

The Judicial Branch

- 150 [The Judicial System](#)
- 159 [The Supreme Court](#)
- 168 [Other Courts and Commissions](#)
- 173 [Judicial Milestones](#)



The Judicial System

B. K. Roberts*

“The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts and county courts. No other courts may be established by the state, any political subdivision or any municipality.”

Article V, Section 1, Florida Constitution

On March 14, 1972, the electors of Florida approved a revision of the judicial article of the State Constitution to give Florida one of the most modern court systems in the nation. Section 1 of Article V provides that “The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts and county courts. No other courts may be established by the state, any political subdivision or any municipality.” The revision eliminated 14 different types of courts which had been created pursuant to the 1885 Constitution. Substituted for these trial courts is a uniform (two appellate and two trial courts) structure composed of the Supreme Court, District Courts of Appeal, circuit courts, and county courts. There cannot be any other courts.

You may ask the question, what is meant by the “judicial powers” of a state? The judicial power is, essentially, the authority of a judge to decide, according to law, controversies of which the law takes notice, and to secure the enforcement of the decision

rendered. We commonly say that the judicial power is the power to administer justice and that “equal justice under law” is the supreme object of all courts that perform their proper function.

In those cases where the Legislature may decide that, for matters of convenience or for quicker or more efficient administration of a particular law, the determination of controversies arising under such law should be exercised, in the first instance, by a commission or board, the judicial power of a state may also be exercised to a limited degree through public officers or bodies such as a commission or a board, or civil traffic divisions. Such commissions or boards are said to have “quasi-judicial” powers, since they exercise powers in some ways comparable to those exercised



B. K. Roberts

**Florida Supreme Court Justice B.K. Roberts retired on November 30, 1976, after 27 years of judicial service, including six years as Chief Justice. He earned a Doctor of Jurisprudence degree, University of Florida; and received an Honorary LLD, University of Miami, and Doctor of Humane letters, Florida State University. Justice Roberts served 14 years as chairman of the Judicial Council taking the leadership in the creation of Florida’s Judicial Qualifications Commission, the Public Defender System, and the establishment of the College of Law at Florida State University, a building there having been named in his honor by the Legislature. He was a member of the 1968 Florida Constitution Revision Commission and provided the leadership in the revision of the judicial article of the Florida Constitution in 1972, giving Florida one of the most modern court systems in the nation.*

by the courts. Article V, Section 1 provides “Commissions established by law, or administrative officers or bodies may be granted quasi-judicial power in matters connected with the function of their offices.” The power of the judiciary to review their action on proper procedure is inherent.

The courts do not initiate cases. Our judges serve as arbiters, not advocates. Furthermore, they cannot decide abstract questions of legal philosophy but may only exercise their judicial power when a party seeks their aid in an actual controversy—for example, when one seeks to recover damages for an injury caused by the wrongful act of another. The trial courts also exercise their judicial powers by trying persons who are accused of a criminal offense and, if guilty, imposing sentence. As exceptions, the Supreme Court may render an advisory opinion to the Governor and, subject to law, may enter declaratory judgments advising litigants of their rights.

Advisory Opinion to the Governor

An exception to the general rule that the judicial power may be exercised only in the hearing and adjudication of actual controversies is found in Article IV, Section 1(c) of the Constitution. This section provides that “The governor may request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting the governor’s executive

powers and duties.” It will be noted that the opinion of the justices can be required by the Governor only “as to the interpretation of any portion of this constitution upon any question affecting the governor’s executive powers and duties...” This is not strictly a judicial power, in that there is no actual controversy between parties, but is an additional duty the Constitution confers upon the justices of the Supreme Court.

Declaratory Judgments or Decrees

An apparent exception to the rule requiring an actual controversy before the judicial power may be exercised appears in Chapter 86, *Florida Statutes*, as amended. This particular portion of our laws authorizes the courts to enter declaratory judgments and decrees, that is, to determine the rights of a party under some instrument such as a deed, will, or contract, prior to the time that the matter has reached the stage where one party is suing the other. Yet these cases are essentially “actual controversies,” since all parties having an interest in the judgment or decree are necessary parties to the suit if they are to be bound by it, and the jurisdiction of the court can be invoked only by a party who has an interest in the subject involved. It is simply an effort to teach parties their rights in a court proceeding before a controversial dispute leads to expensive and delayed litigation.



Justice Ben Overton of St. Petersburg listens to Governor Reubin Askew call for the creation of an ethics commission to deal with the misconduct of judges, 1974. Askew addressed a joint session of the legislature, Supreme Court and the Cabinet. Overton replaced retiring judge Vassar Carlton. From left: Overton and Justices Dekle, McCain, Boyd, Ervin, Roberts and Adkins.”

Photo by Donn Dughi

Constitutionality of Executive or Legislative Acts

We have all heard that the three branches of government—the Legislative, Executive and Judicial—are equal, and we may then wonder why it is that the courts may be said to have a greater power than the other two branches of government, in that they may, in a proper case, strike down some acts of the Legislative or the Executive Branches. The reason for this goes back to the fact that the courts are the tribunals where legal controversies are settled; when any person, through appropriate legal procedure, claims that the provisions of the Constitution are being violated by acts of the Legislative or Executive Branches, to the injury of the complaining party, then the courts may determine the controversy.

Suppose, for example, that the state Legislature passed an act providing for a personal income tax. Any natural person liable to pay the tax could contend that the act violated the constitutional prohibition against a state personal income tax. It would then be the duty of the judiciary, provided the citizen had used an appropriate procedure, to decide whether the act violated the Constitution. Since Florida's Constitution provides that the state may not levy a personal income tax, and since the acts of all departments are subject and subordinate to the provisions of the Constitution, it would be the duty of the court to find that the Legislature, in passing the personal income tax bill, had acted without lawful authority and, therefore, the act passed by the Legislature had no validity. The citizen would not have to pay the tax. It must be remembered, however, that it is only when a party, in an appropriate legal proceeding, is contending that the legislative act has violated the constitution, that the courts will determine such question. In order to

avoid encroachment upon the Legislature, the courts will not in any case consider the wisdom or expediency of legislation.

The Courts www.flcourts.org

Appellate Courts (6 year terms)

Supreme Court

7 Justices sit in Tallahassee

5 District Courts of Appeal

61 judges sit in panels of 3

1st District—Tallahassee (15 judges)

2nd District—Lakeland / Tampa (14 judges)

3rd District—Miami (10 judges)

4th District—West Palm Beach (12 judges)

5th District—Daytona Beach (10 judges)

Trial Courts

20 Circuit Courts (6 year terms)

Number of judges depends on population and caseload

67 County Courts (6 year terms)

Number of judges depends on population and caseload—at least one in each county preside individually

The Supreme Court

The highest court in this state is the Supreme Court, which is composed of seven justices appointed by the Governor from a list of qualified persons submitted by the Judicial Nominating Commission.

*State Supreme Court in 1936.
From left: Rivers Buford, W.
Glenn Terrell, W.H. Ellis, J.B.
Whitfield, Armstead Brown,
Fred H. Davis.*



Florida State Archives

A Justice's term ends on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment. In the general election preceding the end of the appointed term, the justice may submit his record to the electors of the state for a merit retention vote to determine whether or not he will be continued in office for a full term. The justice does not have an opponent, but his or her name shall be on the ballot followed by the question, "Shall Justice (name) of the Supreme Court be retained in office?" If the incumbent fails this test, a vacancy is created and the process starts over. Of these seven justices, each appellate district shall have at least one justice appointed from such district to the Supreme Court. The justices must submit themselves for retention or rejection by the electors in a general election every six years, and failure to submit to such a vote will result in a vacancy in the office upon expiration of the current term.

One of the justices is chosen Chief Justice by a majority of the members of the Supreme Court. By rule, the Court rotates the chief justiceship in two-year cycles. The Chief Justice is the chief administrative officer of the judicial system and has the power to assign judges for temporary duty in any court to insure full utilization of judicial manpower and may recall, with their consent, retired justices or judges who are not engaged in the practice of law. The Chief Justice has delegated to the chief judge of each judicial circuit the power to assign circuit or county court judges within the circuit.

Five justices of the court constitute a quorum and it is necessary that four of the justices agree to render a decision. In the event of inability to organize a quorum of five justices, the Chief Justice may assign for temporary duty another judge or retired justice who is not engaged in the practice of law and who is willing to serve.

