvenile Justice Annual Conference

January 18, 1999: *Freedom is Not Free*, remarks delivered at Emancipation Proclamation Celebration

January 18, 1999: I made remarks at the Martin Luther King celebration held at the Jacksonville Landing

October 24, 1998: *To Lose a Brother*, Omega Psi Phi Regional Meeting, Embassy Suites, Jacksonville

August 13, 1998: *Comments made at the Investiture of Judge Ingraham Drayton*, Duval County Courthouse

May 27, 1997: *Remarks at Fifth Grade Recognition Awards*, Mt. Herman Exceptional Educational Center

1997: *Acceptance Speech for the Jewish Federation Humanitarian Award*

October, 1996: *Remarks at Pre-Law Program*, University of North Florida

March 9, 1996: *Unity Week Panel*, Jacksonville, Florida. I emceed a panel on race relations sponsored by a citizen group called Unity

December 10, 1995: *Lest We Forget*, Clay County NAACP Luncheon, Jacksonville, Florida

May 10, 1995: *Remarks at American Society for Industrial Security*, Naval Air Station Cecil Field

March 31, 1995: *Classroom Girl Scouting / Boy Scouting Recognition Breakfast*, Prime Osborn Convention Center

October, 1992: As a faculty member of the Association of Trial Lawyers of America's College of Trial Advocacy. I taught an Essentials of Civil Litigation Seminar in, Reno Nevada and prepared a paper entitled Ready, Set . . . Settle!

Continuation of answer to *Public Service* question on pg. 9

Ebenezer United Methodist Church
Chairman, Council of Ministries (1982-1990)
Chairman, Board of Trustees (1986-1988)
Vice-Chairman, Administrative Board (1982-1985)
Pastor-Parish Relations Committee (1999-2010)

Help Center
Vice-Chair (1991-1993)

Hubbard House
Board Member (1991-1993)

Jacksonville Community Council
Study Co-Chair (2002)

Jaguars Foundation
Advisory Board Member (1995-Present)

Leadership Jacksonville
(1987–Present)

NAACP
Life Member (1985-Present)

National Conference of Christians and Jews
Board Member (1993-2005)

National Conference of Community and Justice

Omega Psi Phi Fraternity
Member (1982-Present)
Board Member (2005-2006)

OneJax
Board Member (2006-Present)

Pace Center for Girls
Board Member (1989-1999)

Project Breakthrough
Co-Chair (2009-Present)

Urban League
Volunteer (2000-Present)

Continuation of answer for *Public Service – Pro Bono, Volunteer Work or Military Service* question, pg.

9

Boy Scouts of America Silver Beaver Award for Distinguished Service to Youth (1998)
Martin Luther King, Jr. Humanitarian Award, Jewish Federation (1997)
African-American Achievers Award, J. M. Family Enterprises, Inc. (1995)
Appreciation Award, Blacks in Government (1993)
Appreciation Award, 65th National Armed Robbery / Homicide Conference, Jacksonville
Sheriff's Office (1992)
University of Florida, Law Review, Student Works, Editor (1979 – 1980)
Miller-Schroeder, Memorial Prize, Honorable Mention, Princeton University,
Undergraduate Thesis
Eagle Scout (1968)

American Beach Homeowners' Association
Member (2007-Present)

Biscayne Estates Homeowners' Association
Member (1989-Present)

Boy Scouts of America
Eagle Scout (1968)
Assistant Scout Master, Troop 51 (1982-1984)
District Commission Member (1992)
Council Executive Board (1995)
Urban Scouting Commissioner (1995)
Merit Badge Counselor (2010)
Nominating Committee Chair (2011)

Ebenezer United Methodist Church
Chairman, Council of Ministries (1982-1990)
Chairman, Board of Trustees (1986-1988)
Vice-Chairman, Administrative Board (1982-1985)
Pastor-Parish Relations Committee (1999-2010)

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Project Breakthrough
Co-Chair (2009-Present)

Urban League
Volunteer (2000-Present)



2012 JUDICIAL SURVEY

The Clay Family Policy Forum is a group of professionals and other concerned citizens endeavoring to promote a pro-family culture in Clay County. To assist voters concerned with family issues, the Clay Family Policy Forum is conducting this survey of candidates' positions. The entire survey from each candidate will be posted on our website. Thank you for taking the time to consider thoughtfully each question and responding in a timely manner.

