



11th Circuit *Historical News*

The federal courthouses of Ocala

By U.S. Magistrate Judge Philip R. Lammens

Reflecting the era in which it was built, the Golden-Collum Memorial Federal Building and United States Courthouse in Ocala, Florida, has in its basement a sign that ominously reads "Fallout Shelter." What part of the basement is actually the fallout shelter is somewhat of a mystery — all that is visible is a cement hump in the floor with steps leading up to it and a gate surrounding it.



This building, with an international architectural design, was completed in 1961. At its dedication ceremony on July 1, it was noted to have been proclaimed "the most beautiful office building in Central Florida."

See "Ocala," page 16

At its dedication ceremony in 1961, the Golden-Collum Memorial Federal Building and U.S. Courthouse was proclaimed "the most beautiful office building in Central Florida."

About the author: U.S. Magistrate Judge Philip R. Lammens served as a law clerk to U.S. District Judge Wm. Terrell Hodges in the Ocala division. He also practiced as an assistant U.S. attorney in Ocala before becoming a U.S. magistrate judge in this division in 2012. All photos are supplied by Judge Lammens.

Inside: The Bryan Simpson United States Courthouse in Jacksonville, Florida. Page 4



Judge Leigh Martin May: The college years

By Phil Sandick

We've all had formative periods in our lives. Often these periods arise out of challenging situations the way visibility improves after a storm. For Judge Leigh Martin May (Northern District of Georgia), college and the lead-up to it were one such challenging period.

I sat down with Judge May for an oral history interview on Feb. 27, 2019. Her chambers are light and modern with panoramic views of downtown Atlanta. As a senior in high school, Judge May wanted to come to Atlanta so badly she applied to only one college: Georgia Tech.

In the below excerpt, she describes some tough times and growth, starting with when she was uprooted from her home in Houston, Texas, just before that senior year.

Judge May goes on to discuss power plant simulation and hanging out with rock bands that would eventually become famous.

See "May," page 21



About the author: Phil Sandick is an environmental attorney at Alston & Bird in Atlanta. He earned a J.D. and LL.M. in international human rights from Northwestern University and an M.A. in oral history from Columbia University. He then clerked for District Judge Amy Totenberg in Atlanta.

MESSAGE FROM THE TREASURER

Where does the money come from and where does it go?

While the finances of the Eleventh Circuit Historical Society are not complex or mysterious, most members probably do not know from where our funds originate and what we do with them when we receive them. Here is the answer!

The vast majority of our yearly receipts come from membership dues of individuals and firms. Individual dues fall into several categories: Students (\$5), Individuals/Judges (\$50), Associate Members (\$100), Contributing Members (\$250) and Sustaining Members (\$500). The bulk of the Society's membership dues, however – close to 75 percent - come from what is referred to as Keystone Firms, which contribute \$500 or more, or from a category called Patrons (firms and individuals), who contribute \$1,000 or more. The Keystone Firm category entitles a firm to name five of its attorneys as members of the Society. Last year we received over \$35,000 from Keystone Firms and Patrons and approximately \$12,000 from individuals. As would be expected, from time to time the Society receives miscellaneous grants or memorial funds. All of these funds go into the Operating Account of the Society.

Funds in the Operating Account are used to pay the expenses of the accountant and executive director, as well as printing costs, postage and miscellaneous office expenses.

The Society also holds funds that have been received



M. Jerome "Jay" Elmore

from individuals and earmarked for use for portraits of particular judges. While these funds can come from any source, such as friends or family of the judges, most originate from contributions from the judges' prior law clerks. These funds are accounted for separately in the Society's ledger and are considered restricted funds.

The extensive artwork donated by Judge Phyllis Kravitch is also held by the Society and is reflected on its balance sheet.

As of March 28, 2019, the unrestricted funds in the Society's Operating Account totaled \$38,798.15. While the Society has operated in the black through the years, there was a

substantial increase in revenue in 2018-2019 as a result of the efforts by our past president, Leonard Gilbert, in encouraging the Society's officers and members of the Board of Trustees to personally invite their friends to have their firms join as Keystone Firms. This effort was quite successful. Since most firms that become Keystone Firms remain members over the years, we can expect this increase in revenue to continue.

The day-to-day management of the Society, including handling the accounting and working with the Society president and the editor of the newsletter to ensure that the newsletter is timely prepared, is performed by the executive director, Wanda Lamar, who has worked with the Society for more than 34 years.

The Eleventh Circuit Historical Society
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I hereby apply for membership in the class checked below and enclose my check for \$_____ payable to the Eleventh Circuit Historical Society.

Annual Membership

_____ Student	\$ 5.00
_____ Judge/Individual	50.00
_____ Associate	100.00
_____ Contributing	250.00
_____ Sustaining (individual)	500.00
_____ Keystone (law firm)*	500.00
_____ Patron	1,000.00

Name _____
 Address _____
 Telephone _____
 E-mail _____

*KEYSTONE FIRMS: Please name five (5) members of your firm to be Society members.

(1) _____
 (2) _____
 (3) _____
 (4) _____
 (5) _____

Closing thoughts

At gatherings of the bench and bar, it seems that the senior lawyers and judges' conversations sometimes turn to the way the practice of law was in years past. Some – though certainly not all – recall a more tranquil practice or less strenuous dockets and a generally more relaxed and enjoyable pace. When I hear these comments, I wonder if those before us also looked back nostalgically to better times.

In an insightful book, Joseph Baldwin, a lawyer who practiced in pre-Civil War Alabama and who later moved to California and served on that state's Supreme Court, fondly recounted that, after the economic crash of 1837, it was still a flush time for attorneys. As he described in his book of the same name, "Flush Times," in Sumpter County, Alabama, in one year some 4,000 to 5,000 suits in common law courts alone were filed, although there were only 2,400 people to be sued! He says in the lower or river counties of Mississippi, the number was at least double that. As Baldwin explained:

It was a merry time for us craftsman; and we brightened

up mightily, and shook our quills joyously, like goslings in the midst of a shower. We looked back to that good time, "now past and gone," with the pious gratitude and serene satisfaction with which the wreckers near the Florida Keys contemplate the last fine storm.¹

I feel confident that those practicing after us will find our times equally interesting. It is the function of the Historical Society to remind us of what went before and, like the book "Flush Times," to preserve the stories for future generations. Let's continue to support our Society.

M. Jerome "Jay" Elmore
Bondurant, Mixson & Elmore

¹Joseph G. Baldwin, "Flush Times," at 12 (originally published in 1853, revised and edited by Jack B. Hood and Benjamin A. Hardy, Jr. and republished and copyrighted in 1997).

SHARE YOUR NEWS!

Submit items for publication in the 11th Circuit Historical News to Wanda Lamar, executive director of the Society. (email: wanda_lamar @ca11.uscourts.gov). Historical articles on the federal courts and judges within the Eleventh Circuit will be considered, as well as investitures, courthouse dedications, portrait presentations, memorial ceremonies and oral history programs.

IN THIS ISSUE:

The federal courthouses of Ocala	1
Judge Leigh Martin May: The college years	1
Message from the treasurer	2
Jacksonville's Bryan Simpson Courthouse	4
William F. Jung invested as U.S. District Judge	7
The 1973 Neptune Meter case	9
The meter maid and the drug plane	10
Judge Roy "Skip" Dalton receives pro bono award.....	12
Judge Elizabeth A. Kovachevich honored at portrait unveiling.....	14
Angela E. Noble appointed court administrator • clerk of court	15
2018 special contributors to Historical Society	25



The Bryan Simpson United States Courthouse

By Katherine Fackler

Jacksonville has been home to a federal courthouse since 1895, when the building served as a post office, the home of numerous federal agencies and the United States District Court. The courthouse survived the Great Fire of 1901 but was eventually replaced by a new courthouse on Monroe Street in 1933. That courthouse, with massive marble hallways and wood-paneled courtrooms, served as the United States Courthouse and Post Office until 2003. The entire building now houses the state attorney for the Fourth Judicial Circuit.

Named to honor John Milton Bryan Simpson, who served as a United States Circuit Judge for the Fifth and Eleventh Circuit Courts of Appeals, the newest federal courthouse opened at 300 N. Hogan St. in Jacksonville, Florida, in 2003, and was officially dedicated on Aug. 11, 2008.

District Court Judge Harvey E. Schlesinger, who joined the court in 1991, remembers the path to the opening of the new courthouse as rocky. President William Clinton took the courthouse out of his budget, and the price skyrocketed from \$60 million to \$80 million because China was buying all the United



The Bryan Simpson United States Courthouse in Jacksonville, Florida, was officially dedicated on Aug.11, 2008. (Photo provided by the Middle District of Florida)

States plywood. As a result, the second floor of the parking garage was cut from the budget. Judge Schlesinger recalled that Eleventh Circuit Court of Appeals Judge Gerald Bard Tjoflat was exceptionally “hands on” in the pursuit of a new courthouse for Jacksonville, and he successfully obtained funding to complete the project.

Jack Diamond, known locally as “Mr. Downtown” for his support of revitalizing the city’s core and skyline, designed the courthouse. The building’s entrance abuts Jacksonville’s Skyway Express, which originally appeared to be a bad decision, when a window to the courthouse was shot out shortly after the building opened. To quell fears in the wake of the Oklahoma City bombing in April 1995, the courthouse was designed to ensure that the first four floors were bomb-proof.

The judges monitored the progress of the construction.