Jurisdiction

The Supreme Court *shall* hear appeals from judgments of the trial courts imposing the death penalty or from decisions of District Courts of Appeal declaring invalid a state statute or a provision of the state Constitution. As provided by general law, the Supreme Court shall hear appeals from final judg-



Photo by F.S. Lincoln

Florida's Supreme Court Building rotunda in Tallahassee, 1949. The Supreme Court moved to its current location, the Supreme Court Building, in 1949. The Court met in the Historic Capitol Building from 1845-1912 and in an earlier Supreme Court Building (Whitfield Building) from 1912-1949.

ments and proceedings for the validation of bonds or certificates of indebtedness, and it shall review action of statewide agencies relating to rates or service of utilities providing electric, gas, or telephone service. In its *discretion*, the Court *may* review any decision of a District Court of Appeal that expressly declares valid a state statute or that expressly construes a provision of the state or federal Constitution or that expressly and directly conflicts with a decision of another District Court of Appeal or of the Supreme Court on the same question of law. Also, the Court may review any decision of a District Court of Appeal that passes upon a question certified by it to be of great public importance or that is certified by it to be in direct conflict with another District Court of Appeal. The Court may review any order or judgment of a trial court certified by the District Court of Appeal in which an appeal is pending, to be of great public importance or to have great effect on the proper administration of justice throughout the state

and certified to require immediate resolution by the Supreme Court. Also, the Court may issue writs of *mandamus* and *quo warranto* to state officers and agencies and any justice may issue a writ of *habeas corpus* before the Supreme Court or any justice, a District Court of Appeal or any circuit judge thereof, also a writ of prohibition to courts and all writs necessary to the exercise of its jurisdiction. These ancient and extraordinary writs will be discussed later.

The Court may promulgate rules governing the practice and procedure in Florida courts, such rules subject to the power of the Legislature to repeal any of them by two-thirds vote of its membership and the Court has authority to review and repeal, with the concurrence of five justices, any rule adopted by the Judicial Qualifications Commission, which has been created for the general supervision of judicial conduct. Upon their recommendation, the Supreme Court may discipline by public or private reprimand, or removal from office. The Supreme Court controls the admission and discipline of attorneys and has adopted a code of judicial conduct for judges and attorneys. The Court may review a question of law certified by the Supreme Court of the United States or a United States Court of Appeals that is determinative of the cause and for which there is no controlling precedent of the Supreme Court of Florida.

District Courts of Appeal

Most appealed trial court decisions are reviewed by three-judge panels of the District Court of Appeal in which controversy the concurrence of two judges is necessary for a decision. However, in certain cases in the discretion of the Court, the case may be heard by a district court of appeal *en banc*, with all eligible judges of the district participating.

The Florida Constitution directs the Legislature to divide the state into appellate court districts. Presently, there are five district courts, headquartered in Tallahassee, Lakeland, Miami, West Palm Beach, and Daytona Beach.

The judges are appointed and retained in office as are justices of the Supreme Court, and with the same qualifications. They are subject to the jurisdiction of the Judicial Qualification Commission. A chief judge is selected by his or her colleagues to be responsible for the administrative duties of the Court.

The jurisdiction of the District Court of Appeal includes appeals from final judgments or orders of trial courts in cases that either are not directly appealable to the Supreme Court or are not taken from a county court to a circuit court, orders or judgments of a county court which are certified by the county court to be of great public importance, and certain non-final orders specifically defined by the Supreme Court rule. By general law, district courts are granted review power of most actions taken by state agencies. District courts are also granted constitutional authority to issue the extraordinary writs of *certiorari*, *prohibition*, *mandamus*, *quo warranto*, and *habeas corpus*, as well as all other writs necessary to the complete exercise of their jurisdiction.

As a general rule, decisions of the district courts of appeal represent the final appellate review of litigated cases, although a person dissatisfied with a district court's decision may request review by *certiorari* in the Supreme Court of Florida, or the Supreme Court of the United States. The overwhelming majority of such requests are denied.

Circuit Courts

The courts of the most general jurisdiction in this state are the circuit courts, each of which is presided over by a circuit judge, now elected every six years by the qualified electors of their respective judicial circuits. They are subject to the jurisdiction of the Judicial Qualifications Commission.

The Constitution provides that a circuit court shall be established to serve each judicial circuit es-



Photo by Bill Tyler

Supreme Court Justice E. Harris Drew administers the oath to new Florida Bar inductees at the 3rd DCA in Miami, 1965.

tablished by the Legislature. Twenty circuits currently exist. Because the number of judges in a circuit depends upon the population and case load of the particular area, there is a varying number of judges in each circuit. Eligibility for office of circuit judge requires Florida and circuit resident electorate status and admission to the practice of law in the state for the preceding five years.

Circuit courts have jurisdiction of appeals from county courts except those appeals of county court orders or judgments declaring invalid a state statute or a provision of the state Constitution and except those orders or judgments of a county court certified by the county court to the district court of appeal to be of great public importance and which are accepted by the district court of appeal for review. Circuit courts also have appellate jurisdiction of final administrative orders of local government code enforcement boards.

Circuit courts have exclusive original jurisdictions in all actions of law not cognizable by the county courts; of proceedings relating to the settlement of the estates of decedents and minors, the granting of letters testamentary, guardianship, involuntary hospitalization, the determination of incompetency, and other jurisdiction usually pertaining to courts of probate; in all cases in equity including all cases relating to juveniles except traffic offenses (Chapters 39 and 316, *Florida Statutes*). Also, of felonies and all misdemeanors arising out of the same circumstances as a felony which is also charged; in all cases involving legality of any tax assessment or roll, except as provided in Florida Statute 72.011, which provides for challenge through Chapter 120, Administrative Proceedings; in actions of ejectment; and in all actions involving the title and boundaries of real property.

Effective October 1, 1990, the exclusive jurisdiction of the circuit court was changed. The Legislature, with the passage of Chapter 90-269, gave county courts jurisdiction of additional matters that formerly were solely within the jurisdiction of circuit courts. On that date, the minimal jurisdictional amount for cases brought in circuit court was increased to over \$10,000, and after July 1, 1991, \$15,000. Also, since October 1, 1990, equity jurisdiction is no longer the exclusive prerogative of circuit courts.

Circuit judges also have the power to issue the “extraordinary writs” such as the writs of *mandamus*,

quo warranto, *certiorari*, prohibition, and *habeas corpus*, to which we have above referred in the discussion of Supreme Court, and all other writs proper and necessary to complete exercise of their jurisdiction. The judges of each judicial circuit shall select a chief judge from among them for a fixed term during which he or she will perform the administrative duties of the circuit and county courts located therein.

The chief judge of a circuit court may authorize a county court judge to order emergency hospitalizations in the absence from the county of the circuit judges in charge of such cases. The county court judge shall have the power to issue all temporary orders and temporary injunctions necessary or proper to the complete exercise of such jurisdiction.

The executive officer of the circuit court and county court is the sheriff of the county where the court is operating.

County Courts

The Florida Constitution provides that there shall be a county court in each county and that there shall be one or more judges for each county. The jurisdiction of the court is prescribed by the Legislature by general law.

Their jurisdiction presently extends to civil cases involving not more than \$15,000. The county court also has original jurisdiction in all misdemeanor cases not cognizable by the circuit courts and of all violations of municipal and county ordinances.

County courts have equity jurisdiction in certain limited matters such as simple divorces and in certain statutorily defined declaratory judgment actions within its constitutional jurisdictional amount.

County judges shall be committing magistrates and coroners except where otherwise provided by law.

County judges are elected by the electors of their county for a term of six years. They are subject to the same disciplinary process and to the jurisdiction of the constitutionally created Judicial Qualifications Commission, as are the other justices and judges of Florida’s judicial system. When a vacancy occurs it will be filled by appointment by the Governor from a list of three or more nominees submitted by the Judicial Nominating Commission.

Specialized Divisions of Courts

Specialized divisions of any court, except the Supreme Court, may be established. Article V of the Constitution gives the Legislature the power to create such division, and the Legislature, in turn, has said that such divisions shall be established by the local rule of each circuit as approved by the Supreme Court. Such divisions could include, for example, probate, domestic relations, juvenile, civil, and criminal divisions.

Number of Judges

Judges in all courts, except the Supreme Court, shall be created on the basis of need. Article V eliminates any arbitrary population limitation on the number of judges. It provides that if the Supreme Court finds that a need exists for increasing or decreasing the number of judges, it shall, prior to the next regular session, certify to the Legislature its findings and recommendations concerning such needs. The first certification of the Supreme Court under the new article was made in a historic session of the 1972 Regular Session in the first address by a Chief Justice of the state to a joint session of the Legislature, Governor, and Cabinet. The Legislature may, by a majority vote, accept in whole or in part the Supreme Court's certification and create additional judges, or it may refuse to create any new judicial positions. The Legislature may go beyond the limits of the Supreme Court certification only by a two-thirds vote of the membership of both houses of the Legislature.

Qualifications and Requirements for Judges

All judges are required to devote full time to their judicial duties. Supreme Court justices and judges of the District Courts of Appeal must have been members of The Florida Bar for 10 years and circuit judges must have been members of The Florida Bar for five years. County court judges must be members of The Florida Bar, unless otherwise provided by general law, and be a resident of the county and state. Because there are few lawyers in small counties, the Legislature provided that county court judges in counties with a population under 40,000 need not be lawyers, and even in counties with a pop-

ulation over 40,000, non-lawyers who held elective judicial office before the new system was adopted may seek election as county judges. The mandatory retirement age for all justices and judges is 70. All judges' salaries are paid by the State.

