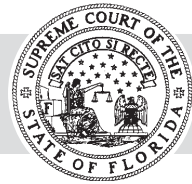


Judges of the
Fifth District
Court of Appeal

and



Justice of the
Supreme Court
of Florida

who face a

Merit Retention

Vote

in the November 4, 2008
General Election

Frequently Asked Questions

Why are appeals court judges and Supreme Court justices on the ballot this year?

Florida appeals court judges and Florida Supreme Court justices are on the ballot in nonpartisan elections every six years so voters can determine whether they should stay in office. This regular vote is called "merit retention." Their terms are staggered. This year, three Supreme Court justices and 17 appeals court judges have merit retention elections. In total, Florida has seven Supreme Court justices and 62 appeals court judges.

What do "Yes" and "No" votes mean?

A "Yes" vote means you want the judge or justice to stay in office. A "No" vote means you want the judge to be removed from office. The majority of voters decides the question.

Do appeals court judges and Supreme Court justices have opponents?

Appeals court judges and Supreme Court justices have no opponents. Your vote will determine whether each judge listed on the ballot should stay in office. They are not running against each other, so you should vote separately for each judge or justice on the ballot.

How do appeals court judges and Supreme Court justices get into office in the first place?

The governor appoints appeals court judges and Supreme Court justices from lists submitted by Judicial Nominating Commissions. The nominating commissions screen all candidates and makes their recommendations based on the merits of the attorneys or judges who have applied for judgeships. Newly appointed judges and justices go before voters for the first time within two years after appointment. If the voters keep them in office, they then go before the voters again every six years.

Which courts are subject to merit retention elections?

The Florida Supreme Court and the five district courts of appeal currently are subject to regular merit retention elections. This system was adopted by Floridians in an election to amend the state constitution in the 1970s.

Do appeals court judges run election campaigns?

Usually they cannot run campaigns or even raise money. However, they can campaign and raise money if any group or individual openly urges voters to remove them from office.

Has any appeals court judge or Supreme Court justice been voted out of office?

No appellate court judge or Supreme Court justice has been voted out of office in a merit retention election. We are fortunate in Florida to have a Judicial Qualifications Commission, which has the authority to investigate and recommend removal of judges who have violated the Canons of Judicial Ethics. Through this system, judges have been removed from office for ethical violations.

**For more information on Florida courts,
visit <http://www.flcourts.org>.**

FIFTH DISTRICT COURT OF APPEAL

Counties: Brevard, Citrus, Flagler, Hernando, Lake, Marion, Orange, Osceola, Putnam, Seminole, St. Johns, Sumter, Volusia

KERRY I. EVANDER



BIRTH DATE: December 19, 1955

HOMETOWN: Indialantic, Florida

SPOUSE: Elizabeth K. Evander

CHILDREN: Four

DEGREES: University of Florida, B.A., Political Science, 1976; University of Florida, J.D., 1980.

LEGAL OFFICES & POSITIONS: Judge, Fifth District Court of Appeal, 2006-present; Circuit Judge, 18th Judicial Circuit, 1993-

2006, Chief Judge 2005-2006; County Judge, Brevard County 1989-1993; private practice, Gleason, Barlow and Evander, P.A., 1988-1989, Reinman Harrell, et al., 1980-1988; Associate Professor of Law, Mississippi College School of Law, 1986-1987.

BAR OFFICES & ACTIVITIES: Brevard County Bar Association, 1980-2006; Vassar B. Carlton American Inn of Court, 1992-2006; Judicial Ethics Advisory Committee, 2007-present; Florida Supreme Court Steering Committee on Families and Children in the Court, 2002-2005; Florida Supreme Court Children's Improvement Committee, 2000-2001; Florida Supreme Court Dependency Court Improvement Committee, 1999-2000; Florida Supreme Court Family Court Steering Committee, 1998-2000.