Judge Schlesinger recalls donning a hard hat, grabbing a stack of blueprints and visiting the site with a contractor. He presented the contractor with his beloved (and very official) “Court Jester” badge, to which the contractor gamely replied, “They’ve still got that job over there?”

At one point, the marshals let the judges know they believed that the contractor had illegal aliens working on site and that there would be a raid. The contractor arranged

Continued, page 6



U.S. District Court Judge Harvey E. Schlesinger remembers the path to the opening of the new courthouse as a rocky one. (Photo provided by the Middle District of Florida)

About the author

Katherine “Katie” Fackler is a partner in the Bankruptcy and Reorganization practice group of Akerman LLP in Jacksonville. She thanks the Hon. Timothy J. Corrigan, U.S. District Court Judge for the Middle District of Florida, and Hank Coxe, a director of The Bedell Firm in Jacksonville, past president of The Florida Bar and a trustee of the Eleventh Circuit Historical Society, for their contributions to this piece. Photographs of the 2008 dedication ceremony are provided by Barbara Lay, retired judicial assistant to Judge Gerald Bard Tjoflat.

About the Jacksonville courthouse

Editor's note: The following information appeared in the program for the Aug. 11, 2008, ceremony naming the Bryan Simpson United States Courthouse.

The U.S. Courthouse located at 300 N. Hogan St., Jacksonville, Florida was designated as the Bryan Simpson United States Courthouse through the introduction of H.R. 315 by Congresswoman Corrine Brown and introduced into the Senate by Sen. Bill Nelson.

The Bryan Simpson United States Courthouse consists of 457,416 gross square feet and provides 301,270 square feet of occupiable building space. Construction began in July 1999 and was completed in the fall of 2002. Final construction cost was \$84,414,948.

The courthouse is located in downtown Jacksonville between Hogan, West Monroe, Julia and West Duval streets and has won the following awards:

- Florida First Coast Chapter of the American Concrete Institute as a "significant concrete structure."
- The AIA/ACA Exhibition of Architecture for Justice, Citation for Excellence, 2000.
- "Southeast Construction" magazine's Best of 2002 Award as the Outstanding Public Project and Overall Judge's Award.
- The Associated Builders and Contractors North Florida Chapter EAGLE Award for Construction Excellence \$25 million-\$99 million for 2003.
- The Associated Builders and Contractors First Coast Chapter's Project of the Year Award for 2003.

The courthouse contains 17 courtrooms: one Circuit Court of Appeals; seven District; one Special Proceedings; four Magistrate Judges; and four Bankruptcy courtrooms. It also contains chambers for the following: four Circuit Courts; three Visiting Circuit Courts; six District Courts; one Visiting District Court; four Magistrate; and four Bankruptcy Courts.

Jury deliberation areas, jury assembly, grand jury suites, holding cells and other associated judicial and court support areas accompany the spaces. The District and Circuit courtrooms were located so natural light could be introduced into the courtrooms.

The building was designed by HLM Design, in association with KJB Architects, and constructed by Skanska USA Construction.

John Milton Bryan Simpson



John Milton Bryan Simpson was born in Kissimmee, Florida, on May 30, 1903. He attended Osceola High School and graduated from the University of Florida Law School in 1926. After law school, he settled in Jacksonville where he ran a private practice, became an Assistant State's Attorney from 1933 until 1939 and later a judge of the Criminal Court of Record of Duval County from 1939 to 1946. During World War II he was stationed in France rebuilding local government. In 1950, President Harry S. Truman

appointed him to the U.S. District Court for the Southern District of Florida. From 1962 to 1966 he served as Chief Judge for the U. S. District Court, Middle District of Florida. In 1966 he was nominated by President Johnson and joined the Fifth Circuit Court of Appeals, remaining there until his death on August 22, 1987.

Judge Simpson's career spanned nearly fifty years. He was known not only as a man of courage and conviction, but someone who made his rulings firmly, decisively and quickly, and for his extraordinary personal insistence on racial equality. He was known for his willingness to "listen to the Supreme Court and the national voice on civil rights and to ignore the local din that would drown it out" (Friedman 1965, 213). Judge Simpson issued landmark decisions on desegregation, including ordering the desegregation of public schools in Orlando and Daytona Beach, and the Jacksonville City pools and golf courses. His defining work undoubtedly came in St. Augustine in the 1960's. The city was in a state of racial crisis and he strove to protect the constitutional rights of black citizens there.

Judge Simpson was a devoted father and husband. His family, friends and colleagues enjoyed his companionship and love of life.

a “meeting” for all workers at the construction trailer. Not a single worker showed up.

Judge Schlesinger and United States District Court Judge Henry L. Adams remember the move to the new courthouse as a major undertaking. The old courthouse, though just across the street, had been plagued with asbestos, leaks and mildew. Judge Schlesinger’s then-law clerk, Middle District Magistrate Judge Anthony Porcelli, suffered through plaster dripping on his head and later discovered that a lead drainpipe in the ceiling had been eaten away by the “plague.” Others became ill from the dangerous courthouse conditions. As a result, any furniture and books making the move to the new courthouse had to be deep-cleaned and fumigated before being allowed into their new home.

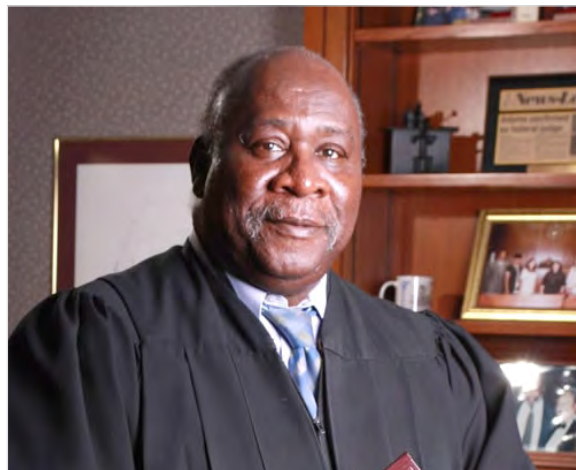
The new courthouse was a welcome change for its inhabitants. Judge Adams noted the significant upgrades in security, including prisoner elevators, cameras and the single public entrance, as well as state-of-the-art courtroom technology. The judges designed their own chambers, although they appear to have overlooked a few details – Judge Schlesinger swears there is no hot water in the entire building.

Today, the Bryan Simpson United States Courthouse serves Baker, Bradford, Clay, Columbia, Duval, Flagler, Hamilton, Nassau, Putnam, St. Johns, Suwannee and Union counties. It also serves as a satellite office for the United States Court of Appeals for the Eleventh Circuit and houses the U.S. Attorney’s Office and offices of the U.S. Probation and Pretrial Services System, the U.S. Marshals Service and the U.S. Trustee Program.

The former United States Courthouse showcased to the nation the civil rights cases presided over by Judge Bryan Simpson; the espionage trial of Joseph Helmich, presided over by Judge Susan H. Black; the trial of international cartel smuggler Carlos Lehder, presided over by Judge Howell W. Melton; and the state and local prison condition trials before Judge Charles Scott. There will certainly be nationally featured events in the new courthouse, but the legacy of justice will remain unchanged.



Eleventh Circuit Court of Appeals Judge Gerald Bard Tjoflat made remarks during the 2008 naming ceremony for the Bryan Simpson Courthouse.



U.S. District Court Judge Henry L. Adams and the other judges on the court monitored the progress of the construction. (Photo provided by Katie Fackler)



A reception followed the 2008 ceremony in the lobby of the new courthouse.



The marker was unveiled for the new Bryan Simpson Courthouse by Judge Simpson’s family members.

William F. Jung invested as U.S. district judge

Serendipity strikes the Middle District of Florida

By Leonard H. Gilbert and James B. Murphy, Jr.

"I'm the luckiest man on the face of the earth." With apologies to baseball legend Lou Gehrig, William F. "Bill" Jung informed those assembled for his investiture ceremony that he had always felt that way about himself.

From the opening of the ceremony on Jan. 11, 2019, in Tampa, Florida, at the Federal Courthouse, with Judge Gerald Bard Tjoflat presiding, you knew this was going to be a remarkable and singular event. The crowd, which included many of the district, magistrate and bankruptcy judges from the Middle District as well as Judge Charles Wilson and Judge Tjoflat from the Eleventh Circuit, along with a legion of lawyers, family and friends, was far too large to be accommodated in the grand ceremonial courtroom. The overflow crowd watched the proceedings though closed-circuit television in a large conference room/auditorium several floors below.

The ceremony began memorably with the Posting of the Colors by the Hillsborough County Sheriff's Office Honor Guard, followed by the Pledge of Allegiance led by three of Judge Jung's children, Christian, Andrew and Laura Caroline. This was succeeded by the national anthem sung beautifully by Laura Caroline. The invocation given by Msgr. Robert Gibbons, who had presided at the marriage of Judge Jung and his wife, Gina, added a nice intimate touch.

Judge Tjoflat began his formal remarks with a brief recitation about the role of district courts and the federal judicial system. He then introduced Judge Jung's family and recounted Bill's resume: magna cum laude, Vanderbilt University; summa cum laude and editor in chief of the Law Review, University of Illinois Law School; his (Judge Tjoflat's) law clerk on the Eleventh Circuit; Justice William Rehnquist's law clerk on the U.S. Supreme Court; assistant



Senior District Judge William Castagna administers the oath of office to Judge William F. "Bill" Jung on Jan. 11.