Non-Partisan Election of Judges

Article V provides that judges shall be elected by vote of the qualified electors within the territorial jurisdiction of their respective courts. As previously stated, after appointment by the Governor to a vacancy, the election of Supreme Court justices and district court judges consists of having their name submitted to the voters for retention or rejection rather than in an election for which other aspirants may qualify. Party labels can no longer be used by candidates for judicial office and the nonpartisan election law prohibits judicial candidates from engaging in partisan political activities.



Florida State Archives

Primary voting for the Governor's runoff election between Farris Bryant and Doyle Carlton Jr., as well as choices for Secretary of State, Commissioner of Agriculture, and Leon County Juvenile Judge.

Discipline, Retirement, and Removal of Judges

Article V provides for a Judicial Qualifications Commission with power to recommend to the Supreme Court that any justice or judge be disciplined, removed, or retired from office. The Supreme Court then acts on that recommendation. As provided in the Constitution, the Judicial Qualifications Commission is composed of two judges of District Courts of Appeal, two circuit judges, two county court judges, four

members of The Florida Bar selected by the Board of Governors of The Florida Bar, and five laymen who are electors and who are appointed by the Governor. The judges of each of the courts select their representatives. The members serve staggered terms not to exceed six years as fixed by the Legislature. The Legislature retains the power of impeachment of judges down to the circuit court level, and the Governor retains his power of suspension and removal of all county court judges.

Judicial Nominating Commission and Vacancies

The Governor is required to fill vacancies in judicial office from nominations made by judicial nominating commissions. Article V provides that there shall be a separate judicial nominating commission for the Supreme Court, each District Court of Appeal, and each judicial circuit for all trial courts within that circuit. The composition of such commissions is determined by the Legislature.

The Legislature has provided that each such commission shall be composed of four members of The Florida Bar appointed by the Governor from a list of nominees recommended by the Bar's Board of Governors, and five electors appointed by the Governor, at least two of which are practicing members of the The Florida Bar. The members serve staggered terms of four years.

Other Judicial Officers

The Supreme Court and each District Court of Appeal is authorized to select a clerk and a marshal. In each county qualified electors choose a clerk of the circuit court, who also serves as the clerk of the county court, unless otherwise provided by law.

The State Courts Administrator

To assist the Chief Justice and the Court in the management of the judicial system, there has been created the office of state courts administrator, operating under the direction of the Chief Justice and located in the Supreme Court Building in Tallahassee.

Other Officers of Court

The State Attorney is the prosecuting officer of all trial courts in the circuit in which he or she is elected (except that municipalities may use their own prosecutors to prosecute their ordinances). The State Attorney is elected for a four-year term and must devote full time to the duties. There shall be a Public Defender in each judicial circuit as well, who is elected for a four-year term and has the duty of representing indigent persons accused of having committed a non-capital felony. (Legal assistance in cases in which the death penalty could be imposed is provided by the appointment of special counsel by the trial court.) The executive officer of the circuit court and county court is the sheriff of the county where the court is operating. The clerk of the circuit court shall be clerk of the county court unless otherwise provided by law. Under Article V, the duties of the clerk of the circuit court may be divided between a clerk of the court and a clerk of the county commission.

Extraordinary Writs

The Supreme Court also has power to issue writs of *mandamus*, *quo warranto*, and prohibition and *conflict certiorari* in a limited class of cases, as well as the writ of *habeas corpus*. These so-called extraordinary writs are of ancient origin and became a part of the jurisprudence of this state when we adopted the English common law and statutes in effect on July 4, 1776. The purpose of each of these writs is briefly stated below.

The writ of prohibition is commonly used to prevent a tribunal possessing judicial or quasi-judicial powers from exercising jurisdiction over matters not within its cognizance (that is, which it has no authority to hear and determine) or exceeding its jurisdiction in matters of which it has cognizance. The writ of *mandamus*, on the other hand, is used to compel the performance of any and all official duties where the official charged by law with the performance of such duty refuses to or fails to perform the same. It proceeds in every case upon the assumption

that the applicant for the writ has an immediate and complete legal right to the thing demanded, and that a corresponding duty of an imperative nature rests upon the person to whom the writ is sent. Prohibition and mandamus are, in the general sense, counterparts of each other, in that prohibition arrests proceedings, while mandamus compels performance.

The office of the common law writ of *certiorari* is to bring before the court for inspection the record of the proceedings of a junior tribunal in order that the superior court may determine from the face of the record whether the court under review has exceeded its jurisdiction, or has not proceeded according to the essential requirements of the law. A writ of *certiorari* differs from *mandamus* in that *mandamus* compels an unperformed duty; *certiorari* reviews a performed official act.

The ancient writ of *quo warranto* was a high prerogative writ of right issued on behalf of the Crown by which one was required to show by what right he exercised any office or franchise. Thus, in the case of public office, while *mandamus* may be used to compel the performance by public officers of ministerial or nondiscretionary duties, the writ of *quo warranto* is designed to try the right or title to the office and to oust the intruder.

One of the most important of the ancient common law writs is the writ of *habeas corpus*, the vital purpose of which is to obtain immediate relief from illegal confinement, to liberate those who may be imprisoned without sufficient cause, and to deliver them from unlawful custody. It is essentially a writ of inquiry, and is granted to test the right under which a person is detained. The writ may not be used to determine the guilt or innocence of a prisoner, however, but only to ascertain whether he is restrained of his liberty by due process of law.

The right of a person to secure their release from illegal restraint is zealously guarded by the Supreme Court of this state. No petition, no matter how poorly or ineptly drawn, is turned aside without careful consideration; and a petition written in longhand on a scrap of paper receives the same close attention as one carefully prepared by an able attorney. In fact, a large portion of the petitions which the court receives are written in longhand by the prisoners themselves. An early example of such a case occurred in 1891, when a prisoner dropped a note written on a piece of wrapping paper out of the window of the county jail where he was confined. His “petition” was brought to the attention of this court and, 10 days later, he was freed.

Office of Judges of Compensation Claims

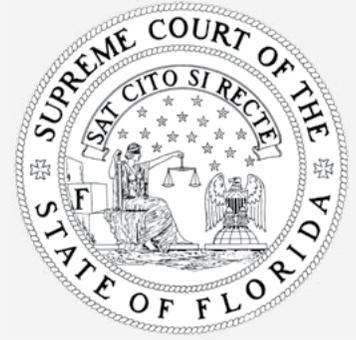
The Office of Judges of Compensation Claims is the successor entity to the Industrial Relations Commission, which was itself a successor entity to the Industrial Commission. In 1971, Governor Reubin O’D. Askew organized the Industrial Relations Commission to provide quasi-judicial review of workers’ compensation claims. From 1971 through most of 1979, review of these cases was by appeal to the Industrial Relations Commission and then only by petition for writ of *certiorari* to the Florida Supreme Court. This method continued until September 30, 1979, when the plan of review was repealed and appeal provided directly to the District Court of Appeal, First District.

With the abolition of the Industrial Relations Commission, the orders of the deputy commissioners (now judges of compensation claims) become final with the direct appellate review by the District Court of Appeals, First District.

“Equal justice under law is the keystone in the arch of freedom.”
B.K. Roberts



The Supreme Court



The Supreme Court

500 South Duval Street, Tallahassee 32399-1925

*Chief Justice**—Ricky Polston

Clerk: Thomas D. Hall (850) 488-0125

Marshal: Silvester Dawson (850) 488-8845

Librarian: Billie J. Blaine (850) 488-8919

State Courts Administrator: PK Jameson (850) 922-5081

Director of Public Information: Craig Waters (850) 414-7641

supremecourt@flcourts.org

www.floridasupremecourt.org

*Justice Jorge Labarga will become the state's 56th Chief Justice when he succeeds Chief Justice Ricky Polston on July 1, 2014.

Justice	Place of residence when first elected or appointed	Date when service began	Present term expires
Barbara J. Pariente	Palm Beach County	December 10, 1997	Mandatory retirement 2019
R. Fred Lewis	Miami	December 7, 1998	Mandatory retirement 2019
Peggy A. Quince	Tampa	December 8, 1998	Mandatory retirement 2019
Charles T. Canaday	Lakeland	August 28, 2008	January 5, 2016
Ricky Polston	Graceville	October 1, 2008	January 5, 2016
Jorge Labarga	Wellington	January 2, 2009	January 5, 2016
James E.C. Perry	Longwood	March 11, 2009	Mandatory retirement 2019

Legal basis: Article V, Florida Constitution.

Term: Six years.

Created: with statehood in 1845, but present powers derived from revision of Article V adopted by electorate in 1972.

Compensation: \$161,199 a year.

Duties: To act as the final forum of justice for the state.

Method of selection: Vacancies filled by Governor from three to six nominees selected by nominating commission. Justices may qualify for retention at election limited to question: "Shall Justice name be retained in office?"

Method of financing: Legislative appropriation from general revenue fund.

Selection of Chief Justice: Generally, rotated by seniority for 2-year term beginning on July 1 of even-numbered years.

Qualifications: A citizen of Florida and a member for 10 years of the Florida bar.