OTHER CIVIC ACTIVITIES: First United Methodist Church of Melbourne 1982-present, including having served on Finance Committee and Staff-Parish Committee and working with youth; youth soccer and/or basketball coach 1987-2000.

HONORS AND AWARDS: Governor/Florida Supreme Court Award for Outstanding Child Advocacy, 2000; Williams-Johnson Award for Outstanding Jurist for the Eighteenth Judicial Circuit, 1998; Florida Council on Crime and Delinquency Outstanding Jurist Award, 1993; rated first (1st) overall in all eight (8) Broward County Bar Association Judicial Polls conducted between 1996-2006.

C. ALAN LAWSON



BIRTH YEAR: May 12, 1961

BIRTH PLACE: Lakeland, Florida

SPOUSE: Julie Carlton Lawson

CHILDREN: Two

DEGREES: J.D., Florida State University, 1987, with Highest Honors; B.S., Parks, Recreation & Tourism Management (with emphasis in Natural Resource Management), Clemson University, 1983, with Highest Honors; A.A., Tallahassee Community College, 1981, with

Highest Honors.

LEGAL OFFICES & POSITIONS: Judge, Fifth District Court of Appeal, 2006-present; Circuit Judge, Ninth Judicial Circuit, 2002-2005; Assistant County Attorney, Orange County, Florida, 1997-2001; General Counsel, Verses Wear, Inc., 1996; Associate & Partner, Steel Hector & Davis, Miami and Tallahassee, Florida, 1987- 995.

BAR OFFICES & ACTIVITIES: Appellate Practice Section, Fifth District Representative, 2006- present; Appellate Court Technology Committee, Fifth District Representative, 2006-present; Rules of Criminal Procedure Committee, 2004-present; First Central Florida Inns of Court, 2002 -present; Orange County Bar Association, 1996-present; Former Test Writer (Evidence) and Grader, Florida Board of Bar Examiners; Code and Rules of Evidence Committee, Past Member.

HONORS AND DISTINCTIONS: Florida Council on Crime and Delinquency, Outstanding Jurist Award (2005); Martindale-Hubbell "A.V." attorney rating; University Graduate Award and Fellowship, Florida State University; O'Kelly Civil Trial Practice Award and Scholarship, Florida State University; Book Awards in Evidence and Legal History, Florida State University; Rhodes Scholarship Nominee, Clemson University; Hartzog Award and Scholarship, Clemson University; Order of the Coif.

CIVIC ACTIVITIES: First Presbyterian Church of Orlando (attend); House of Hope (Board Member); Surgical and Medical Assistance Relief Teams (Volunteer); Hope for Honduras (Volunteer); Junior Achievement (Past Volunteer); 2008 Boston Marathon Qualifier and Finisher.

RICHARD B. ORFINGER



BIRTH DATE: May 19, 1952

BIRTH PLACE: Daytona Beach

SPOUSE: Ellen J. Orfinger

CHILDREN: Two

DEGREES: J.D. with honors, University of Florida College of Law, Gainesville, 1976; B.A., History, Tulane University, New Orleans, LA, 1974.

LEGAL OFFICES & POSITIONS: Judge, Fifth District Court of Appeal, 2000-present; circuit judge, Seventh Judicial Circuit of Florida, 1991-00, chief judge 1996-99; Monaco, Smith, Hood, Perkins, Orfinger and Stout, P.A., shareholder, 1990-91; Orfinger and Stout, P.A., shareholder, 1979-90; assistant state attorney, Seventh Judicial Circuit of Florida, 1976-78.