U.S. attorney; renowned trial lawyer in private practice. Judge Tjoflat then observed of Bill Jung: "He practiced law here, a member of the American College of Trial Lawyers. He is exceptionally well-qualified. He is the kind of person, and background, and everything put together, that we love to see on the United States District Court."

Mike Matthews, president-elect of the Tampa Chapter of the Federal Bar Association, recalled how he had been struck by what lawyer Jung said to the jury during a trial

they had together: "You're going to hear all about what (my client) said and what he did. But you've got to decide ultimately what is in his heart." In presenting Judge Jung with his gavel, Matthews told him that now it was he who must assume that weight of responsibility.

Bill's law school classmate and former law partner, Anthony Black, now a judge on Florida's Second District Court of Appeal, spoke next. Judge Black began by commenting on a highly unusual, if not unique, aspect of Judge Jung's appointment process: the fact that he had been nominated for a Middle District judgeship by three presidents: George W. Bush, Barack Obama and Donald Trump. "These three presidents may have agreed on very little, but they all agreed to entrust the upholding of our Constitution to Bill Jung." Judge Black described Bill as a "great friend, husband, father and lawyer" and as a "legend" among University of Illinois Law School alumni. In exhibiting his usual good humor and sense of history, Judge Black nevertheless allowed that it was he and several of their friends who made sure that Bill would graduate first in the class!

continued, next page

About the authors: Leonard H. Gilbert is a partner with Holland & Knight LLP in its Tampa, Florida, office. He is the immediate past president of the Eleventh Circuit Historical Society. James B. Murphy, Jr., is an attorney in Tampa. He was a law clerk for Judge Wm. Terrell Hodges from 1979-1981, and then went into private practice in Tampa until he retired in December 2014. He now serves as a certified circuit court mediator in civil cases. He is a member of the Eleventh Circuit Historical Society. Photographs are courtesy of the U.S. District Court for the Middle District of Florida (Penny Rogo of MamaRazzi Foto, Inc., photographer).

William F. Jung invested as U.S. district judge, continued

Senior District Judge William Castagna, for whom Bill's wife, Gina, had clerked, then administered the oath of office to Judge Jung. The robing was by Gina and their son Daniel.

Chief Judge Steven Merryday followed with warm remarks welcoming Judge Jung to the bench. He traced the history of the Middle District of Florida, noting that Judge Tjoflat was the seventh judge, Judge Castagna was the 13th judge and Bill was the 40th district judge in the district. He told the stories of Judge Isaac Bronson, from his own hometown of Palatka, who had been a territorial judge before being nominated as the first federal district judge in Florida by President James Polk after the state was created in 1845, and of Judge Bryan Simpson, who became the first judge in the Middle District when it was created in 1962 and for whom the federal courthouse in Jacksonville is named. He concluded by reflecting on the awesome and often solitary responsibilities of a district judge that serve as common threads from Judge Jung through his colleagues and predecessors.

When called to give his "rebuttal," Judge Jung joked that the fact he had been nominated three times (his prior nominations had not being taken up by the Senate) "means I'm either the best candidate or the worst." He explained his use of Lou Gehrig's "luckiest man"¹ speech as a metaphor for his own life. He gave homage to many of the people who had a positive influence on him, beginning with his childhood growing up in Hamilton, Ohio: from his employers at his first jobs as a teenager erecting fences, where he learned "about putting things together and making them last," and cleaning toilets at the local public golf course, where he learned the importance of "any job that's well done," to his college and law school classmates, to Judge Tjoflat, Justice Rehnquist and his fellow law clerks during his judicial clerkships, to his colleagues in the Justice Department during his work as a federal prosecutor, to his partners and colleagues during his time in private practice, and most of all to the members of his family.

In recounting the mentors in his life, Judge Jung particularly noted the influence of Judge Tjoflat and Justice Rehnquist. Of Judge Tjoflat, he valued the hours spent with him traveling and in chambers. Quoting Robert Frost: "That made all the difference." Judge Tjoflat was a demanding judge, but that was easy because he demanded only one thing: "Excellence. He demands excellence and personal deportment." As for his clerking for Justice Rehnquist, Judge Jung said that was a "lucky star" and "another piece of pot luck that I walked into."

In addition to his family, dozens of his former employers, friends, classmates, teammates, partners and co-workers, many of whom traveled from all over the country and some from as far away as Sichuan, China, came to the ceremony to honor and celebrate Bill's



Judge Bill Jung with his family. "I'm the luckiest man on the face of the earth."



Judge Gerald Bard Tjoflat, left, for whom Judge William F. "Bill" Jung clerked, stated during the ceremony: Bill Jung "is the kind of person, and background, and everything put together, that we love to see on the United States District Court."

investiture as a U.S. district judge, and he named every one of them and recounted his relationship with them.

When it was all over, everyone had to feel that Bill Jung is indeed a very fortunate man. But what was most obvious was that the lawyers and litigants who will appear before him as a judge, as well as the federal judicial system as a whole, are truly the lucky ones -- now that Bill Jung has at long last joined the bench.

1 Lou Gehrig, July 4, 1939, at Yankee Stadium: "For the past two weeks you have been reading about a bad break. Yet today I consider myself the luckiest man on the face of the earth."

Judge Johnson, the Lord and the 1973 Neptune Meter case

By David Bagwell (with substantial help from Phil Butler)

In 1973, Judge Frank M. Johnson of the Middle District of Alabama was trying a civil jury case against the Neptune Meter Co., a company from Tallassee, Alabama, that made water meters. Phil Butler and David Byrne, a former assistant U.S. attorney, then of the Hill, Robison, Belser, Brewer and Phelps firm in Montgomery, were plaintiff's lawyers. The case was defended by Robert Huffaker and Charlie Porter of the Rushton, Stakely, Johnston and Garrett firm in Montgomery. I was one of Judge Johnson's two law clerks that year.

Late in the afternoon of the first day of trial (Judge Johnson took a lot less time in striking a jury than judges do in California), the plaintiff was testifying, and he told a story that differed from what he had said in his deposition. Defense lawyer Huffaker was cross-examining him and asked him *why* he told a different story now — under oath — from what he had told in his deposition — also under oath.

The plaintiff paused and looked down and mumbled something. What he mumbled was that "the Lord came to me in a vision in the night."

Now defense lawyer Charlie Porter, like a lot of lawyers his age, my age now, was fairly deaf, and did not understand what the plaintiff had just mumbled, and said aloud, "What did he say?" — meaning, what did the *plaintiff* just say?

But the plaintiff understood Charlie Porter to be asking the plaintiff what the *Lord* had said to the plaintiff in that vision in the night.

The witness responded that, "The Lord told me what to say in order to win this case."



David Bagwell took this photo of Judge Frank Johnson in 1970, when Bagwell was a law student and Johnson was a judge in the moot court completion. A copy of the photo appears on the title page of the judge's judicial scrapbooks, which are now in the University of Alabama Law Library.

One juror, a woman who was a retired schoolteacher from Fort Deposit, started openly laughing.

I, as Judge Johnson's law clerk, was eating both my hand and my pencil in order to keep from laughing with the juror from Fort Deposit, and in order to avoid being both fired by the judge and shot by Deputy U.S. Marshal Lee "Pert" Dodd.

Judge Johnson did not flinch or laugh as he excused the jury and prepared to recess for the day but, still on the record, said, "I have two concerns. First, normally when a witness changes his story, I allow the opposing lawyer to see and examine the documents or

other matters which led him to change his story. But here, the Lord, the thing that led him to change his story, is not within or subject to the jurisdiction of this court. Second, I am concerned that he has testified to hearsay from an unimpeachable source (this was the year before the Federal Rules of Evidence were adopted, and the "Vision from Jesus" exception to the hearsay rule had not yet come into regular use). I expect briefs in the morning from all parties on what the court should do in this circumstance."

The judge then recessed court and went into his chambers and took off his robe and lit up a "Home Run" brand cigarette. I followed him into his chambers and said, "Judge, you should not have done that. Some poor new associate in the Rushton, Stakely firm will be up all night trying to find something on that issue!" The judge laughed his trademark laugh and slapped his thigh and

continued, next page

About the authors

David Bagwell and Phil Butler were high school classmates at Sidney Lanier High School, in Montgomery, Alabama, class of 1964. They went off to college (Phil to Alabama, David to Vanderbilt), both spent a short time in the Army, they married sorority sisters, and both graduated from Alabama Law School. Phil went into private law practice in Montgomery, and David clerked for Judge Frank Johnson, who was then chief judge of the U.S. District Court for the Middle District of Alabama. They were both involved — in different ways — with the 1973 Neptune Meter lawsuit, the subject of this piece. Since then, Phil has practiced in Montgomery and Birmingham, and he is now with the Bradley firm. David practiced in Mobile and later Fairhope, and from 1979-1985 was a full-time U.S. magistrate for the Southern District of Alabama.

A meter maid, a tiny town and a DC-6 full of dope

By David A. Bagwell

In 1979, a DC-6 landed near Uniontown, Alabama, a town of somewhere between 1,700 and 2,200 people, depending on when you measured it. It's a small town in Perry County, Alabama, in what they call "The Blackbelt." If you are driving east or west on U.S. Highway 80 through Montgomery and Selma, Alabama, and Meridian, Mississippi, you drive through Uniontown. Don't blink.

Now, a DC-6 is a four-engine propeller plane. Until jets came into passenger airline service, a DC-6 was a pretty big plane – maybe not as big as the tri-tailed Lockheed Constellation that was President Dwight Eisenhower's "Air Force One" (recently found baking in the Arizona desert, <https://www.nydailynews.com/news/national/original-air-force-found-decaying-arizona-article-1.1400350>), but pretty big.