Justices (By Length of Service)

Barbara J. Pariente

Born: December 24, 1948, New York, New York. Came to Florida in 1973.

Education: Boston University, B.A., 1970; George Washington University Law School, J. D., 1973.

Professional Career: Law Clerk for U. S. Southern District Judge Norman Roettger, Jr. 1973-1975. Private practice Wagner, Nugent & Johnson, West Palm Beach, 1975-1977; Cone, Wagner, Nugent, Johnson, Hazouri & Roth, 1977-1983; Pariente & Silber, 1983-1993; Fourth District Court of Appeal, 1993-1997; Appointed to the Supreme Court December 10, 1997 by Governor Lawton Chiles.

Affiliations: The Florida Bar, the American Bar Association, the National Association for Women Judges, the Florida Association for Women Lawyers.

Family: Married Judge Frederick A. Hazouri. Three married children and eight grandchildren.

Religious Affiliation: Jewish

Telephone: (850) 488-8421





R. Fred Lewis

Born: December 14, 1947, Beckley, West Virginia. Came to Florida in 1965.
Education: Florida Southern College, B.S., 1969; University of Miami, J.D., 1972.
Military Service: U. S. Army A.G. School graduate
Professional Career: Kuvin, Lewis, Restani & Stettin. Appointed December 7, 1998 to the Supreme Court by Governor Lawton Chiles.
Affiliations: The Florida Bar’s Inventory Attorney, Tallahassee American Inn of Court, Florida’s Commission on the Legal Needs of Children, Justice Teaching Institute Florida Law Related Education Program.
Family: Married Judith Munc. Two children.
Religious Affiliation: Methodist
Telephone:(850) 488-0007

Peggy A. Quince

Born: January 3, 1948, Norfolk, Virginia. Came to Florida in 1978.
Education: Howard University, B.S., 1970; Catholic University of America, J.D., 1975.
Professional Career: Washington, D.C. Rental Accommodations Office 1975-77; private practice Norfolk, Virginia 1977-78; Bradenton, Florida 1978-1980; Attorney General’s Office, Criminal Division 1980-1994, Second District Court of Appeal 1994-1998. Appointed to the Supreme Court by Governor Lawton Chiles and Governor-elect Jeb Bush on December 8, 1998. Serves as the Supreme Court liaison to the Workers’ Compensation Committee, the Judicial Ethics Advisory Committee and the Commission on Fairness.
Affiliations: Florida Bar, the National Bar Association, the Tallahassee Women Lawyers.
Family: Married Fred L. Buckine, Esquire. Two children.
Religious Affiliation: Baptist
Telephone: (850) 922-5624



Charles T. Canaday

Born: June 22, 1954, Lakeland.
Education: Haverford College, B.A., 1976; Yale Law School, J.D., 1979.
Professional Career: Holland and Knight 1979-1982; Lane, Trohn, et al 1983-1992. Member of the Florida House of Representatives 1984-1990, Member U.S. House of Representatives 1993-2001, with service on the House judiciary Committee and chairman of the Subcommittee on the Constitution for three terms. General counsel to Governor Jeb Bush 2001-2002. Appointed to the Second District Court of Appeal 2002. Appointed to the Supreme Court on August 28, 2008, by Governor Charlie Crist.
Family: Married Jennifer Houghton. Two children.
Telephone: (850) 410-8092

Ricky Polston

Born: 1956, Graceville.

Education: A.A. Chipola Junior College, 1975; B.S. Summa Cum Laude, Florida State University, 1977; J.D. with High Honors, Florida State University, 1986.

Professional Career: Private law practice 1987-2000; Judge, First District Court of Appeal, 2001-2008; Public Accounting Practice 1977-1984; Adjunct Law Professor, Florida State University 2003-2008. Appointed to the Supreme Court by Governor Charlie Crist on October 2, 2008.

Affiliations: The Florida Bar; United States District Court, Northern District of Florida, Middle District of Florida and Southern District of Florida. United States Tax Court; United States Court of Appeals, Eleventh Circuit; United States Court of Federal Claims; United States Court of Appeals for the Federal Circuit; United States Supreme Court. Certified Circuit Court Mediator (1997-2003). Florida Bar Appellate Court Rules Committee (2003-2006).

Family: Married Deborah Ehler. Ten Children (Adoptive parents of six siblings).

Religious Affiliation: Baptist

Telephone: (850) 488-2361



Jorge Labarga

Born: Melina del Mar, Cuba, 1952. Came to Florida in 1963.

Education: University of Florida B.A., 1976; University of Florida J.D., 1979.

Professional Career: Assistant public defender, Fifteenth circuit, 1979-1982. Assistant state attorney, Fifteenth circuit, 1982-1987. Private practice: Cone, Wagner, Nugent, Johnson, Roth & Romano, 1987-1992; Roth, Duncan & Labarga, 1992-1996. Appointed circuit judge, Fifteenth circuit, by Governor Lawton Chiles, 1996. Appointed to the Supreme Court on January 1, 2009, by Governor Charlie Crist.

Telephone: (850) 413-8371

James E.C. Perry

Born: New Bern, North Carolina, 1943.

Education: St. Augustine's University, Raleigh, NC, B.A., 1966; Columbia University J.D., 1972. **Military Service:** U. S. Army.

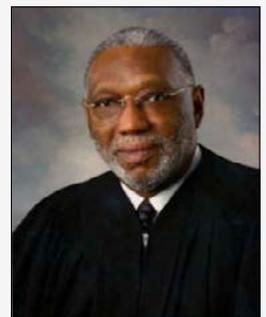
Professional Career: Perry & Hicks, P.A., appointed to the Eighteenth Judicial Circuit by Governor Jeb Bush 2000; elected Chief Judge of the circuit 2003-2005. Appointed to the Supreme Court on March 11, 2009 by Governor Charlie Crist.

Affiliations: Florida Bar Association, Georgia Bar Association, National Bar Association.

Family: Married Adrienne M., Children: Willis, Jaimon, Kamilah.

Religious Affiliation: Colored Methodist Episcopal

Telephone: (850) 921-1096



The Supreme Court and Its Justices

The Constitution, written at St. Joseph in 1838 in anticipation of the statehood which came in 1845, provided for a Supreme Court. Its members, however, were the circuit court judges elected by the Legislature. Thus, the circuit judges sat as a body to review the decisions of the individual members. Beginning in 1851, the Supreme Court was established as an independent tribunal. Its Chief Justice and two associate justices were still selected by the Legislature. Two years later, however, the people were given the right to elect the members of the Supreme Court. This amendment to the 1838 Constitution fixed the term of the justices at six years.

The three-judge court was retained in each of the Constitutions Florida had during the period of the Civil War and its Reconstruction aftermath. The 1861 Constitution provided for the appointment of the justices by the Governor with the advice and consent of the Senate. The 1865 Constitution carried forward this arrangement. The 1868 Constitution kept the provision for appointment and confirmation but changed tenure from six years to “life or during good behavior.” The 1885 Constitution returned the six-year term.

Article V of the 1885 Constitution was revised in 1972. Two of its basic provisions relating to the Supreme Court were not changed. These provided for election of justices by the people and for regular terms of six years. By earlier amendment, in 1966, the Constitution provided for initial appointment of all justices by the Governor from a list prepared by the Judicial Nominating Commission. Upon completion of this initial term, the name of a justice is submitted to the electorate with the question of whether the justice should be retained.

Initially, the 1885 Constitution provided for the election of three justices. In 1902, an amendment temporarily increased the Court’s membership to six but allowed the Legislature, beginning with the session of 1905, to determine the number needed from three to six. In 1911, the Legislature reduced the number to five. In 1923, the Legislature put the number back to six. And, finally, the Constitution was amended in 1940 to fix the number at seven.



Florida State Archives

Justices (left to right) Elwyn Thomas, Rivers Buford, W. Glenn Terrell, J.B. Whitfield, Armstead Brown, and Roy H. Chapman in the Whitfield Building courtroom, 1939. The court increased to seven justices in 1940.

Court Commissioners

Commissioners served the Supreme Court during two periods of stress. Three commissioners were appointed by the Court in 1901 to serve until the qualification of the three additional justices proposed in the amendment to the Constitution submitted by the 1901 Legislature. Again, in 1929, the Legislature helped the Court by allowing the temporary appointment of three commissioners. Serving from September 16, 1929 until November 8, 1932, these commissioners assisted the justices in coping with the flood of litigation resulting from the great land boom of the 1920s.

Selection of Chief Justice

The 1885 Constitution provided originally for the Chief Justice to be selected by lot and serve as such during the remainder of his current term.

Choosing by Lot

A new law book or a Bible was used in determining the Chief Justice during the years when the choice was made by lot. Each justice opened the book and took the last digit on the odd-numbered

page, the Justice with the highest number became the Chief Justice.