BAR OFFICES & ACTIVITIES: Instructor - Florida College of Advanced Judicial Studies, 1999; instructor- Florida Bar Ethics Diversion Program, 2005-2007; ABC's of Criminal Discovery, author, 1999; State Court System Weighted Caseload System Committee, 1998; State Court System Equal Opportunity Employment Committee, chair, 1998-99; Family Law Steering Committee, 1998; Organized Seventh Circuit Committee on Professionalism, 1997; selected by the Florida Supreme Court as one of 30 judges in Florida to mentor new judges, 1997; administrative judge, Volusia County, 1996; member: American Bar Association, Florida Bar Association, Volusia County Bar Association; United States District Court, Middle District of Florida; special master; admitted to practice before all Florida courts, the United States Supreme Court, the United States Circuit Court of Appeal, 11th Circuit, and the United States District Court, Middle District of Florida; Volusia County Bar Association Board of Directors, 1984-86, treasurer, 1990-91; Florida Conference of Circuit Judges, 1991-00; Volusia-Flagler Association of Women Lawyers, 1994-present; Dunn-Blount Inn, American Inns of Court, Volusia-Flagler counties, Florida, 2001-present, president, 2002-2004; Supreme Court's Committee on Professionalism, 2001-present; member- Florida Bar Committee on Professionalism 2007- present; Conference of District Court of Appeal Judges, 2000-present; member- Supreme Court District Court of Appeal Workload Commission 2006.

OTHER CIVIC ACTIVITIES: Volusia County School System speaker and Read Across America Volunteer; Tiger Bay Club, Volusia County, 1998-2007; Daytona Beach Rotary Club,

1994-2008; Volusia County Drug Abuse Task Force, 1994-99; board of directors, Museum of Arts and Sciences, 1986-88; board of directors, YMCA, 1984-86; president, Temple Beth-El, Ormond Beach, 1993-95; board of directors, Temple Beth-El, Ormond Beach, FL, 1982-98; vice president, Temple Beth-El, 1987-88; board of directors of ACT, Inc. (community mental health association), 1980-84, vice-president, ACT, Inc., 1983; Central Florida Legal Services, volunteer pro bono attorney; executive board of directors and legal counsel, Daytona and Halifax Area Chamber of Commerce, general counsel, 1988; Florida Blue Key, member; Florida Bar Approved Continuing Legal Education instructor; lecturer on Florida Healthcare Law; Central Florida Legal Services, board of directors, 1980-81; Florida Prosecuting Attorneys Association, 1977-79; American Hospital Attorneys Association, 1985-91; National Health Lawyers Association, 1984-91.

HONORS & AWARDS: Judicial Leadership Award, Florida Council on Crime & Delinquency, 1999; rated first (1st) in Volusia County Bar Association Judicial Poll on an overall basis 1998, 1997, 1996, and 1995.

WILLIAM D. PALMER



BIRTH DATE: August 22, 1952

BIRTH PLACE: Adrian, Michigan

SPOUSE: Nancy S. Palmer

CHILDREN: Five

DEGREES: Rensselaer Polytechnic Institute, B.S. in Management Science (with honors) 1973; Boston College Law School, J.D. (cum laude), 1976.

LEGAL OFFICE & POSITIONS: Chief Judge, July 1, 2007 - June 30, 2009; Judge, Fifth District Court of Appeal, 2000-present; Palmer & Palmer, P.A., 1997-2000; Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A., 1976-1997; Supreme Court Committee on Alternative Dispute Resolution Rules and Policy, 2006-present; Supreme Court Committee on District Court of Appeal Performance and Accountability, 2005-present; Supreme Court Committee on District Court of Appeal Workload and Jurisdiction, 2005-2006; District Court of Appeal Budget Committee, 2005-present; Education Committee of the District Court of Appeal Conference, 2006-present; Council of Chief Judges of the State Courts of Appeal, Membership Committee, 2007-present.