IMPORTANT INSTRUCTIONS:

Please mail your original, signed "2012 JUDICIAL SURVEY" hard copy in the enclosed stamped, self-addressed envelope to arrive no later than Monday, July 8th.

QUESTIONS:

1. What do you consider the three most important attributes of a judge? How did these influence your decision to pursue a judicial career?

Though I believe I have always possessed and enjoyed practicing these qualities, after 18 years on the bench I have learned to always be informed, impartial and respectful. The most important attribute of a judge is impartiality. The absence of that quality absolutely erodes the respect necessary to the function of our Courts to civilly resolve disputes. Judges must possess qualities of patience, attentiveness, studiousness and calmness. They must be good communicators, assure fairness and engender respect. I believe engendering respect for the institution of the Court to be most important. I achieve that outcome by always remaining impartial, consistently exhibiting all of the referenced attributes and by being invariably respectful to parties, counsel and participants.

2. Please list all of the organizations you have been affiliated within the last ten years?

Jacksonville Public Education Fund (2009 – present), One Jax (2006 – 2012), The Alliance for World Education, Inc. (2008 – 2009), Florida Partners in Crisis (2011; 2007 – 2009), National Conference for Community and Justice (formerly National Conference of Christians and Jews) (1993 – 2006), Jacksonville Bar Association (1982 – 2003), D.W. Perkins Bar Association (1985 – 2012), Omega Psi Phi Fraternity (1982 – 2012), Jacksonville Urban League (2003 – 2012), American Board of Trial Advocates (2002), Florida Bar Association (1981 – 2012), Nassau County Bar Association (2009 – 2012), Boy Scouts of America (1968; 1982 – 2012); , NAACP (1985 – 2012); Community Foundation's Quality Education Forum (2005 – 2012), Ebenezer United Methodist Church (1953 – 2012), Jacksonville Community Council (2002 – 2012), Jacksonville Jaguars Foundation (1995 – 2012), Leadership Jacksonville (1987 – 2012)

3. With which of the U. S. Supreme Court justices do you most align? Why?

As a sitting Circuit Court Judge I am bound legally and ethically by the decisions of the United States Supreme Court which are determined by a majority of the justices considering any matter presented to the Court.

SIGNATURE _____ DATE _____

NAME		PHONE
MAILING ADDRESS		
OFFICE SOUGHT	GROUP	EMAIL ADDRESS

**Please mail your completed survey to
Clay Family Policy Forum
3691 Winged Foot Court
Green Cove Springs, FL 32043
by Monday, July 8, 2012**

Judge Brian J. Davis' Responses to the Times Union Editorial Board Questionnaire

1. What is your major accomplishment in public life?

Response: My major accomplishment in public life is serving as a Circuit Judge of the 4th Judicial Circuit of Florida for more than 18 years.

2. What endorsements have you received?

Response: Informally, I have received the support of many elected officials and organizations serving the community. Because my campaign is in its early stages I have yet to formalize endorsements, but expect to receive broad and varied support from the communities I serve.

3. Please provide a resume that includes address, phone number, email address, entire employment history, educational history, place and date of birth, length of residence in Jacksonville, marital status, children, military service. Please provide us all of your campaign material.

Response: Please see the attached resume. I have not served in the military. I have not yet developed campaign materials.

4. Have you been arrested, sued or filed for bankruptcy? If yes, please explain.

Response: I have never been arrested or filed for bankruptcy.

In May, 1998, I was sued by Lisa T. Webb individually and on behalf of her children after I collided with the rear of her vehicle at an entrance ramp to a highway in Jacksonville, FL. There was no vehicular damage and the personal injury claims settled for \$5,000.00 following mediation. Webb vs. Davis, 4th Judicial Circuit Court, Duval County, Case No. 98-195-CA-CV-G. Ms. Webb was represented by Jonathan Rotstein (309 Oakridge Boulevard, Suite B, Daytona Beach, FL 32118 – (386) 252-5560). I was represented by Bert A. Rasmussen (4600 Touchton Road, E., Jacksonville, FL 32246 – (904) 928-2947).