When William H. Ellis joined the Court in 1915, the Chief Justice then was selected by “cutting the Bible.” Justice Ellis told of an experience with that system. His father-in-law R. Fenwick Taylor was also a senior justice. “I was pleased when I cut a ‘7.’ This was the high number. Taylor was the last one to cut. He took the Bible, opened it, and said, ‘I have 9.’ Then he shut the book quickly, before anyone could check it. I know he didn’t have a 9!” “Why didn’t you check it or make him cut again?” Justice Ellis was questioned by James C. Adkins, then the Court’s lone law clerk but afterwards the Dean of the Court. Ellis replied: “I couldn’t question the honesty of my father-in-law and the Dean of the Court.”

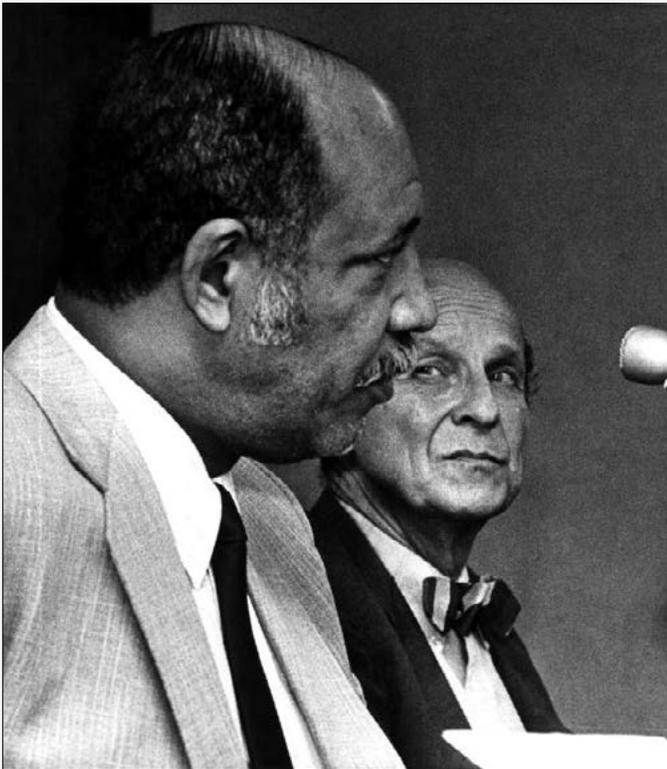


Photo by Mark T. Foley

Florida Supreme Court Justices Leander Shaw Jr. (left) and Raymond Ehrlich answer questions on a local Tallahassee talk show, 1984. Both were seeking retention on the court and fighting campaigns to unseat them. Florida voters retained both.

The Constitution was amended in 1926 to provide that the Justices were to select the Chief Justice for a term of two years. There have been exceptions, but basically the formula has been rotation by seniority.

As an incident to general revision of the appellate provisions of the judicial article in 1956, the Constitution also provided that if the Chief Justice is unable to act for any reason, the justice longest in service and able to act shall perform the duties of the Chief Justice. The 1972 revision of the judicial article deleted these provisions, but the tradition remains today.

The Retention Elections

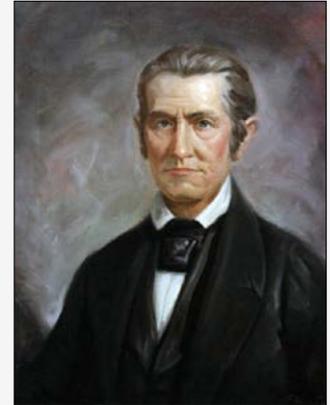
The Constitution was amended in 1974 to provide for retention elections for justices of the Supreme Court and judges of the District Courts of Appeal. In these elections, the question on the ballot is: “Shall ____ of the ____ be retained in office?” The first retention elections were in 1978 when certain judges of the district courts were up for review and in 1980 when six justices of the Supreme Court were on a retention ballot. With the instituting of the retention system by Constitutional amendment in 1976, the popular election of judges of the appellate courts ended.

Vacancies in Judgeships

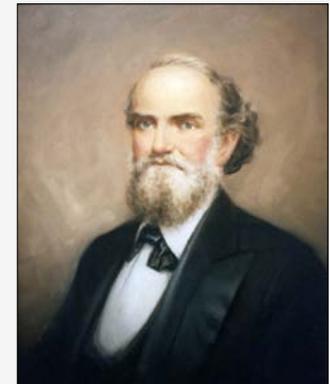
The Governor appoints from three to six nominees of a commission to fill vacancies on the Supreme Court or district courts. The appointment would be until the next general election occurring at least one year after the date of appointment. At that election, and thereafter for terms of six years, the name of the Governor’s appointee would be submitted to the voters at a retention election. If the appointee failed of election, a vacancy would exist.

Justices of the Supreme Court and Period of Service

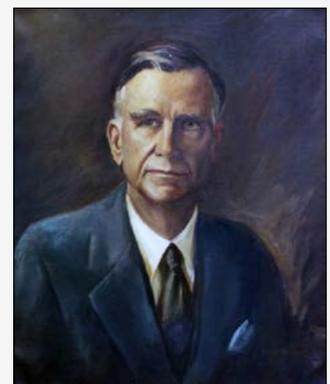
Douglas, Thomas	January 1846–1851
(2nd Term)	1854–September 11, 1855
Baltzell, Thomas	January 1846–1851
(2nd Term)	1854–1859
Hawkins, George S.	January 1846–1851
Macrae, George W.	January 4, 1847– January 7, 1848
Lancaster, Joseph B.	January 10, 1848–1853
Anderson, Walker	January 1, 1851–May 4, 1853
Thompson, Leslie A.	January 1, 1851–1853
Semmes, Albert G.	January 1, 1851–1853
Wright, Benjamin D.	May 24, 1853–1853
DuPont, Charles H.	1854–1868
Pearson, Bird M.	1856–1859
Forward, William A.	1860–1865
Walker, David Shelby	1860–1865
Maxwell, Augustus E.	1865–1866
(2nd term)	July 1, 1887–1890
Baker, James McNair	1865–1868
Douglas, Samuel J.	1866–1868
Randall, Edwin M.	January 1869–January 7, 1885
Hart, Ossian B.	1868–1873
Westcott, James D., Jr.	1868–January 7, 1885
Fraser, Franklin D.	January 16, 1873–May 1874
Van Valkenburgh, Robert Bruce	May 20, 1874–August 1, 1888
Raney, George P.	January 13, 1885–May 31, 1894
McWhorter, George G.	January 13, 1885–July 1, 1887
Mitchell, Henry Laurens	August 7, 1888–January 1, 1891
Taylor, R. Fenwick	January 1, 1891–February 28, 1925
Mabry, Milton Harvey	January 1891–1903
Liddon, Benjamin S.	June 1, 1894–January 1897
Carter, Francis B.	January 11, 1897–May 25, 1905
Shackleford, Thomas M.	December 1, 1902–September 1, 1917
Cockrell, Robert S.	December 1, 1902–January 2, 1917
Maxwell, Evelyn C.	December 1, 1902–February 15, 1904
Hocker, William A.	January 6, 1903–January 5, 1915
Whitfield, James B.	February 15, 1904–January 4, 1943
Parkhill, Charles B.	May 25, 1905–January 1912
Ellis, William H.	January 5, 1915–November 1, 1938
Browne, Jefferson B.	January 2, 1917–May 20, 1925



Thomas Douglas



Edwin M. Randall



Charles B. Parkhill



Roy H. Chapman



Vassar B. Carlton



Gerald Kogan

West, Thomas F.	September 1, 1917–December 3, 1925
Terrell, W. Glenn	May 15, 1923–January 12, 1964
Strum, Louie W.	March 2, 1925–March 5, 1931
Brown, Armstead	July 1, 1925–December 1, 1946
Buford, Rivers	December 4, 1925–April 3, 1948
Davis, Fred Henry	March 9, 1931–June 20, 1937
Chapman, Roy H.	June 23, 1937–August 9, 1952
Thomas, Elwyn	November 1, 1938–January 7, 1969
Adams, Alto	November 25, 1940–October 22, 1951
(2nd term)	November 13, 1967–August 1, 1968
Sebring, Harold L.	January 5, 1943–September 15, 1955
Barns, Paul D.	December 2, 1946–September 1, 1949
Hobson, T. Frank	April 6, 1948–February 13, 1962
Roberts, B. K.	September 1, 1949–November 30, 1976
Mathews, John E.	October 23, 1951–April 30, 1955
Drew, E. Harris	August 18, 1952–January 5, 1971
Thornal, Campbell	May 9, 1955–November 4, 1970
O’Connell, Stephen C.	October 21, 1955–October 15, 1967
Caldwell, Millard F.	February 14, 1962–January 7, 1969
Ervin, Richard W.	January 17, 1964–January 6, 1975
Hopping, Wade L.	August 1, 1968–January 7, 1969
Carlton, Vassar B.	January 7, 1969–February 28, 1974
Adkins, James C., Jr.	January 7, 1969–January 6, 1987
Boyd, Joseph A., Jr.	January 7, 1969–January 6, 1987
McCain, David L.	December 14, 1970–August 31, 1975
Dekle, Hal P.	January 5, 1971–April 30, 1975
Overton, Ben F.	March 27, 1974–January 4, 1999
England, Arthur J., Jr.	January 8, 1975–August 9, 1981
Sundberg, Alan C.	June 2, 1975–September 15, 1982
Hatchett, Joseph W.	September 2, 1975–July 18, 1979
Karl, Frederick B.	January 4, 1977–April 5, 1978
Alderman, James E.	April 11, 1978–August 31, 1985
McDonald, Parker Lee	October 26, 1979–May 31, 1994
Ehrlich, Raymond	December 3, 1981–January 7, 1991
Shaw, Leander J., Jr.	January 10, 1983–January 6, 2003
Barkett, Rosemary	November 15, 1985–April 21, 1994
Grimes, Stephen H.	January 30, 1987–November 17, 1997
Kogan, Gerald	January 30, 1987–December 31, 1998
Harding, Major Best	January 28, 1991–August 31, 2002
Wells, Charles T.	June 9, 1994–March 2, 2009
Anstead, Harry Lee	August 29, 1994–January 5, 2009