BAR OFFICE & ACTIVITIES: The Florida Bar: Appellate Certification Committee, 2004-2007 (Chair 2005-2006); Judicial Nominating Procedures Committee, 1989-1995 (Chair 1992-94), 1998-2004, 2006-present; Judicial Nominating Commission Institute, Chair, 1999-2000; Judicial Administration, Selection, and Tenure Committee, 1995-1998; Ninth Circuit Grievance Committee, 1984-87 (Chair 1986); Florida Bar Journal/News Editorial Board, 1981-84; Fee Arbitration Committee, 1991-94; Appellate Practice and Advocacy Section, Vice-Chair, Programs Committee, 1995-96; Family Law Section, Vice-Chair, Amicus Committee, 1993-1995, Director, Pro Bono Appellate Project, 1993-95, and Co-Chair, Florida Bar Journal Committee, 1993-1995. Orange County Bar Association: Chairman, Arbitration Service, 1994-96; Chairman, Bar Briefs and Publications Committee, 1980-82; Chairman, Fee Arbitration Committee, 1983-84; Professionalism Committee, 1999-2003; Special Project to Develop Code of Professionalism, 1989; Twice named Outstanding Committee Chair. American Bar Association: Dispute Resolution Section, Publications Committee Co-Chair, Litigation Seminar Chair, 1999, First Central Florida American Inn of Court, 2003-2004, Dunn-Blount Chapter of the American Inns of Court, 2005-present.

CIVIC ACTIVITIES: Boys and Girls Clubs of Central Florida, Director, 1996-2004; Florida Hospital Foundation, Director, 1992-96; Central Florida Helpline, Chairman of the Board, 1986-87; Judicial Nominating Commission, Ninth Judicial Circuit, 1986-1990 (Chair 1988-1989); Tomoka Christian Church, member of multiple mission teams and Sunday school teacher, 2005-present.

HONORS & AWARDS: AV rated by Martindale-Hubbell; William Reese Smith, Jr., Pro Bono Award, 1997; Boston College Law School: Editor-in-Chief, Boston College Environmental Affairs Law Review, 1975-76, and Lyne, Woodworth and Evarts Award for most outstanding contribution to any law school publication, 1976; Rensselaer Polytechnic Institute: Valedictorian of School of Management, Rensselaer Medal of Honor scholarship, Wall Street Journal Award for outstanding management student, Management Honor Society.

PUBLICATIONS: Numerous publications including Palmer, William D., "Top Ten Lapses of Professionalism in Appellate Practice," Orange County Bar Brief, 2002; Palmer, William D., "Chapter 11: Miracle Sisters from Romania", Welcome Home! An International and Nontraditional Adoption Reader, The Haworth Clinical Practice Press, 2002; Palmer, William D. and Nancy S., "Dealing with Visitation Problems", Orange County Bar Briefs, 2000; Thompson, Patricia H., DeVaney, Donna Brooks, Camp, John A., and Palmer, William D., "Chapter 8: Consumer and Customer Disputes", Alternative Dispute Resolution: The Litigator's Handbook, ABA Section of

Litigation, 2000; Palmer, William D., Professionalism: A Way of Life, Not a Set of Rules, Orange County Bar Briefs, 2000; Palmer, William D. and Nancy S., "Visitation Violations", Focus on the Family Single-Parent Family, 2000; Palmer, William D., Determining the Best Interest of the Child: The Resolution of Name Disputes in Paternity Actions, The Florida Bar Journal, 1999; Palmer, William D. and Nancy S., Blending One Big Happy Family, Family Advocate, 1998; Palmer, William D. and Jontz, Jeffery, Changes in Florida Law Can Impact Non-compete Clauses, Orlando Business Journal, 1998; Palmer, William D. and Nancy S., Family Mediation: Good for Clients, Good for Lawyers, The Compleat Lawyer, 1996; Palmer, William D. and Nancy S., The Family Puzzle - Putting the Pieces Together: A Guide to Parenting the Blended Family, Pinon Press, 1996; Palmer, William D., "Arbitration and Med-Arb: Two Alternative Alternative Dispute Resolution Methods", Family Law Commentator, 1996; Palmer, William D. and Nancy S., "Family Mediation" chapter, Alternative Dispute Resolution in Florida II, Florida Bar Publication, 1995; Palmer, William D., "A Jury Trial Primer for Family Practitioners", Family Law Commentator, 1994.