In October, 2007, I was sued by George M. Richardson in the United States Court, Middle District of Florida following state court eviction proceedings over which I presided claimed by Mr. Richardson to be biased against him. My Motion to Dismiss was granted with prejudice in March, 2008. Richardson vs. Morgan, Holley and Davis, Case No. 3:07-cv-940-J-32TEM Mr. Richardson appeared pro se (1927 S. 14th Street, Fernandina Beach, FL 32034). I was represented by Bill McCollum, Attorney General through George Waas, Special Counsel, Office of the Attorney General, PL-01 The Capitol, Tallahassee, FL 32399-1050, telephone number (850) 414-3662.

5. Which judges do you admire and explain the qualities that impress you?

Response: I believe it would be inappropriate for me to comment on the qualities of living judges that impress me. Retrospectively, I admire the late United States Supreme Court Justice Thurgood Marshall because of his dedication to community service. Locally, the late Honorable Louis Safer is admired by me because of his unwavering focus on treating all persons appearing in Court with dignity and thereby enhancing the respect necessary to the effective functioning of your judicial system. I have been inspired by both Justice Marshall and Judge Safer to work to improve my community and to enhance the respect afforded our judicial system through my work on and off the bench.

6. What are the most important qualities of a judge? How does that relate to you?

Response: The most important attribute of a judge is impartiality. The absence of that quality absolutely erodes the respect necessary to the function of our courts to civilly resolve disputes. I am confident I have and will continue to remain impartial and unbiased in my decision making.

7. Have there been any complaints filed against you with the Florida Bar and what was the outcome?

Response: I am not aware of any complaints being filed against me with the Florida Bar.

8. Describe the general nature of your practice. Describe your typical clients and their problems.

Response: I began my practice of law in September, 1980 as an associate attorney in the labor law division of a law firm consisting of approximately 60 attorneys at the time. Beginning in March, 1982, I practiced criminal law as a prosecutor until May, 1988, at which time I became an associate attorney in a 6 person civil litigation law firm. By May, 1991, I was offered a partnership in the firm, but in July, 1991, accepted an appointment as Chief Assistant State Attorney and again practicing criminal law.

The labor law practice referenced above was primarily on behalf of management. Typical clients Included business, banking and manufacturing interests. My original term of service in the State Attorney's Office typically involved citizen victims of crime. During my term of service there, I had the opportunity to specialize in economic crime, consumer fraud, homicide, sexual battery and juvenile prosecutions. As an associate attorney with Brown, Terrell, et al clients were typically plaintiffs seeking monetary damages for a variety of torts including personal injury, medical malpractice and wrongful death. Finally, my term of service as Chief Assistant State Attorney involved supervising the various prosecutorial and administrative responsibilities of the office. I also assisted the State Attorney in the development of office policy and procedures.

I have regularly appeared in Court for clients. As an Associate Attorney, early in my

practice, such appearances were rare. As an Assistant State Attorney my appearances in Court were almost daily. When I returned to private practice and as Chief Assistant State Attorney the frequency of appearances decreased, but was still regularly. As a sitting judge, of course, 80% of my time is spent in the Courtroom.

9. How often have you appeared in Court per month?

Response: As a sitting judge since 1994 I have appeared in Court approximately 20 days per month (5 days per week) and on occasion some Saturdays and Sundays in connection with weekend duty.

10. What percentage of your practice has been civil and criminal?

Response: Less than 1% of my practice as an attorney was in federal courts more than 99% was in state courts of record. Prior to taking the bench 50% of my practice was in civil proceedings and 50% was in criminal proceedings.

11. List and describe the three most significant cases that you personally litigated and the outcome.

Response: As an attorney I litigated the following significant cases:

State of Florida vs. Roberts, Case No. 87-2600-CF

In September, 1987 in Duval County, I was chief trial counsel for the State of Florida in the Murder prosecution of Don O. Roberts before the Honorable William Wilkes, 4th Judicial Circuit Court. The case involved a domestic violence decapitation. The Defendant was found guilty. The Defendant was represented by Alan Chipperfield, Office of the Public Defender, 35 N. Main Street, Gainesville, FL 32601; telephone (352) 338-7375).