Pariante, Barbara J.	December 10, 1997–Mandatory Retirement 2019
Lewis, R. Fred	December 7, 1998–Mandatory Retirement 2019
Quince, Peggy A.	December 8, 1998–Mandatory Retirement 2019
Cantero, Raoul G.	July 10, 2002–September 6, 2008
Bell, Kenneth B.	December 30, 2002–October 1, 2008
Canady, Charles T.	August 28, 2008–
Polston, Ricky	October 1, 2008–
Labarga, Jorge	January 2, 2009–
Perry, James E. C.	March 11, 2009–Mandatory Retirement 2019



Photo by Mark T. Foley

Florida's first black Supreme Court Justice Joseph W. Hatchett taking the oath of office, Tallahassee, 1975. Holding the Bible is Clerk of the Court Sid J. White and administering the oath (but not in picture) is Chief Justice James C. Adkins.

Right: Supreme Court Chief Justice Rosemary Barkett, born in Mexico to Syrian parents, moved to Miami at age 6. Gov. Graham appointed her to the circuit court in 1979 and to the Supreme Court in 1985 as its first female justice. She became Chief Justice in 1992, and President Clinton appointed her to a lifetime appointment on the federal bench in 1993.



Florida State Archives



Other Courts and Commissions

District Courts of Appeal

First Appellate District

[1st, 2nd, 3rd, 4th, 8th, and 14th Judicial Circuits]
First District Court Building, 2000 Drayton Drive
Tallahassee 32399-0950
(850) 487-1000

Second Appellate District

[6th, 10th, 12th, 13th, and 20th Judicial Circuits]
1005 East Memorial Boulevard, Lakeland 33801
(863) 499-2290
1700 North Tampa Street, Suite 300, Tampa 33602
(813) 272-3430

Third Appellate District

[11th and 16th Judicial Circuits]
2001 Southwest 117th Avenue, Miami 33175-1716
(305) 229-3200

Fourth Appellate District

[15th, 17th, and 19th Judicial Circuits]
1525 Palm Beach Lakes Boulevard, West Palm
Beach 33401
(561) 242-2000

Fifth Appellate District

[5th, 7th, 9th, and 18th Judicial Circuits]
300 South Beach Street, Daytona Beach 32114
(386) 947-1500



Florida State Archives

Circuit Judge Curtis E. Chillingworth at the Florida Supreme Court in Tallahassee, 1946. Chillingworth graduated at the head of his class from law school at the University of Florida. At age 21 he enlisted in the Naval Reserve at Key West during World War I. He served a year and a half in the Navy then resumed his legal career. In 1920, at the age of 24, he was elected County Judge of Palm Beach County, becoming at the time the youngest judge in the history of the state.

Appellate Judges

Legal basis: Article V, Constitution.

Created: 1957. *Method of selection:* Governor fills vacancies by appointment from three to six nominees selected by a judicial nominating commission. Judges may qualify for retention at election limited to question: "Shall Judge ____ be retained in office?"

Qualifications: A citizen of Florida and a member for 10 years of The Florida Bar.

Term: Six years.

Compensation: \$153,140 a year.

Duties: To serve as the final forum of justice in specified cases.

Selection of Chief Judge: By a majority of the judges of the Court.

Judicial Circuits

First: Escambia, Okaloosa, Santa Rosa and Walton counties

Second: Franklin, Gadsden, Jefferson, Leon, Liberty and Wakulla counties

Third: Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee and Taylor counties

Fourth: Clay, Duval and Nassau counties

Fifth: Citrus, Hernando, Lake, Marion and Sumter counties

Sixth: Pasco and Pinellas counties

Seventh: Flagler, Putnam, St. Johns and Volusia counties

Eighth: Alachua, Baker, Bradford, Gilchrist, Levy and Union counties

Ninth: Orange and Osceola counties

Tenth: Hardee, Highlands and Polk counties

Eleventh: Dade County

Twelfth: DeSoto, Manatee and Sarasota counties

Thirteenth: Hillsborough County

Fourteenth: Bay, Calhoun, Gulf, Holmes, Jackson and Washington counties

Fifteenth: Palm Beach County

Sixteenth: Monroe County

Seventeenth: Broward County

Eighteenth: Brevard and Seminole counties

Nineteenth: Indian River, Martin, Okeechobee and St. Lucie counties

Twentieth: Charlotte, Collier, Glades, Hendry and Lee counties

Circuit Judges

Legal basis: Article V, Constitution.

Created: With statehood in 1845, but present powers derived from revision of Article V adopted by the electorate in 1972 and effective January 1, 1973.

Method of selection: By election in Circuit (although laws may specify county of residence within Circuits having more than one county) for terms commencing the following January. Vacancies filled by Governor by appointment from three to six nominees selected by nominating commission.

Qualifications: A citizen of Florida and for five years a member of The Florida Bar. *Term:* Six years.

Compensation: \$145,080 per year.

Duties: To serve as the state courts with the most general jurisdiction. (See detailed description in foregoing article on the Judicial System.)

Number of Circuit Judges: The Supreme Court shall establish by rule uniform criteria for determination of need for additional circuit judges. If the Supreme Court finds need for increasing or decreasing number, it will certify such need to the Legislature, which will consider and act upon the certificate during the next regular session.

County Judges

Legal basis: Article V, Constitution.

Created: With statehood but not specifically named. Present powers derived from revision of Article V ratified by electorate in 1972 and effective January 1, 1973.

Method of selection: By election in county. Governor fills vacancies by appointment from three to six nominees selected by a judicial nominating commission.

Qualifications: An elector of the state and resident of the county, member of The Florida Bar for five years unless population of county less than 40,000.

Term: Six years.

Compensation: \$145,080 per year.

Duties: To exercise original jurisdiction in all misdemeanor cases not reserved to the circuit courts, all

violations of municipal and county ordinances, and all actions at law in which the matter at controversy does not exceed the sum of \$15,000, exclusive of interest and costs, except those within the exclusive jurisdiction of the circuit courts. Also, to serve as committing magistrates and, unless provided otherwise by law or rule of Supreme Court, as coroners.

To have concurrent jurisdiction with circuit courts in landlord and tenant cases involving claims within jurisdictional limit.

Number of County Judges: At least one in each county, plus additional as determined by the Supreme Court and the Legislature.

Circuit judge Hal W. Adams (left) riding a mule to avoid high water, Lafayette County, 1928. With high water between Mayo and Perry, Judge Adams had to take mules, provided by Lafayette County, to get home. Right after the photo was taken, his mule fell, dumping the judge into the creek.



Florida State Archives

Judicial Qualifications Commission

Executive Director: Brooke S. Kennerly
1110 Thomasville Road, Tallahassee 32303-6224
Phone (850) 488-1581
www.floridajqc.com
contact@floridajqc.com

Legal basis: Article V, Section 12, Constitution of Florida, Adopted at the General Election held on November 7, 1974.

Method of selection: Two judges of the District Court of Appeal, two circuit judges, and two county judges selected by the membership of the respective appointing groups. Two members of The Florida Bar selected by a majority of its Board of Governors. Five electors who reside in the state appointed by the Governor who have never held judicial office or been members of The Florida Bar.

Term: Six years.

Duties: To investigate and by concurrence of two-thirds of its members, to recommend to the Supreme Court the removal from office of any justice or judge whose conduct, during his term of office or otherwise occurring on or after November 1, 1966, demonstrates a present unfitness to hold office, or the reprimand of the justice or judge whose conduct, during his term of office or otherwise occurring on or after November 1, 1966, warrants such a reprimand. By concurrence of two-thirds of its members, the commission may recom-

mend to the Supreme Court that any justice of the Supreme Court or judge of the District Courts of Appeal, circuit courts, or county courts, be reprimanded or removed from office for willful or persistent failure to perform his duties or conduct unbecoming a member of the judiciary. By concurrence of two-thirds of its members, the commission may recommend to the Supreme Court an involuntary retirement of any justice or judge for any permanent disability seriously interfering with the performance of his duties.