There is a little bitty airport in Uniontown designed for small planes, not four-engine planes. There has never been passenger service there. So the day the DC-6 landed there, a very savvy lady sitting in her rocker on the porch, no doubt shelling peas, saw it coming low over the trees and said to herself: "The only reason a plane like that might land in a place like Uniontown is that it is loaded with dope!" (I told you she was savvy.) So she called the Alabama state troopers, and the Alabama state troopers

– not knowing that U.S. Customs was already on the case – drove out to the little bitty Uniontown Airport to arrest anybody having anything to do with the DC-6 or the tractor-trailer that had arrived to pick up the dope.

In the confusion, two or three of the dopers ran away and somehow got to "downtown Uniontown" (sic), where they were stopped and then arrested by the "Meter Maid" of Uniontown, who was an attractive and intelligent young woman. It is important to this story that you know that she was African-American; I guess the way we used to slide that information in, without apparently making a big deal out of it, was to say that "she happens to be black."

In the early 1980s, I was full-time "U.S. magistrate" for the Southern District of Alabama, before they added "Judge" to the title (before then, an occasional criminal defendant thought that I worked for the U.S. attorney, which is not what is supposed to be thought). Our district had a Southern Division in Mobile and a Northern Division with a nice old courthouse in Selma. The districts were laid out when lawyers and judges took steamboats upriver to Selma. In those days, when we had a jury docket in Selma, in the Northern Division, the district judges got to try their cases in the wonderful old federal courthouse, and

About the author

David Bagwell is a 73-year-old retired lawyer who lives in Point Clear, Alabama, and thinks that anybody who can retire, should. He is having the time of his life.

Judge Johnson, the Lord and the 1973 Neptune Meter Case, continued

thought it was all wonderful. It was a long time before he stopped laughing.

The next morning, Huffaker came in with red bleary eyes along with a brief and a huge stack of Xeroxed copies of court decisions. The judge did nothing remarkable, did not further address the issue, and let the case go to the jury. The jury returned a defense verdict.

I don't remember whether the retired teacher from Fort Deposit was foreman, or not. Phil Butler remembers that she was.

Not too long ago, my wife and I and Phil and his wife and another couple had lunch on a cold rainy day at The Tin Top restaurant in Bon Secour, Alabama, the middle of nowhere. Phil and I could not stop laughing as we refreshed our memories of the trial. Phil said he could laugh now, but it wasn't nearly as funny 46 years ago in the trial.

Phil and I and David Byrne are alive, but everybody else who was in court that day is dead. I encourage all readers to write up their stories and send them to Wanda Lamar for this newsletter.



the magistrate “had to” (sic) try his civil jury cases in the wonderful modern Dallas County Courthouse, where the state judges were most hospitable.

In those days, I presided over a modest number of civil cases by consent of the parties, jury and non-jury.

When the DC-6 defendants went to trial, Judge Brevard Hand presided. Most of the defense lawyers were high-flying dope lawyers from Miami. One of the Selma lawyers was a local lawyer in the DC-6 case, but he was also a lawyer in a civil jury case that I was handling. I don’t remember all the details of the scheduling, but the plan was that, when the DC-6 case was over, he needed just a little time to prepare and then try my civil jury case. (As I look back on it now, and read this, it sounds like the typical judge’s rushing the poor guy from one trial to another, and maybe I was. When I went back into private law practice at age 40, I became more attuned to such problems from a lawyer’s standpoint; but back in 1980, I was a judge with a typical Procrustean view of scheduling. You know how it can be.)

The DC-6 case took longer and longer, as it went on, and since I had nothing else to do whilst waiting for it to end, I sat in the courtroom and watched it. And I am really glad I did, because I got to watch the direct and cross-examination of the Uniontown Meter Maid in the DC-6 case. It was almost 40 years ago, but I remember almost every line of it.

W.A. “Billy” Kimbrough, a white man, now deceased, was the U.S. attorney, and he was himself prosecuting it. Billy was appointed by President Jimmy Carter, and he was smart and educated; but he was also from the country and was good with the jurors. And very forceful.

Billy put the impressive Uniontown Meter Maid on the stand, and she took the oath to tell the truth. He asked her some preliminary questions intended to prove up the validity of the arrests she made. Now, for some technical reason under Alabama law, there was some extra element Billy had to prove to make an arrest by a Meter Maid proper. Billy had to show that, under the city laws of Uniontown, she had the power to make arrests. This was one of those minor things that can trip you up, and Billy tripped. He asked, “Now, Miz _____, what exactly is your relationship with the mayor of Uniontown?” The Meter Maid looked horrified, and said, “Oh, no sir! We are both happily married people!” The whole courtroom erupted in laughter, even Billy and the judge and the defense lawyers from Miami. And the jury. Somehow they explained it all in a non-reversible way and got the right evidence in the record.

Next, Billy needed to get her to identify the three men she had arrested many months before in “downtown

Uniontown” (sic). The defendants were all young, fit, white men about the same age. The Miami lawyers had their clients all appear in court in identical blue suits, white shirts and red ties. They looked exactly alike, which was the problem. Billy asked her if she could identify the three men she had arrested several months before in “downtown Uniontown.” She looked at the men a long time. Then she looked up at Judge Hand and smiled, and said, “You know, Judge, they all look alike to me!” The courtroom erupted again in laughter – the prosecutor, the defense lawyers, the jurors, the judge and me. It was a wonderful moment.

In due course, the jury convicted them all, as I recall, and after a short but reasonable interval (I hope it was), we went to trial in my civil case. I have no idea 40 years later what my case was about, or what the verdict was.

But I do remember the DC-6 and Meter Maid case.



Author David Bagwell in retirement, enjoying the newest among his nine grandchildren.



Judge Dalton receives 2018 Distinguished Federal Judicial Service Award

By Suzanne E. Gilbert

The Supreme Court of Florida awarded the 2018 Distinguished Federal Service Award to Roy B. “Skip” Dalton, Jr., U.S. District Judge for the Middle District of Florida, Orlando. The award ceremony took place at the Florida Supreme Court in Tallahassee, Florida, on Feb. 7, 2019, as a part of the Florida Pro Bono Service Award Ceremony.

In presenting the award to Judge Dalton, Chief Justice Charles T. Canady first reviewed the criteria for the award: “to recognize an active or retired federal judge for outstanding and substantial service to the public, whether through legal or civic service or a combination of both, especially as it relates to support of pro bono legal services. The award is given to a judge who exemplifies the ideals embodied in the Code of Conduct for United States Judges, furthering the goals of equal justice under the law and encouraging pro bono service by Florida lawyers.”

Chief Justice Canady then described precisely why Judge Dalton’s service made him so deserving of this award. Judge Dalton was “handed a Herculean task” when he was asked by the Bench Bar Fund Committee of the Middle District of Florida in 2013 to examine and improve the court’s resources available to pro se litigants. The chief justice recounted that, over the past five years, Judge Dalton spent “countless hours leading the Pro Se Assistance Subcommittee to provide improved access to the court by unrepresented individuals.” This effort included a “listening tour” to review programs offered by other courts and organizations. By 2014, the court implemented its first project, a re-developed website “Litigants Without Lawyers” and new written materials — a 33-page “Guide for Proceeding without a Lawyer.” The website and materials were developed with the help of the Eleventh Circuit librarians and the Tampa Bay Chapter of the Federal Bar Association, with additional assistance from the U.S. District Court for the Eastern District of Missouri. To track usage, the court’s IT staff periodically reports on the number of external hits the website gets.

Judge Dalton continued his efforts to improve access to the courts by pro se litigants by launching a pilot project — the Legal Assistance Program — in the Jacksonville Division. The program began in 2015 with the help



In presenting the 2018 Distinguished Federal Judicial Service Award to Judge Roy “Skip” Dalton, Florida Chief Justice Charles T. Canady, right, remarked that Judge Dalton was “handed a Herculean task” when asked to examine and improve the court’s resources available to pro se litigants.

from the chapters of the Federal Bar Association in the Middle District and is available every Tuesday from 11 a.m. to 1 p.m. outside the clerk’s intake counter. Lawyers who staff the program provide procedural guidance to pro se litigants and answer general questions but do not undertake representation. The great success in Jacksonville led Judge Dalton to spearhead the expansion of the program in the Tampa and Orlando Divisions, which were operative in 2017.

In explaining the court’s commitment to helping pro se litigants, Judge Dalton said, “All of the judges in the Middle District agree that improving access to justice is a

About the author

Suzanne E. Gilbert is a partner in the Orlando, Florida, office of Holland & Knight LLP. She serves as the Florida vice president of the Eleventh Circuit Historical Society.

Judge Dalton announces impactful award of a different sort



The Hon. Roy B. "Skip" Dalton, Jr.

On the day Middle District Judge Roy B. "Skip" Dalton, Jr. was honored with the Florida Chief Justice's Distinguished Federal Judicial Service Award for his leadership in promoting pro bono service, he had a surprise announcement of a different award of sorts. Immediately before wrapping up his acceptance remarks, he asked the indulgence of Chief Justice Charles Canady to "make an announcement that might be well received by this group (of pro bono supporters)."