Edenfield vs. W. W. Gay Mechanical Contractors, Inc., Case No. 86-9574-CA

In April, 1990, in Duval County, I was chief trial counsel in a negligence action before the Honorable Lawrence D. Fay, 4th Judicial Circuit Court. The case was significant because of difficult engineering and immunity issues regarding a subcontractor and because of the disabling burns suffered by the Plaintiff. The jury returned a verdict of \$225,000.00. Jim Terrell, Esq. 233 E. Bay Street, 8th Floor, Jacksonville, FL 32202; telephone (904) 632-2424 was trial co-counsel. Defendant was represented by Bruce Bullock, Esq. 5515 Phillips Highway, Suite #2, Jacksonville, FL 32207-7966; telephone (904) 731-0535.

Powell vs. State of Florida, Case No. 85-2659

In July, 1990, in Hillsborough County, I was trial co-counsel in a negligence action before the Honorable J. Rogers Padgett, 13th Judicial Circuit Court. I examined prosecutors and made opening and closing arguments. The jury returned a \$1.3 million verdict (reversed on appeal, Powell v. State, 586 So.2d

1180 (Fla. 2nd DCA 1991) against the Hillsborough County State Attorney's Office for failing to protect an estranged wife horribly burned by her husband against whom she was to testify for the State. The case also represents the only time I have tried a matter outside of the 4th Judicial Circuit of Florida. James D. Clark, Esq., 101 S. Franklin Street, Tampa, FL 33602; telephone (813) 250-0608 was trial co-counsel. David McClain, Esq., 320 W. Kennedy Boulevard, Suite #600, Tampa, FL 33606; telephone (813) 221-1331, and Pamela Lutton, Esq., Atty. General's Office, 400 S. Monroe Street, #PL-01, Tallahassee, FL 32399; telephone (850) 414-3300) were defense counsel.

As a judge I presided over the following significant cases:

Carter vs. Brown & Williamson Tobacco Corp., Case No. 95-00934-CA

In August, 1996, in Duval County, FL, as a Circuit Court Judge I tried to verdict a product's liability case resulting in a \$750,000.00 verdict and judgment (Carter v. Brown and Williamson, 848 So.2d 365 (Fla. 1st DCA 2003) rev. den. 894 So.2d 969 (Fla. 2005)) against a cigarette manufacturer. It was the first time a cigarette company had been held liable for damages to an individual claiming injury from a cigarette related disease. The case presented complex questions regarding statutes of limitations and first impression federal preemption claims.

Huckleby vs. Masters, Case No. 06-118-CA

In March, 2011, in Nassau County, Florida as a Circuit Court Judge I presided over a two and one-half week personal injury claim resulting in a Jury verdict in excess of thirteen million dollars, the largest of record in Nassau County. The case was significant because of the severity and complexity of the Plaintiff's brain damage and the availability of punitive damages.

In the Interest of A. C., Case No. 06-293-CJ

In October, 2006, A.C. a 15 year old came to the Court's attention in connection with the charge of battery on a public or private education employee. Having experienced behavioral and cognitive problems as early as preschool and suffered physical and sexual abuse at a young age, it was eventually determined that A.S. was both developmentally delayed and suffered from post-traumatic stress disorder, oppositional defiant disorder, attention deficit hyperactivity disorder. It was also determined that she was incompetent to stand trial for the offenses for which she had been detained and the Department of Children and Families, Department of Juvenile Justice, and Agency for Persons with Disabilities seemed unable to fashion a course of treatment or means of protecting or providing for the child. Repeated hearings and requirements that agencies charged with the child's care fashion a means of addressing her unique and severe problems ultimately resulted in an appropriate group home placement.

NORTH FLORIDA CENTRAL LABOR COUNCIL

2012 QUESTIONNAIRE

JUDICIAL CANDIDATES

Please do not feel limited in your answers by the spaces provided. Feel free to attach longer answers as a separate document and identify as such by placing "see attached" in the space provided.

1. What do you see as the strengths and weaknesses of the present Duval County court system?

The Duval County court system's greatest strength is its emphasis on professionalism and civility, among both the bench and the bar. Its reputation as one of the most learned, civil, respectful and ethical court systems in the state is well deserved. The Duval County court system's weaknesses until recently included an inadequate courthouse. Currently the court costs associated with maintaining actions to civilly resolve disputes remain one of the systems greatest weaknesses. An independent source of funding for the court system, a constitutionally co-equal branch of government, is called for.