Justice Administrative Commission

Executive Director: Alton L. “Rip” Colvin, Jr.
227 North Bronough Street, Suite 2100., Tallahassee 32301
P. O. Box 1654, Tallahassee, 32302
(850) 488-2415 Fax (850) 488-8944
www.justiceadmin.org

Legal basis: Section 43.16, F.S.

Created: 1965. Revised/reorganized 1985, 2003, 2005, 2007, 2009, 2013

Method of selection: Two state attorneys appointed by the President of the Florida Prosecuting Attorneys Association, and two public defenders appointed by the President of the Conference of Public Defenders.

Term: Two years.

Compensation: None.

Executive Director: Employed by and serves at the pleasure of the commission.

Purpose: Maintain a central office to administratively serve the state attorneys and public defenders; including process of payroll, consultation regarding personnel and automation, and preparation of budgets and accounting for all state expenditures. Acts as liaison between other state agencies and the Legislature. The JAC administratively serves 20 Offices of State Attorney, 20 Offices of Public Defender, 3 Offices of Capital Collateral Regional Counsel, 5 Offices of Criminal Conflict and Civil Regional Counsel, and the Statewide Guardian ad Litem Program. These services include accounting, budget, financial services, and human resources.

State Courts Administrator’s Office

State Courts Administrator: Lisa Goodner
500 South Duval Street, Tallahassee 32399-1900
(850) 922-5081
www.flcourts.org/courts/crtadmin/crtadmin.shtml
osca@flcourts.org

Legal basis: Article V, Section 2, Florida Constitution; Rule 2.205(e), Florida Rules of Judicial Administration.

Created: 1972.

Appointment: The Supreme Court appoints a state courts administrator who serves at the pleasure of the Court and performs such duties as the Court directs.

Duties: Supervises the administrative office of the Florida courts, and employs other personnel as deemed necessary by the Court to aid in the administration of the state courts system. Represents the state courts system before the Legislature and other bodies with respect to matters affecting the state courts system and functions relating to and serving the system. Supervises the preparations and submission to the Supreme Court, for review and approval, of a tentative budget request for the state courts system, and appears before the Legislature in support of the final budget request.

Board of Bar Examiners

Executive Director: Michele Gavagni
1891 Eider Court, Tallahassee 32399-1750
(850) 487-1292 Fax (850) 414-6822
www.floridabarexam.org

Legal basis: Article V, Section 15, Constitution.

Created: 1955. (Replaced Statutory Board, abolished October 31, 1955, appointed by Governor.)

Method of selection: Within discretion of Supreme Court. Court has usually appointed from list of names submitted by Board of Governors of The Florida Bar.

Term: Five years.

Duties: Through investigation and examination determine the moral and technical qualifications of applicants for admission to the practice of law, as specified in the Rules of the Supreme Court of Florida Relating to Admissions to The Bar.



Judge White's court in the Hillsborough County Courthouse, Tampa, 1920.

Photo by Burgert Brothers



Judicial Milestones

Youngest Judge

David Elmer Ward, of Fort Myers, was 20 years old when nominated and elected county judge (combined with judge of the county court and juvenile judge) of Lee County in 1932. He defeated the incumbent and three other former judges. Ward attained the legal age of 21 before taking office.

The disabilities of nonage had been removed by the circuit court when he was 18 so he could take the examinations and be admitted to practice in Florida, Tennessee, and federal courts.

“Believe It or Not” Ripley, the widely syndicated New York columnist O. O. McIntyre, and Wide World Photos were among the sources crediting Ward with being the youngest judge in the world at that time.

Judge Ward’s efforts to rehabilitate juveniles and other offenders resulted in what then were novel approaches, including parole and probation, Big Sisters and Big Brothers. At a convention of county judges, it was stated there was no lawful authority for Judge Ward to use these measures, so he decided to run for the state Senate from the four-county district of Lee, Monroe, Hendry, and Collier Counties and seek the passage of specific constitutional and statutory basis for what he had been doing.

When elected in 1938, he was said to have been the youngest Senator then. As Senator, he drew the constitutional amendment authorizing parole and probation together with the accompanying statutory legislation. After his Senate service, he practiced law in Tampa.

Fathers and Sons as Judges

The T. Frank Hobsons, father and son, served concurrently as judges.

T. Frank Hobson, Sr., of St. Petersburg, was a justice of the Supreme Court when T. Frank Hobson, Jr., also of St. Petersburg, was appointed circuit judge in December 1960. The junior Hobson subsequently became a judge of the Second District Court of Appeal in 1964.

In 1961, the Hobsons sat together as justice and associate justice of the Supreme Court. After the senior Hobson’s retirement in 1962 and before his death in 1966, the father and son sat together as judges of the Second District Court.

Thomas E. Kirkland and his son, Thomas R. Kirkland, served concurrently as judges in Orange County. Thomas E. Kirkland was appointed circuit judge of the Orange-Osceola Circuit (the 9th) on March 28, 1972. He had served as Orlando’s municipal judge from January 1, 1952, to January 1, 1967. Thomas R. Kirkland was elected county judge for Orange County and commenced service in January 1977. Kirkland became a senior judge in Florida’s 9th Judicial Circuit Court in 2007.



T. Frank Hobson, Sr.

Judicial Authorship

Records indicate that Justice Rivers H. Buford, who served from December 4, 1925, until March 1, 1948, wrote more opinions than any other judge—2,657 under his name and perhaps 300 or 400 more in the anonymity of *per curiam* or “by the court.” The least impression was that of Judge Benjamin D. Wright, who wrote only three opinions during his five months of service in 1853—the shortest tenure of any justice. The justice longest in tenure was Justice Glenn Terrell, who served from May 15, 1923, until his death on January 12, 1964. Justice Terrell wrote some 2,500 opinions.

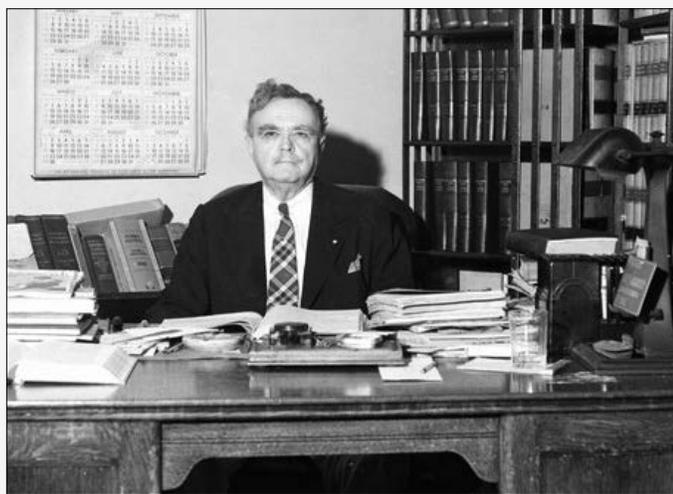


Photo by Forrest Granger

Chief Justice Rivers Buford at his desk, Tallahassee, 1945. Buford wrote at least 2700 opinions during his career, more than any other judge.

The Court on Television and the Internet

In September 1997, Florida State University’s Florida Channel and the Supreme Court began a program that put Supreme Court arguments on live television. The arguments are broadcast directly to TV and cable systems, schools, and anyone with a satellite dish using time on the state’s satellite.

Supreme Court opinions were first put on the Internet in September 1995. Arguments were first put on the Internet in February 1997.

The First Women Justices

Judge Rhea Grossman of Miami was the first woman to sit on the Supreme Court. In November

1972 she sat in for Justice James C. Adkins, who was working on judicial reform.

Judge Rosemary Barkett of West Palm Beach became the first woman Supreme Court Justice when she was appointed by Governor Bob Graham on October 14, 1985, to succeed Justice James E. Alderman.

First Black Justices

Governor Reubin O’D Askew appointed the first black justice to the Florida Supreme Court. U. S. Magistrate for the middle district of Florida, Joseph W. Hatchett, took the oath of office on September 2, 1975.

In a joint appointment, the first of its kind, Governor Lawton Chiles and Governor-elect Jeb Bush appointed Second District Court Judge Peggy A. Quince as the first black woman Supreme Court Justice in December 1998. Justice Quince’s appointment also meant that for the first time there would be two women and two black justices sitting simultaneously.

First Black Woman Chief Justice

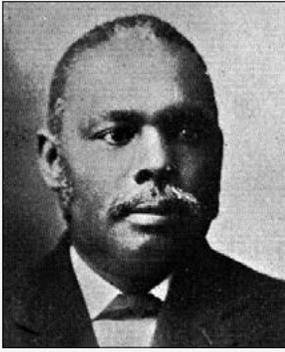
Justice Peggy Ann Quince was elected to the post of Chief Justice by her fellow justices. She was sworn in on June 27, 2008, and her two year term began on July 1, 2008.

First Hispanic Justice

Governor Jeb Bush appointed Florida’s first Hispanic Supreme Court justice. On July 10, 2002, Raoul G. Cantero III, a Miami appellate attorney and the grandson of former Cuban dictator Fulgencio Batista, was chosen to replace retiring Justice Major B. Harding.