THOMAS D. SAWAYA



BIRTH DATE: July 10, 1952

BIRTH PLACE: Ocala

SPOUSE: Jeanne D. Sawaya

CHILDREN: Three

DEGREES: J.D.(graduated fourth in class), Stetson University College of Law, 1977; B.A., Political Science, University of South Florida, 1974.

LEGAL OFFICES & POSITIONS: Judge, Fifth District Court of Appeal, 2000- present; membership and service on various appellate court committees including Appellate Court Technology, Budget and Finance, and Mediation; circuit judge, Fifth Judicial Circuit, 1991-00; presiding judge, Fifth Judicial Circuit Appellate Division, 1992-98; judge of the county court, Marion County, 1987-90; assistant state attorney (part-time), 1985-86; private practice, 1978-86. Chosen by Florida Judicial College Mentor Program to mentor new judges 1993-94, 1997-01.

BAR OFFICES & ACTIVITIES: Founding member of the D.R. Smith American Inn of Court (president 1999-00); member of the faculty of the Conference of Circuit Court Judges and College of Advanced Judicial Studies, including teaching courses

to the judiciary, 1992-present. Written and published extensively in such legal publications as *The Florida Bar Journal*, the *ABA Journal*, the *University of Florida Law Review*, *Litigation*, and *For the Defense*.

OTHER CIVIC ACTIVITIES: Vice president of the Marion District of the North Florida Regional Council of Boy Scouts of America, 1987-00; board of directors for West Central Florida Driver Improvement School, 1987-91; Kiwanis Club, 1978-98; mentor to grade-school children and frequent lecturer on law-related topics, 1978-present.

HONORS & AWARDS: Erskine Mayo Ross Award from the *ABA Journal* for an article published entitled, *Willie Loman Joins the Bar: Death of a Profession*, 76 A.B.A. J. 88 (1990); the 1993 Distinguished Service Award from the Florida Council on Crime and Delinquency for "Outstanding Service in the Judicial Field"; the 1997 Distinguished Graduate Award from the Department of Elementary Schools of the National Catholic Educational Association for exemplifying "the highest qualities of a Catholic Education" and rendering "distinguished service to the Catholic Church and the United States of America."

PUBLICATIONS: Florida Personal Injury and Wrongful Death Actions (West Group 2000); Florida Personal Injury and Wrongful Death Actions (West Group 2001-02); "Attorney's Right to Compensation When Prematurely Discharged Without Cause," 63 Florida Bar *Journal* 23 (1998); "Coverage Under the CGL: A Gordian Knot of Interpretation," 30 *For the Def.* 19 (May 1988); "Coverage Under the New Commercial Policies: Loosening the Gordian Knot of Interpretation," 30 *For the Def.* 22 (June 1988); "Denying Coverage Under Liability Insurance Policies in Florida: The Claims Administration Statute," 64 Florida Bar *Journal* 25 (1990); "From the Bench: Hypnotic Testimony (Admissibility of Hypnotically Enhanced or Retrieved Testimony in Criminal Proceedings)," 15 *Litig.* 3 (1989); "The Accident Report Privilege after Brackin: A Step in the Right Direction," 55 Florida Bar *Journal* 23 (1986); "The Work Product Privilege in a Nutshell," 67 Florida Bar *Journal* 32 (1993); "Use of Criminal Convictions in Civil Proceedings: Statutory Collateral Estoppel Under Florida and Federal Law," 62 Florida Bar *Journal* 17 (1988); "Use of Criminal Convictions in Subsequent Civil Proceedings: Statutory Collateral Estoppel Under Florida and Federal Law and the International Act Exclusion Clause," 40 *Fla. L. Rev.* 479 (1988); "Willie Loman Joins the Bar: Death of a Profession," 76 *ABA Journal* 88 (1990).