"Sometimes lemons can be turned into lemonade," he stated matter-of-factly. Explaining, he went on, "the Middle District Court recently had the unpleasant task of imposing sanctions on lawyers in connection with the massive volume of tobacco litigation. Yesterday afternoon late, an order was entered transferring \$3.6 million from the court's registry to The Florida Bar Foundation for distribution to qualified legal aid organizations." And if that bombshell weren't enough, he added that another \$400,000 would be going to The Florida Bar's Henry Latimer Center for Professionalism "to develop and

maintain long-term professional and ethics programs for Florida law students and young lawyers." He concluded by saying that "it is true that out of challenge springs opportunity."

And what an opportunity this was for pro bono endeavors. Jessica Brown, a spokeswoman for The Florida Bar Foundation, indicated that sanctions-funded legal aid of this magnitude is very rare. In 2016-17, the foundation allocated nearly \$11.5 million in grants and related activities, so \$3.6 million represents a significant percentage of the foundation's budget, she said.

The sanctions awards were made by a four-judge panel comprising Judge Dalton and Judges Timothy J. Corrigan, Marcia Morales Howard and William G. Young (visiting from the District of Massachusetts). For more information about the tobacco litigation sanctions award, go to <https://thefloridabarfoundation.org/federal-court-entrusts-foundation-with-3-6-million-award-for-increased-representation-in-courts/>.

Submitted by Judge Catherine Peek McEwen

Author's note

The author credits Carolina Bolado of Law360 for the information from Jessica Brown.

Judge Dalton receives 2018 Distinguished Federal Judicial Service Award, continued

very worthwhile goal." Judge Dalton is the fourth recipient of the Distinguished Federal Judicial Service Award. It was well received with resounding applause and justly deserved by Judge Dalton.

Following a presentation by the chief justice, Judge Dalton addressed the court and the standing-room-only audience in the courtroom. The following is a portion of his remarks, which highlight the importance of access to justice and the rule of law:

It is a distinct honor to be in your company to celebrate your significant contributions to enhance the public's access to the courts. As Anthony Lewis observed, "We rely on the courts to enforce what the Constitution means." In 1937, Justice Louis Brandeis remarked, "The only title in our Democracy superior to that of president is the

title of citizen." These words, true as they are, have little meaning if access to the courts is limited to the wealthy, powerful or influential. Too often, the pro se litigant is viewed with disdain or derision as an inconvenience to be discouraged and managed rather than heard. All of you here are to be commended for your unflagging efforts to straighten crooked paths, eliminate roadblocks, lower barriers, build bridges, erect access ramps, open doors and open minds to give the pro se litigant a seat at the table. Only when "liberty and justice for all" is a fact instead of an idea can, in the words of the prophet Amos, "justice roll on like a mighty river and righteousness like a never-failing stream."

It is Judge Dalton's understanding of these principles and his ability to put thought into action that makes him so deserving of this special award.

Judge Elizabeth Kovachevich honored for her service

By Jacqueline A. Simms-Petredis

On Dec. 12, 2018, the Tampa Bay Chapter of the Federal Bar Association held a portrait unveiling and a reception in recognition of the Hon. Elizabeth A. Kovachevich, United States district judge for the Middle District of Florida.

Judge Kovachevich, or "Judge K" as she is affectionately called, has served with distinction as an active district judge since her nomination by President Ronald Reagan on Jan. 26, 1982. In 1973, before joining the district court bench, she became the first woman elected to serve as a judge on the Sixth Judicial Circuit in Pinellas County, Florida. Judge Kovachevich served as the chief judge of the Middle District from 1996-2003, during which time she successfully lobbied Congress for new judgeships and obtained approval to construct new courthouse facilities in Tampa, Fort Myers, Jacksonville and Orlando. She also partnered with the Stetson University College of Law to develop the Federal Internship Program, which remains in existence and has provided thousands of law students with internship opportunities in the Middle District.

Hundreds were in attendance at the Hilton Tampa Downtown Hotel for the reception, which began with remarks from the Tampa Bay Chapter president, Jacqueline Simms-Petredis, and an invocation by the Rev. Monsignor Robert C. Gibbons. Shortly after, Chief Judge Steven D. Merryday unveiled the portrait painted by Jie Ruan, a critically acclaimed artist from China, whose paintings can be found in museums around the world. The evening included video remarks from associate justice of the United States Supreme Court, the Hon. Samuel Alito, as well as appreciatory remarks from the Hon. Michel P. Allen of the United States Court of Appeals for Veterans Claims; Professor Kristen David Adams, interim dean of the Stetson



Chief Judge Steven D. Merryday with Judge Elizabeth Kovachevich after the unveiling of her portrait. (Photo by Keith Lindquist)

University College of Law; and Jeffrey Brown, a past president of the Tampa Bay Chapter.

The evening concluded with a champagne toast by retired U.S. Attorney Terry Furr on behalf of Judge Kovachevich's present and former law clerks as well as remarks by the judge. The event was a huge success, attended by judges, lawyers, court staff, clergy, family and friends. The Tampa Bay Chapter extends a special thank you to the Bench Bar Fund of the United States District Court of the Middle District of Florida and the Stetson University

College of Law for their support of the reception. The Tampa Bay

Chapter was privileged to honor Judge Kovachevich for her service to the bench, the profession and the community.



Judge Kovachevich enjoyed time with with some of her former law clerks at the reception. (Keith Lindquist, photographer)

About the author: Jacqueline A. Simms-Petredis is a partner at the law firm of Burr & Forman LLP in Tampa, Florida. She served as president of the Tampa Bay Chapter of the Federal Bar Association in 2018.

Angela E. Noble appointed court administrator · clerk of court

The judges of the U.S. District Court, Southern District of Florida, announced the appointment of Angela E. Noble as court administrator · clerk of court effective Jan. 1, 2019. Noble has more than 18 years of experience with the U.S. courts, including serving the last three years as Northern Division operations manager.

In 1998, while working as a paralegal in the Brooklyn District Attorney's Office, Noble decided to apply to law school. After being accepted the following year, she was unable to continue working her night-shift job, which led to her start in federal court. She began her career in the U.S. district courts in May of 2000 as a docket clerk in the Eastern District of New York, Brooklyn Division. After a year of docketing, she trained and worked as a relief courtroom deputy and case manager. All the while, she attended New York Law School as a part-time evening student.



Angela E. Noble has more than 18 years of experience with the U.S. courts.

Upon graduation in 2004, Noble left New York and moved to the Southern District of Florida. After a short time in private practice, in 2006 she returned to district court as courtroom deputy clerk to U.S. District Judge Donald M. Middlebrooks. In 2013, she left the court a second time to serve the state of Florida as an assistant attorney general in the criminal division. In 2015, she returned to the court as operations manager for the Northern Divisions.

When Clerk of Court Steven M. Larimore announced his retirement in 2018, Noble decided to apply. She was selected by the court to serve as this district's first female clerk of court.

Noble is very proud of her rise from docket clerk to clerk of court. "I attribute much of my success to the incredible support of my court family, and my plan is to pay it forward!"



Visit the 11th Circuit Historical Society Website to view all issues of the Society's newsletter:

<https://sites.google.com/site/circuit11history>

It was also noted to be one of the first federal office buildings constructed in Florida with federal funds since 1937.

The original federal courthouse in Ocala, which sat about two blocks to the east of the current building, was also a beautiful structure. It opened in 1910 as the first federal courthouse in Ocala and also served as a post office and federal office building. Its architectural design appears to have been neo-classical revival, which was similar to other federal courthouses constructed during that time. Unfortunately, according to at least one report, the front of the building began to sink in the 1940s, and a fence was constructed across the front of the building to prevent public access to that entrance.¹ The building was eventually razed in 1956. At the time, Ocala was still part of the Southern District of Florida.

The site of this original building was just a block or two north of the main square of downtown Ocala. According to historian David Cook, while it was once considered for a city hall, and despite an outcry from the public, the original federal courthouse was torn down and replaced by a surface parking lot, which remains today.² Recently, in an effort to revitalize or improve and infill the downtown core, the site, along with other nearby sites, has been designated as a "Downtown Catalytic Site" that the city hopes will be developed.

Backing up for a moment, in 1900, before the original courthouse was even constructed, Congress authorized the Southern District of Florida (which was created in 1847 shortly after Florida became a state in 1845) to hold a session of court in Ocala.³ When the Southern District was created, most settlers lived in Key West, where the judge of the district resided. It appears that at the time a session was provided for at Ocala, just a handful of other cities were holding court in Florida, including Pensacola and Tallahassee (as part of the Northern District) and Key West, Tampa and Jacksonville (as part of the Southern District). Miami, in turn, was authorized in 1906 and Orlando thereafter in 1933.

The 1910 federal courthouse was not the first federal presence in the Ocala area. Fort King, which is now a National Historic Landmark, was constructed in 1827 by the United States.⁴ It sat just a few miles to the east of present-day Ocala and predated the creation of both Marion County and the city of Ocala. According to articles on the history of the area, it is believed to have housed the earliest court.⁵ The first post office was also housed at Fort King in 1844.