2. What types of clients have you represented while you have been an attorney?

I began my practice of law in September, 1980 as an associate attorney in the labor law division of a law firm consisting of approximately 60 attorneys at the time. Beginning in March, 1982, I practiced criminal law as a prosecutor until May, 1988, at which time I became an associate attorney in a 6 person civil litigation law firm. By May, 1991, I was offered a partnership in the firm, but in July, 1991, accepted an appointment as Chief Assistant State Attorney again practicing criminal law.

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As an attorney I regularly appeared in Court for clients. As an Associate Attorney, early in my practice, such appearances were rare. As an Assistant State Attorney my appearances in Court were almost daily. When I returned to private practice and as Chief Assistant State Attorney the frequency of appearances decreased, but was still regularly. As a sitting judge, of course, 80% of my time is spent in the Courtroom.

3. What elements in your training, background, and experience have prepared you to deal with each aspect of the court's jurisdiction (ie: criminal, family, civil, etc...)?

In addition to the experience described above, for the past 18 year as a Circuit Court judge I have presided over divisions of the court' jurisdiction which include matters involving criminal, family, civil, and probate law. I have managed juvenile and domestic violence dockets. I have not presided over a criminal division for adults though I prosecuted adults as an assistant State Attorney. I helped establish a drug court in Duval County for adults and juveniles and a mental health court in Nassau County.

4. What characteristics and qualities do you believe are important for a judge to possess?

The most important attribute of a judge is impartiality. The absence of that quality absolutely erodes the respect necessary to the function of our courts to civilly resolve disputes. I am confident I have and will continue to remain impartial and unbiased in my decision making. Judges must possess qualities of patience, attentiveness, studiousness and calmness. They must be good communicators, assure fairness and engender respect. I believe engendering respect for the institution of the court to be the most important. I achieve that outcome by consistently exhibiting all of the referenced attributes and by always being respectful to parties, counsel and participants.

5. To what extent should a judge consider political, economic, and social consequences of decisions?

A judge's role in the justice system, subordinate to none, is to determine facts and impartially apply law. Secondly, judges also maintain an ethical obligation as reflected in both state and

federal canons and codes of conduct to work to improve the administration of justice. A state judge's obligation is to follow and apply the decisions of the Florida Supreme Court and the U. S. Supreme Court, when applicable, and to apply state and federal statutes when applicable. I have and will continue to follow and apply applicable law, regardless of my personal beliefs and regardless of the political, economic or social consequences of my decisions.

6. How would/do you deal with a pro se party appearing in your Court?

I regularly deal with pro se parties in court. Pro se parties are entitled to and receive the same respect and impartiality due to all litigants. My experience is that many pro se parties are unaware of the court's ethical inability to offer legal advice as established by applicable judicial codes of conduct and canons. My practice has been to patiently explain that restriction and to direct pro se litigants to pro bono legal assistance organizations or self-help resources.

7. If you observed a party in your Courtroom being poorly represented by an unprepared or ineffective attorney, how would you handle the situation?

I have observed attorneys engage in ineffective and unprofessional behavior in the representation of their clients. I have, consistent with applicable judicial canons and the code of professional responsibility governing lawyers duties, brought the conduct to the attention of the attorney, first off the record and out of the presence of the client. If that effort failed to correct the conduct I have created a record of the behavior, discharged the lawyer and referred him or her to the Florida Bar for discipline, and have given the client an opportunity to obtain additional counsel.

8. Would you favor or oppose a system in which all sentencing decisions were routinely reported in local newspapers, indexed by the name of the judge?

I am in favor of the sentencing decisions of all judges being publically available as is now required by law. I am not sure what is the best way to effect a more efficient dissemination of that information but generally support the idea of easier access to the courts and it decisions.

9. Why should this organization endorse your candidacy?

I am a well-qualified experienced jurist actively engaged in improving the administration of justice and the community in which I have lived most of my life. To wit: I am a former prosecutor and civil litigator and currently a Circuit Court judge serving on the civil, family, juvenile and probate benches in the Historic Courthouse on Amelia Island, Florida, previously serving on those benches for nine years in Duval County. I am a native of Jacksonville and a graduate of its public schools, Princeton University and the University of Florida law school. Over the years I have served on a number of Florida Supreme Court and local bar association commissions, committees, and task forces designed to improve the justice system. I have actively volunteered with Leadership Jacksonville, NCCJ, the Urban League, the NAACP, the Boy Scouts of America, Omega Psi Phi Fraternity, Jacksonville Community Council, Hubbard House, the Help Center, and the Pace Center for Girls and the Jaguars Foundation and am currently co-chairing "Project Breakthrough" a community leadership initiative against structural racism. I recently served on the Board of OneJax, and currently serve on the Community Foundation's Quality Education Forum and the Jacksonville Public Education Fund. I and my wife Tanya, worship at Ebenezer United Methodist Church. We are the grandparents of four, the offspring of two children, Brian and Cicely.