First Black Judges

According to historian/author Dr. Canter Brown Jr., James Dean was the first black county judge elected in the South after Reconstruction. Monroe County Florida voters elected Dean over two white candidates in 1888. Governor Francis P. Fleming removed Dean for issuing a marriage license to a black woman and a white man (although the groom insisted



James Dean

he was a mulatto). Due to the urging of Key West attorney Calvin Allen, Dean was reinstated by Governor Jeb Bush in February 2002.

When Lawson E. Thomas, a lawyer, was appointed judge of Miami's new Police Court in May 1950, he was described as the first black to serve as a

judge "in the South since Reconstruction days." The court was created to serve a black area.

First Hispanic and First Cuban Exile Judge

When Governor Francis P. Fleming replaced James Dean with Angel DeLono, Dean filed a series of lawsuits. This early black judge sued, but lost to the state's first Hispanic judge.

Mario P. Goderich, an exile from his native Cuba who began life in the United States as a Miami Beach hotel employee, was appointed circuit judge by Governor Reubin O'D. Askew on December 12, 1978. Goderich was the first Cuban political exile to achieve a place on the Dade circuit bench. He worked for the hotel because his law degree from the University of Havana did not qualify him to practice in Florida after he came here in 1961.

In 1963, he enrolled in the University of Miami Law School and in 1966 earned a *Juris Doctor* degree. Lacking American citizenship, he still could not practice until 1969 when he became a citizen. Governor Askew previously had appointed him as a workmen's compensation deputy commissioner.

First Hispanic Woman Claims Jurist

Margarita Esquiroz arrived in Miami from Havana in April 1962. She earned her *Juris Doctor* degree from the University of Miami in 1974. On June 4, 1979, she was appointed by Governor Bob Graham as an industrial claims deputy commissioner, the first female Hispanic jurist. She was promoted to the circuit bench in February 1984.

First Black Woman Judge

The first black woman to hold a judgeship in Florida was Leah Aleice Simms, named county judge of Dade County by Governor Bob Graham on December 17, 1981. Judge Simms had been a student at Howard University in Washington, D.C., at the law school of Willamette University of Salem, Oregon, and served in Detroit with the U.S. Department of Justice organized crime strike force. In 1986, Judge Simms unsuccessfully sought election as a circuit Judge.

First Woman Circuit Judge

Judge Rhea Pincus Grossman was appointed to the Eleventh Circuit (Dade County) by Governor Claude R. Kirk, Jr., on December 29, 1970. Inquiries by The Florida Bar and others indicate Grossman was the first woman to become a circuit judge in Florida.

Grossman had served for a year as a State Industrial Claims Deputy Commissioner when Governor Kirk promoted her to a circuit judgeship created by Dade's population growth.

A native Miamian, Grossman graduated from the University of Miami Law School in 1964.

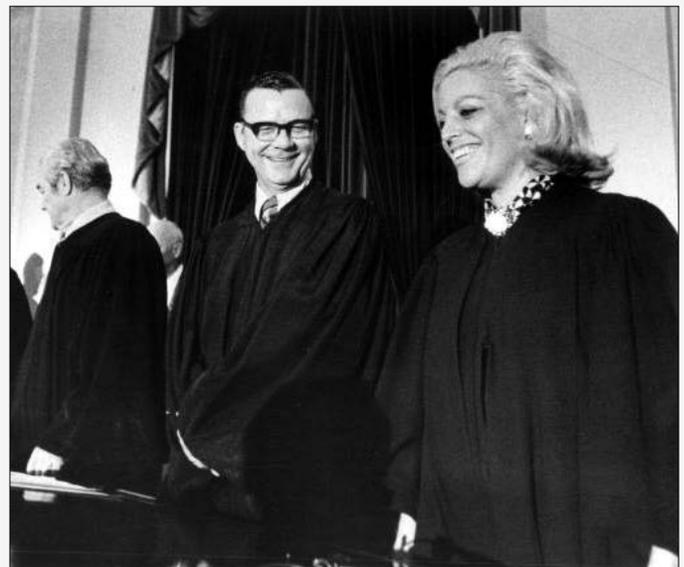


Photo by Donn Dughi

Judge Rhea Grossman takes her seat as the first woman to sit on the Florida Supreme Court, Tallahassee, 1972. Judge Grossman, also the first woman circuit judge, sat in for Justice James C. Adkins, who was absent working on judicial reform.

First Black Woman Circuit Judge

Dade County Judge Melvia Green was promoted to the circuit court by Governor Robert Martinez on September 15, 1989, the first black woman to be named to a circuit bench in Florida. A Miami native, Green was Dade's only black woman judge when appointed to a county judgeship in 1987. She was a prosecutor with the U.S. Attorney's office in Miami for three years.

First Woman County Judge

Bessie Bellinger, of Pensacola, was described as the first woman in Florida ever to serve as a county judge after she was appointed by Governor Cary A. Hardee in February 1922. Bellinger was appointed to complete the term of her late husband, Judge Henry Bellinger, for Escambia County.

First Woman Hispanic Circuit Judge

Maria Marinello Korvick, a Cuban, stepped up from county judge to circuit judge in Miami on August 1, 1981, the first Hispanic woman to become a circuit judge.

Judge Korvick had a vivid memory of the lawlessness that destined her to become a judge. When she was a student in Miami, she received news that her father had been executed, without trial, by a Castro firing squad.

"His death," she said, "made me think of the value of life and the importance of receiving due process."

She earned her education, from high school through law school, by working days and attending classes at night.

Judge Korvick became a county judge for Dade County on December 12, 1979, by appointment of Governor Bob Graham. She had come to the United States from Cuba as a refugee in 1961, and prior to being appointed county judge, had served as an assistant state attorney.

First Woman U.S. District Judge in Florida

State Circuit Judge Susan Black of Jacksonville was appointed by President Jimmy Carter and con-

firmed by the Senate in 1979 as the first woman to serve as a U.S. district judge in Florida. Judge Black was a native of Valdosta, Georgia. She received her undergraduate degree from Florida State University and her law degree from the University of Florida. She served as county court judge and for six years as a circuit judge.



Florida State Archives

First District Court of Appeals Judge Ann Cawthon Booth being administered the oath of office by the Honorable Kenneth Davis, Tallahassee, 1978. The first woman appellate judge, she was appointed by Governor Reubin O'D Askew on January 1 of that year.

First Woman Appellate Judge

Anne Cawthon Booth was appointed Judge of the First District Court of Appeal (Tallahassee) by Governor Reubin O'D. Askew on January 1, 1978. She was the first woman in Florida to become the judge of an appellate court. The investiture ceremony was conducted January 3.

A native of Gainesville, Judge Booth is a granddaughter of the late W.S. Cawthon, State Superintendent of Public Instruction (Commissioner of Education) 1922–37, and a daughter of the late Rainey Cawthon, Tallahassee businessman and former member of the Florida House of Representatives.

She became the second working judge in her family, for her uncle, Victor M. Cawthon, was a circuit judge in Tallahassee.

Janet Reno takes the oath as Florida's first woman State Attorney, 1978. She was appointed by Governor Reubin Askew and served for 15 years as Dade County State Attorney before becoming the nation's first woman Attorney General.



Florida State Archives

First Black Woman Appellate Judge

Peggy Ann Quince was appointed to the Second District Court of Appeal by Governor Lawton Chiles in 1993, becoming the first black woman appointed to any of the state's five lower appellate courts.

Husband and Wife as Judges

The first Florida husband and wife to serve concurrently as judges were Circuit Judge Henry F. Atkinson and Juvenile Judge Edith M. Atkinson.

Edith M. Atkinson received an LL.B. degree from John B. Stetson Law School in DeLand in 1922 and thereafter practiced law in Miami. The first woman lawyer there to seek political office, she was nominated judge of the juvenile court for Dade County and took office in January 1925.

Henry F. Atkinson was judge of the circuit court for the Eleventh Judicial Circuit (Dade and Monroe Counties) at the time of his wife's election. In 1929, both stood for renomination, each with opposition in that primary.

Judge Edith Atkinson received the highest number of votes of any candidate on the ballot. Both Atkinsons were renominated and reappointed by the Governor.

First Woman State Attorney

Janet Reno, a native of Miami who earned her law degree from Harvard Law School, became Florida's first woman State Attorney on January 4, 1978. Governor Reubin O'D. Askew appointed her following the resignation of Richard Gerstein as State Attorney for the Eleventh Judicial Circuit (Miami).

Ms. Reno served as administrative assistant to Gerstein from 1972 to 1976 before becoming a trial partner in a Miami law firm. As administrative assistant, she supervised the work of 80 prosecutors, served as legal counsel to the Dade County grand jury, and conducted special investigations. In 1993 Ms. Reno was appointed Attorney General of the United States by President Clinton and was confirmed by the U.S. Senate.

Passing of Last Elected Justice

Frederick B. Karl was the last justice to be elected, not appointed, to the Florida Supreme Court. Karl passed away March 7, 2013, at the age of 88. Besides serving on the Supreme Court, Karl also represented Volusia County as a member of both Florida's House of Representatives and Senate.