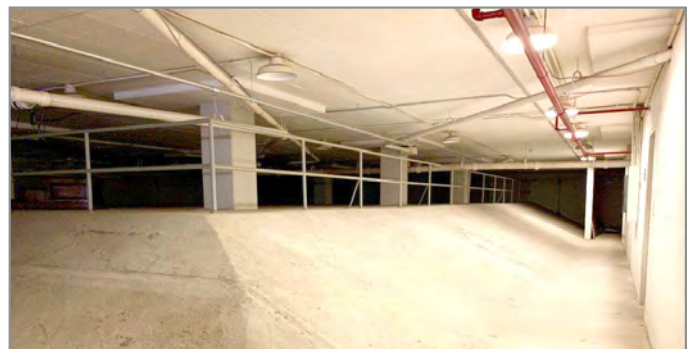
At the time the original Ocala federal courthouse opened in 1910, the population of the city was around 4,000, and the Hon. James William Locke for the United States District Court of the Southern District of Florida was in active service. He had been appointed by President Ulysses S.



The original federal courthouse in Ocala, which opened in 1910, sat about two blocks to the east of the current building.



Fort King, which is now a National Historic Landmark, housed the earliest federal court and post office in Ocala.



Reflecting the era in which it was built, the current Ocala courthouse has in its basement a fallout shelter.

Grant in 1872 and served until his retirement in 1912. It appears that the early focus of the Southern District was salvage cases in Key West (where sessions for the Southern District were initially held), though in 1896 Judge Locke was permitted to move from Key West to Jacksonville, where a term of court was also to be held.⁶ Judge Locke was hearing criminal and civil cases in nearly every part of the state, as

the Southern District was responsible for a large portion of the peninsula.

In 1961, when the United States Post Office and Courthouse was dedicated, Ocala was still part of the Southern District of Florida. The building, according to the dedication announcement, was quite the sight and had quite the view: "Sitting majestically on the highest office site in the area, it commands an imposing view, not only of the entire city, but of surrounding orange groves and famous horse breeding farms as well." The building was, and remains, three stories. At the time, the third floor was assigned to the United States District Court, with the United States Post Office and the United States Geological Survey being the other two large tenants. In total, 13 federal agencies occupied the new building.

It is, indeed, a unique building. As observed at its dedication: "The impressive three story structure is of white glazed ceramic brick and exposed quartz panels, with aluminum mullions and windows. The ornamental effect is further set off by a story high base of Minnesota purple crystal granite and a canopy fascia of white Georgian marble." The orange groves and horse farms are no longer visible from it — it now faces the back of the Marion County Judicial Center, which takes up several city blocks — but the brick, quartz panels and other ornamental features remain. And horses, of course, remain an integral part of Ocala.

Inside the building, on the upper wall of the first floor, which is now part of the district court but was occupied by the post office at the time, is a beautiful mural called "A History of Industry In Marion County." It is, candidly, one of my favorite parts of the building. The wall-to-wall mural, painted in the lobby by Artist Hollis Hobbrook — who was a professor at the University of Florida and was commissioned to complete murals in other post offices — depicts a timeline of industry in the area. It begins near the entrance to relatively new judicial chambers with a depiction of Timucua Native Americans planting corn and continues through the arrival of the railroad, the importance of cattle and the significant horse industry, and concludes with visitors sitting in glass-bottom boats at Silver Springs. Notably, the state now operates Silver Springs State Park, where visitors can still ride glass-bottom boats and view the natural springs on the river. Visitors also can paddle the



The beautiful mural called "A History of Industry in Marion County" is painted on the walls of the first-floor lobby.

river, where steamboats used to carry tourists enjoying the beauty of the area and the crystal-clear water.

In 1962, the Middle District of Florida was formed, and Ocala was included in it. Several judges were reassigned from the Southern District to the newly created Middle. As far as I know, no active district judgeship was assigned to Ocala, nor did any judge make Ocala his or her residence. Indeed, no active district judgeship has been assigned to this division to date.

In 1984, by a special act of Congress (Public Law 98-579, Oct. 30, 1984), the building was officially renamed the Golden-Collum Memorial Federal Building and U.S. Courthouse, to honor veterans from Marion County who died in the Vietnam War. Specifically, the name honors PFC Harold Golden, who died on Nov. 8, 1965, and was the first resident of Marion County to die in Vietnam, and Capt. William Edward Collum,

who died on April 23, 1971, and was the last. Golden was 18; Collum was 21. Their names adorn the outside wall of the building and sit, in large font, above the name of Dwight D. Eisenhower, who was president at the time of construction and completion.

The United States Post Office left the building and relocated a few blocks to the south in its own large facility. Other non-court-related entities also left the building. The Social Security Administration was housed there but now also has its own facility.

United States district judges from throughout our district have served the Ocala division and continue to do so today. The Hon. Wm. Terrell Hodges, after assuming senior status in 1999, began presiding full time in the Ocala division. He was appointed by President Richard Nixon in 1971 and began his career in the Tampa division.⁷

At the time Judge Hodges became a judge, there was significant litigation in the district, and he immediately assumed an active criminal docket as well as a civil docket that involved pressing issues of the time, including desegregation in our schools. At about the same time, legal battles were reaching their peak over construction of the Cross Florida Barge Canal. The state, through the Canal Authority, and the United States, through the Army Corps of Engineers, had for years already been acquiring

thousands of acres of land across Florida, and particularly through large portions of Ocala, and were in the midst of construction of a canal connecting the Atlantic Ocean and the Gulf of Mexico. Litigation surrounding condemnation and the authority of the government was initiated in this division, as it was throughout this district and the District of Columbia.

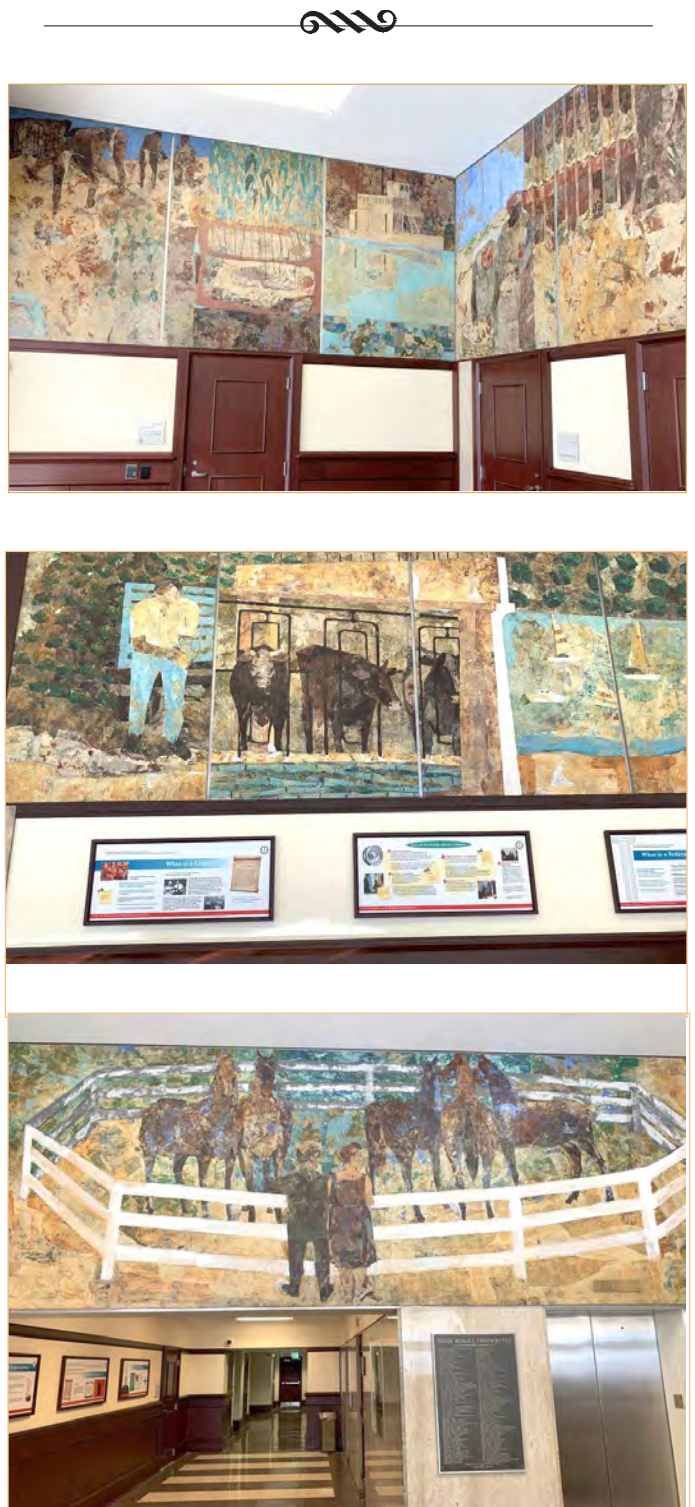
The history of the canal litigation is part of a historical display that now sits in the lobby of the courthouse. On April 9, 2013, as noted in a separate article in the 11th Circuit Historical News,⁸ the Historical Society of the Middle District of Florida held a luncheon at the Golden-Collum Memorial Federal Building and U.S. Courthouse to officially open the division's historical display. In addition to many state judges, administrators, and members of the Bar, the Marion County Bar president, U.S. Magistrate Judge Philip Lammens, and then-Chief Judge Anne Conway attended. Attorney Alan Clark, a former attorney for the Florida Canal Authority, presented the keynote speech.

As the historical exhibit on the Cross Florida Barge Canal explains, the canal was intended to be a shipping canal. The Florida Canal Authority was created in the 1930s, but the U.S. Army Corps of Engineers didn't begin construction until the 1960s. On the Ocklawaha River, a dam was built, creating a lake now known as the Rodman Reservoir, which flooded more than 1,000 acres of hardwood trees. The project, if completed, would have impacted the ecology of a 40-mile stretch on the 70-mile Ocklawaha River. In 1971, the Florida Defenders of the Environment and the Environmental Defense Fund, led by Marjorie Harris Carr, an environmental activist from Micanopy, won a federal court temporary injunction to stop construction and then persuaded President Richard Nixon to halt the canal project.