10. In your opinion, what is the greatest challenge working families face in our area?

The greatest challenge facing working families in our area is finding and maintaining meaningful and gainful employment and securing quality education for their children.

11. Have you or any close family member even been a union member? If so, when, where, and with which union was the affiliation?

Yes, both my mother and wife were members of the Duval Teachers Union, 1975 to 1985 and 1990 to 2011, respectively.

12. Do you value an individual's ability to return to work in cases where incarceration is a consideration in questionable situations, or where no prior record exists?

Yes, even in cases where incarceration is a possibility an accused's employment is appropriately considered by judges in determining conditions of release as is the absence of prior criminal history. Both are specifically identified as factors to be weighed by Florida Rules of Criminal Procedure.

Candidate Name: Brian J. Davis Office Sought: Circuit Court Judge, 4th Judicial Circuit, Florida

Date: July 7, 2012

TIMES-UNION ELECTION QUESTIONNAIRE for Judge Brian Davis

Name: Brian J. Davis

Age: 59

Education: Duval County Public Schools; B.A., Princeton University; J.D. University of Florida, College of Law.

Family (include marital status, how many years if applicable, spouse and children's first names, if applicable): Wife, Tanya (35 years); son, Brian; daughter, Cicely.

Previous elected offices: Circuit Court Judge, 4th Judicial Circuit, Duval, Clay and Nassau counties since 1994.

What are your strongest qualifications for this office? I bring both breadth and depth of training and experience to the bench as well as a reputation for informed, impartial and respectful decision making. I have worked as a laborer and as a manager in the corporate arena and in government. I have practiced civil and criminal law in private practice and as a prosecuting attorney. I have served as a judge in every division of the circuit court in two counties and have helped establish a drug court and mental health court. I am active in the civic affairs in the communities in which I sit and live and have been a member of the bar for over 30 years and a circuit court judge for over 18 years.

What are the most important issues in your campaign? Experience, training, integrity, impartiality, temperament and respectfulness.

Why did you ultimately decide to run for the bench? (Obviously, in your case, run for re-election?) I became a judge to serve my community honorably by upholding the rule of law and am seeking re-election for the same reason.

4 AS

IN THE CIRCUIT COURT OF THE FOURTH
JUDICIAL CIRCUIT, IN AND FOR NASSAU
COUNTY, FLORIDA.

CASE NO.: 10-505-DR

DIVISION: A

In RE: The Marriage of:

TROY THERRIAULT,

Husband

and

LISA THERRIAULT,

Wife.

000620

TBP

2011 JUL 15 P 4:21

FILED

JOHN A. VERNON
CLERK OF THE CIRCUIT COURT
NASSAU COUNTY, FLORIDA
HISTORIC COURTHOUSE

AMENDED
FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE

This matter came on to be heard May 26 and 27, 2011, after proper notice for Trial and on Rehearing ex parte. The parties appeared with counsel and the Court considered the record evidence, testimony of the parties and their various witnesses as well as the argument of counsel. Upon consideration, the Court finds the parties' marriage of almost 17 years is irretrievably broken largely in part to stresses surrounding failed financial expectations. Two (2) children were born to the parties' marriage, Dustin Tracy Therriault, date of birth March 23, 2005, and Avery James Therriault, date of birth July 27, 2006. The family moved to Florida from Connecticut in anticipation of the Husband's family business prospering sufficiently from an invention to make them wealthy. Unfortunately, the invention did not achieve that result and does not appear likely to ever do so. Moreover, the Husband's family business suffered extraordinary financial stresses resulting from incompetent accounting advice and significant tax liabilities.

The Wife's contention that the Husband and his family are secreting income for and to the Husband are not supported by the evidence. The Husband remains fully employed however, and earns gross weekly wages of \$1,384.00. The Wife is currently unemployed, but caring full-time for the parties' minor children. She is actively seeking employment and consistent with the Husband's contention, is capable of self support.