SUPREME COURT OF FLORIDA

CHARLES T. WELLS



BIRTH DATE: March 4, 1939

BIRTHPLACE: Orlando

SPOUSE: Linda Fischer Wells

CHILDREN: Three

DEGREES: J.D., University of Florida, 1964; B.A., University of Florida, 1961

LEGAL OFFICES & POSITIONS: Justice, Supreme Court of Florida, appointed 1994, Chief Justice, July 1, 2000-July 1, 2002; private practice: Maguire, Voorhis & Wells, P.A., 1965-68 and 1970-75, and Wells, Gattis, Hal-
lowes, & Carpenter, P.A., 1976-94; trial attorney, United States Department of Justice, 1969; certified mediator, Florida Circuit Court (Civil) and United States District Court, 1990.

BAR OFFICES & ACTIVITIES: The Florida Bar, member: Board of Governors, Disciplinary Review Committee, Disciplinary Procedure Committee, Rules and Bylaws Committee; Chair, Grievance Committee, Ninth Judicial Circuit, Committee "B," 1983-85; Grievance Committee, Ninth Judicial Circuit, Committee "B," 1982; Civil Procedure Committee, 1984-86; Rules of Evidence Committee, 1984-86; Chair, Trial Court Nominating Committee, Ninth Judicial Circuit, 1971-74; Board of Governors, Young Lawyers Section, 1966-68. Orange County Bar Association: President, 1989-90, Executive Council, 1986-88 and 1978-81; Chair, Circuit Mediation Committee, 1978-81. Orange County Legal Aid Society: active from 1968-94, Board of Trustees, 1988-89; guardian ad litem cases involving representation of dependent and abused children in juvenile and domestic court proceedings, 1985-94; Federal Rules of Practice and Procedure, Standing Committee, 2000-06.

HONORS & AWARDS: Distinguished Alumnus Award, University of Florida, December 2001; Phi Beta Kappa (scholastic), University of Florida; Orange County Legal Aid Society Award of Excellence, recognition of pro bono service, 1989; Florida Blue Key, Leadership Honorary, President; University of Florida Hall of Fame; Boone High School Sports Hall of Fame.

RECOGNITIONS & ASSOCIATIONS: Board of Directors, Conference of Chief Justices; Certification, Civil Trial Attorney, The

SUPREME COURT OF FLORIDA

Florida Bar Certification Program; Martindale-Hubbell AV rating and Bar Register Pre-Eminent Attorneys; fellow, American Bar Foundation; American Bar Association; Florida Academy of Trial Lawyers, Board of Directors, Commercial Law Section; Florida Council of Bar Association Presidents.

LECTURES & ARTICLES: Lectures: "2000 Election Cases at Florida Supreme Court," Economic Loss Rule - Florida Judicial Conference, State of Florida Courts, 2001, 2002; Commercial Fraud in Florida; Medical Malpractice Reform Act 1988; various CLE lectures on Florida Civil Procedure.

RELIGIOUS & CIVIC ASSOCIATIONS: Trinity United Methodist Church, Tallahassee; St. Luke's United Methodist Church at Windermere, Chair, Pastor Parish Committee, Administrative Board, Stewardship Committee; First United Methodist Church of Orlando, Chair, Council on Ministries; Board of Directors, Orlando Area Chamber of Commerce; Board of Directors, Orange County YMCA; member, Civil Service Board, City of Orlando.

MILITARY SERVICE: U.S. Army Reserve, Ret., 5 years.

The Supreme Court of Florida has jurisdiction over appeals in bond validation proceedings and actions relating to settling statewide utility rates. The Supreme Court also reviews certain constitutional issues determined by the district courts of appeal and hears appeals in cases involving the death penalty.

Florida's five district courts of appeal hear appeals from the circuit courts of those counties within their particular appellate district. Some decisions from county courts in the district also are subject to DCA review. Cases involve civil and criminal matters, and review of certain administrative actions of state government agencies. As a result of the 1980 amendment to the Florida Constitution, the district courts have final jurisdiction in most cases.

This pamphlet is produced as a public service by The Florida Bar and is for informational purposes only. It is not intended to recommend retention or removal of any justice or judge.

07/08