In the 1990s, the Cross Florida Greenway State Recreation and Conservation Area was created on much of the land originally intended for the canal. In 1998, the Cross Florida Greenway was officially renamed the Marjorie Harris Carr Cross Florida Greenway. This 110-mile corridor, stretching from the Gulf of Mexico to the St. John's River, includes many diverse habitats as well as recreation areas and a variety of trails for hiking, biking, equestrian use and paddling.

Condemnation cases remain a part of the Ocala division's docket, as those cases swelled recently (both in our court and in others in the district) with the construction of the Sabal Trail Pipeline, which is a large-scale natural gas pipeline project through the area.

The Ocala division — and this courthouse — currently serves Marion, Lake, Sumter and Citrus counties. Included in the division and containing relics of the old canal project, such as high bridges and old service roads, is the Ocala National Forest. Just south of the courthouse is the Santos



The mural, which begins near the entrance to the first-floor judicial chambers, depicts a timeline of industries in the area, three of which are corn (planted by the Timucua Native Americans), cattle and horses.

Ocala, continued

Trailhead where you can ride or walk on miles of paved trails that were part of the canal project or on mountain bike terrain where digging for the canal had begun. And just farther south is the Federal Correctional Complex at Coleman, Florida, which sits in this division and is the largest correctional facility operated by the United States Bureau of Prisons.

Since at least Judge Hodges' arrival in Ocala, the courthouse and division have been growing. This growth is commensurate with the growth of the surrounding area, including numerous retirement communities. Indeed, the Ocala division is home to The Villages, which is one of the fastest-growing areas in the country. Recently, FedEx, Chewy (a pet food supplier) and AutoZone all opened large distribution centers in the Ocala area. And, coming soon to Ocala is the World Equestrian Center, which, when completed, will be the largest equestrian complex in the United States, with multiple indoor and outdoor arenas and a five-star hotel in the center of the resort.

In 2008, the United States Attorney's Office opened a divisional office in Ocala, just off the downtown square. The office initially opened in what was the Old Marion Hotel, which sat on the site adjacent to where the 1910 federal courthouse was. The office was on the top floor of the building, overlooking downtown Ocala, with room for three assistant U.S. attorneys and an office manager and paralegal. The office soon moved to a newly renovated space on the downtown square with room for seven attorneys. Their office is also in the heart of a revitalizing downtown, as a Hilton property hotel is under construction just across the street, and other businesses, including a micro-brewery, have plans to open nearby.

The Federal Public Defender also has an office downtown, near additional new development.

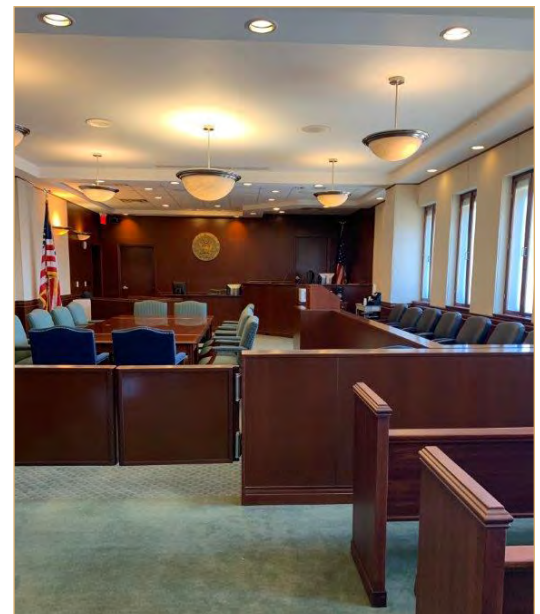
Shortly after Judge Hodges assumed primary responsibility for the division's large civil and prisoner dockets, as well as its growing criminal docket, the district appointed United States Magistrate Judge Gary R. Jones. In 2000, when he began, Judge Jones resided in the Ocala division and may be the first resident federal judge to have lived and sat in this area. Judge Jones helped oversee the buildout of a clerk's office on the third floor, along with a chambers and courtroom designated for the magistrate judge. The courtroom is small but well-appointed, with dark cherry wood. In some ways, it has the feel of a small chapel.

The court also finished the second floor, where the U.S. Probation Office resides, now with a chief and several probation officers. The U.S. Marshals Service, with two resident deputy U.S. marshals, constructed office space and holding cells. There are plans for a sally port and designated elevator for transporting prisoners — though they haven't materialized yet. The judges also oversaw the buildout of a



In 2010, U.S. Magistrate Judge Gary R. Jones helped oversee the buildout of a grand courtroom on the first floor of the courthouse.

grand jury space in the middle of the second floor. That space was primarily used for bankruptcy proceedings but has yet to see a grand jury. The grand jury space was recently updated and upgraded to handle current technology and is again ready for use.



The original magistrate judge courtroom on the third floor currently is used for jury deliberations.

When I started as a law clerk to Judge Hodges in 2002, the main part of the first floor was vacant. Our court security officers had several offices near the entrance, Judge Hodges' court reporter had an office, the U.S. Attorney's Office had one small office, and Pretrial Services had two offices and a full-time officer assigned to the division. Before he left the Middle District of Florida to serve as a U.S. Magistrate Judge in the Northern District in 2010, Judge Jones helped oversee the buildout of the first floor of the courthouse. In the remaining largest vacant space

in the building, the court constructed a jury assembly area, a beautiful judicial chambers and a grand courtroom with a high ceiling and large columns.

The division's second magistrate judge, Tom Smith, sat in the chambers and held court in that courtroom until he moved to the Orlando division and I began my service as a U.S. magistrate judge in 2012.

Since 2012, in addition to the renovations to the grand jury space, the magistrate judges' space on the third floor has been converted into a staff attorney suite (housing our staff attorneys and paralegal specialist); the public corridors have been updated; art, including



The judges of the Middle District of Florida, with Judge Philip R. Lammens at his 2012 investiture.

furniture, with paneling throughout. It also has heavy wood doors with brass handles and several beautiful wood tables. Hanging in the corner is a lone picture — it is a portrait of United States District Judge Charles Scott, who was appointed by President Lyndon B. Johnson in 1966 and served the district through 1983, during which time he heard cases in Ocala. In our renovation of the courtroom, we hope to

keep some of the unique features of the space, such as the brass grating

and heavy wood doors, and to utilize some of the existing furniture, such as the counsel tables and an old oak law clerk desk, which were items salvaged when the court at Fernandina Beach — another historic division of the court — closed. Optimistically, our proposed plans also include a continuance of the first-floor mural on the high walls of what would be a fully renovated district judge's courtroom, which would tie the court's current work in this building back to its roots as the "most beautiful office building in Central Florida."



The plans to renovate and modernize the district judge's courtroom on the third floor include keeping some of the unique features of the space, such as the brass grating and heavy wood doors.

images of courthouses from throughout the division and district, has been added; and the clerk's office and jury assembly area have been updated. The building also underwent a large-scale update to its air and water systems. And the district judge's chambers, which really hasn't been updated since it was built, is in the midst of an update.

To complete the building, we have plans to renovate and modernize the district judge's courtroom on the third floor to bring it in line with the other courtrooms in our district. The courtroom currently has light wood benches and

- 1 "Images of Ocala," Keven M. McCarthy and Ernest Jernigan (Arcadia Publishing, Charleston, South Carolina, 2001).
- 2 "Historic Ocala, The Story of Ocala & Marion County," David Cook (Historical Publishing Network, San Antonio, Texas, 2007).
- 3 "History of Federal Courts in Florida," article held by Middle District of Florida Library.
- 4 <https://www.ocalafl.org/government/city-departments-i-z/recreation-parks/parks/fort-king-national-historic-landmark/history-of-the-site>
- 5 <https://www.ocalafl.org/living/historic-preservation/downtown-district/downtown-ocala-historic-context-and-history> and <https://www.ocalafl.org/government/city-departments-i-z/recreation-parks/parks/fort-king-national-historic-landmark/history-of-the-site>
- 6 "From Local Courts to National Tribunals, The Federal District Courts of Florida, 1821-1990," Kermit L. Hall and Eric W. Rise (Carlson Publishing Inc., Brooklyn, New York, 1991).
- 7 Judge Hodges is the focus of a wonderful article in the 11th Circuit Historical News, Volume XIII, Number 1 (Spring 2016).
- 8 "Ocala Courthouse unveiling rounds out Middle Florida's history and civics displays," 11th Circuit Historical News, Volume X, Number 3 (Spring 2013). A small part of that article is borrowed here.

This interview was part of a new oral history project for the Eleventh Circuit Historical Society. Vignettes from the interviews will appear in these pages, and entire transcripts will be available from the Society. Judges interested in being interviewed should contact me at phil.sandick@alston.com to schedule an interview.

Enjoy.

PS: What was the move like, leaving Texas and going to Georgia?

LMM: It was terrible because I went from being in a school I had been in my whole life — all the way through, same friends, same everything — knowing what I expected to do with my life, and I ended up going from a suburb of Houston to very rural South Georgia. Bainbridge is a very small community. I didn't have any friends, didn't know anybody, had never been there before. So here you are, going from a safe, middle-class existence where you knew what you were going to do, to being (1) poor and (2) in South Georgia and not knowing anybody and really not knowing what was going to happen to me in terms of my life and getting through college and all of that.