The Court finds from the competing expert opinions regarding the Wife's employability that she is capable of earning minimally \$45,000.00 per year. The Court's finding in this respect is supported by the Court's attachment of greater weight to the analysis and rationale offered by the Wife's vocational expert who valued differently the Wife's previous experience and market conditions which the Court finds more persuasive.

The length of the parties' marriage when considered in light of the physical and emotional condition of the Wife, the absence of financial and family support in Florida, the current responsibilities of the Wife regarding the parties' minor children and the fact of the parties' earning and having at their disposal practically equivalent incomes during the course of their marriage support the Court's finding that an award of permanent periodic alimony is appropriate. The evidence adduced establishes the Wife's reasonable need for said support and the Husband's ability to provide therefor.

The financial crises facing the parties have resulted in the loss of any equity in real marital property and the parties have equitably divided personal property so that each shall retain that currently in their possession. Liquid marital assets possessed by the parties at the time of their separation have been reasonably used by both either to reduce marital debt or to offset reasonable living expenses. From the date of the parties' marriage, June 25, 1994, to the date of filing of the Petition for Dissolution of Marriage, May 19, 2010, pension and retirement benefits accrued by the Husband are awardable to the Wife pursuant to Boyette v. Boyette, 703 So.2d 451 (Fla. 1997)

Until shortly before Trial the issue of timesharing did not arise. The parties wish to contest their current timesharing arrangements and the Court will reserve jurisdiction to permit them an opportunity to do so. In the interim the Court's temporary orders in that regard will remain in full force and effect. Accordingly, upon consideration, it is

ORDERED AND ADJUDGED:

1. The parties' marriage is hereby dissolved and each is returned to the status of single persons.

2. The Wife shall continue to enjoy majority timesharing with the parties' minor children and the Husband reasonable visitation as provided for in the Court's temporary orders. The Court reserves jurisdiction to adjudicate the parties permanent timesharing arrangement.

3. The Wife is hereby awarded permanent periodic alimony in an amount which equalizes the Husband and Wife's income based upon gross annual earnings of \$71,968.00 and \$45,000.00, respectively after due consideration to the income tax consequences of the Court's award including the Wife's entitlement to claim the parties' minor children as exemptions. Counsel for the parties shall calculate said sum and provide evidence to the Court thereof.

4. The Wife shall also receive from the Husband child support based upon the equalized earnings ordered herein crediting the Husband with payments for health insurance for the parties' minor children and the Wife with the sum of \$270.00 per month childcare expense. Counsel for the parties shall calculate said sum and provide evidence thereof to the Court.

5. The Court's temporary order of undesignated support shall continue to remain in full force and effect until the above referenced calculations and submissions along with proposed orders effecting said results are submitted to the Court.

6. The parties shall equally share the expense of cord blood registry for each child.

7. The Husband shall maintain \$500,000.00 in life insurance to secure his alimony and child support obligations naming the Wife as irrevocable beneficiary, and shall provide proof to the Wife of the coverage's existence annually.

8. The Husband and Wife shall remain in possession of personalty currently in their possession and shall be jointly responsible for any remaining marital indebtedness which shall be satisfied equally from sums required by the Court to be held in escrow from the sale of the parties' Connecticut home. The balance of such sums are hereby released by the Court to the parties equally and counsel retaining said funds in escrow shall tender such balances to the parties forthwith.

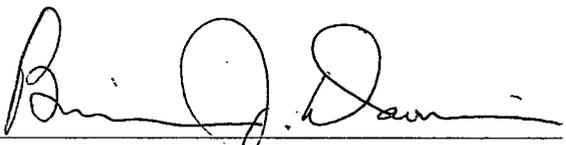
9. The Husband shall cause to be prepared within ninety (90) days hereof a QDRO pursuant to the Court's finding and award of pension benefits to the Wife.

10. The parties shall be responsible for their respective attorney's fees.

11. The Husband's Motion for Rehearing is otherwise **DENIED**.

12. Except as to paragraph 1 the Court retains jurisdiction to enter orders necessary to the administration of its Final Judgment.

DONE AND ORDERED in Chambers at Fernandina Beach, Nassau County, Florida, this 15th day of July, 2011.


BRIAN J. DAVIS
Circuit Judge

Copies:

James G. Roberts, Esq.
Valerie C. Faltemier, Esq.