In retrospect, it was probably one of the best things that ever happened to me. It ended up being great. You know, having yourself in that situation and having to find a plan and a way to "escape" — at least, as I thought of it at the time — probably did a lot in forming my personality and

ethics and hard work and those kinds of things. But at the time I was not pleased, to put it mildly.

PS: So you got to Georgia Tech.

LMM: Yes. Thank goodness. That was a close call, though, because I kind of got caught up in a bureaucratic nightmare. My parents were going through a divorce and the divorce wasn't final, so to do college paperwork and financial aid and things of that nature, I had to have the cooperation of my father — who



Leigh Martin May as a senior in high school. (Judge May photo collection)

continued, next page



THE ELEVENTH CIRCUIT HISTORICAL SOCIETY

The Eleventh Circuit Historical Society is a private, nonprofit organization incorporated in Georgia on Jan. 17, 1983. Although the Society has no legal connection with the U.S. Court of Appeals for the Eleventh Circuit or the federal government, its primary purpose is to keep a history of the courts of the Eleventh Circuit as institutions and of the judges who have served these courts. In this regard, the judges in the old Fifth Circuit from the states of Alabama, Florida and Georgia are included in the Society's area of interest.

In addition, the Society has a broader mission to foster public appreciation of the federal court system in the states encompassed by the Eleventh Circuit.

The formation of the Society came shortly after the creation of the Circuit in 1981. This timing has allowed the writing of history as current history, not as research history. The Society is devoted to preserving our courts' heritage through the collection of portraits, photographs, oral histories, documents, news articles, books, artifacts and personal memorabilia.

The Society's permanent office is in the Elbert Parr Tuttle U.S. Court of Appeals Building in Atlanta. Its Board of Trustees is composed of lawyers and legal scholars representing the historical interests of Alabama, Florida and Georgia.

While the Society's archival activities are partially funded by grants and other special gifts, it primarily depends on members for financial support. Take pride in knowing that, through your membership, you are helping to recapture memories of past events and thus supplementing historical knowledge that will enlighten and enrich present and future generations. In essence, the Society's accomplishments belong to you.

was not cooperating. So I couldn't complete a financial aid package or application because I couldn't get all the data that I needed. And my father, you know, I think made decent money. He just wasn't sharing it. So I couldn't get a financial aid package together.

And then, when I applied to Georgia Tech, some person in the financial aid office decided that I would not qualify for in-state tuition because of the amount of time I had lived in Georgia. They didn't think my reasons were sufficient, so they initially denied my request for in-state tuition.

So I had only applied to one college, I had to pay for it myself, and I was being told that I didn't qualify for in-state tuition — which really would have meant that I couldn't have gone, because I had to work to pay for the tuition, and out-of-state tuition would have been too much. But luckily I had a friend whose father worked at the local community college. I told him what was going on, and he said, "Can you fix this?" And I said, "I'm trying, but I can't even get to the right person to fix this." He called somebody and at least got me in-state tuition, so that saved me from the potential disaster that was about to occur.

PS: What did that look like: leaving Bainbridge and coming up to Atlanta?

LMM: It was great. I was so happy. I was so happy to be in the city again.

I had put together this precarious way to pay for things. I had a little bit of savings from working at a grocery store down in Bainbridge, which is what I did while I was in high school. And I had a job at the mall — at It's About Time — selling watches and fixing watches, which I didn't know how to do. I think I probably ruined a few watches during that time period. So I had that job and I had my classes and I lived in the dorm and, you know, was in school, happy to be in school, trying to figure out how to make it work.

I got really lucky my second quarter of school. Georgia Tech has a vibrant co-op program where they help place you in a job — a real job with a real company — with the idea that you would work a quarter, go to school a quarter, and alternate through your whole entire college experience. Once you graduated, you had (potentially) a job and at least an understanding of what you might do with your major so that it would help your education process.

Even though the school did not encourage you to get a co-op job very early on (they wanted you to learn something first), I convinced them to at least let me try to get a job. And so my second quarter at school, I actually found a job with a company that did computer simulation work for power companies. I made a lot more money than I did at my watch job. So that ended up being kind of a blessing, because I was able to use that to help me pay for

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This newsletter produced courtesy of The Florida Bar

school. That was what saved me at that point.

PS: Were you there every day during that quarter?

LMM: I was. And then, they liked me and they thought I did a good job, so instead of doing what a traditional co-op would do (work a quarter and go to school a quarter), I convinced the school to let me take all my classes on Tuesdays and Thursdays. Then I could work 10-hour days on Mondays, Wednesdays and Fridays and get paid as a full-time employee during that period of time and go through school that way.

The rest of my time at school, that's what I did. I only took classes on Tuesdays and Thursdays and I worked my job on Mondays, Wednesdays and Fridays. That was perfect, because I was able to pay for everything. I ended up actually working for about two years with that company after I graduated from college, as well. So I stayed there a long time and was very pleased with them letting me do that.

PS: What sort of stuff did you do for them?

LMM: It started out that I was just kind of like an office helper. At the time, we were still using mainframe computers for a lot of what we were doing. So I would help put things on the queue to run different programs. Over time, I started actually doing real work and it became a little funny because I was still in college, but I was starting to work directly with clients and teach training classes on how to use the software.

I think the company was a little bit vague about my actual status and my age. I was doing actual work, but when we would have clients come in and we would have training sessions and stuff, I wasn't even old enough to drink and I'd have to try to get into the bar that we were taking clients to without them knowing that I wasn't old enough to be there.

By the time I graduated from college, there really wasn't anything I wasn't doing at the company. They were really great in that, if I could do something, they would let me do it. What I ended up doing there was, we had different clients that were electric utilities in America and Canada. They would do these long-range plans where they'd have to figure out what kind of power plants they wanted to build in the future. So they'd run these simulations of their predicted load forecasts and maintenance on plants and different factors that they wanted to study. And then we'd simulate over the next 20, 30 years what would be expected in terms of their needs and costs. And we'd put in different fuel forecasts and then run different simulations and help them determine from that what their future needs would be in terms of building plants. Because power plants take so long to build, you have to



The future Judge May, left, at her graduation from Georgia Tech. (Judge May photo collection)

make a decision about when to start building them very far in the future so that they're ready when you need them. So we would help them do that planning.

I ended up having different clients. I did a lot of work in Nova Scotia, New Brunswick, Syracuse, Texas — different places all over, helping them do their power planning. And helping them use our software, which was very, very difficult and customized. You couldn't just buy it and use it; you had to have people sit down with you and teach you how to make it work.

PS: It sounds like there was a lot of working and studying going on during college. Was there some fun, too?

LMM: Yes. I had what I referred to as my three-legged stool. I had those two things, and what I did for fun is I managed the college radio station. So that was my fun thing. I really loved doing that.

I also went to see bands all the time. I was totally into

continued, next page

that scene. I got free tickets to see pretty much anything I wanted to. And so I would go see bands and work at the radio station, and that was kind of the fun part to balance out the rest of it. I didn't sleep very much.

PS: What kind of bands did you seek out?

LMM: This was the early '90s, mainly the Grunge Era, so a lot of it was the grunge-type bands. But at the same time it was a very eclectic radio station. So I'd also go see jazz, 20th century classical music, experimental music — really all different types of things: performance-art type stuff, just depending on what was around that I heard about that sounded interesting. But it was mainly small venue-type things, not very large stuff. Those people weren't going to college radio stations and giving away free tickets. So it was smaller-type things. But I got to see and meet a lot of interesting bands before they were famous and got to see a lot of up-and-coming music and was very much a part of that crowd and that scene during that period.

PS: Do you have any stories about that time?

LMM: Lots of stories. I guess some that would be the most interesting are: I did get to meet Kurt Cobain and Nirvana before they were famous. Kurt Cobain was one of the least pleasant people I've ever been around. But he wasn't a big star yet, so he was going to our tiny little radio station trying to get us to play his new album that ended up being so incredibly famous. But at the time, they didn't even know if anyone would play it.

And I remember one time I was there with a friend of mine who was interviewing R.E.M. And again, this is in the early '90s. And because we are at Georgia Tech, we had



Judge Leigh Martin May of the Northern District of Georgia.

access to technology that was new in other parts of America. I remember we had gotten questions for them off the Internet and they didn't know what the Internet was, so we were trying to explain to Pete Buck and those guys what the Internet was and how these questions had been generated from the Internet to be asked of them. That was kind of fun.

PS: Did you DJ?

LMM: Yes, I had several shows. I did a Sunday morning 10-12 show that was kind of a mix of different eclectic music. For a while I did a 20th century classical composed show, so it was modern classical. I did a request show for a while. I did some punk rock, grunge-type shows, jazz shows. I wasn't a very talkative DJ. It was more just telling people what the music was and running contests and things like that. But yeah, I DJed.

And then certain times of the day we had automation that would play when we didn't have enough students that wanted to DJ. I recorded a lot of the automation, so sometimes I would be somewhere and hear myself fake DJ in a show that was on at the time, which was always kind of funny.

PS: So if you go down to your car right now and you say, "Oh, I want to play something that reminds me of my time on the radio," what do you put in?

LMM: I guess a good choice would be maybe Pavement, because I remember playing them when they were just a 45 — didn't even have an album, much less a CD. Smashing Pumpkins is another one that we played on a 45 that later ended up being famous — and I went to see when there were like 10 people there.

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continued, next page

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