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FILED
SID J. WHITE
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CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

Hon. Chief Justice Rosemary Barkett
Florida Supreme Court
Duval Street
Tallahassee, Florida -32399

Re: Senior judges as Mediators

Dear Chief Justice:

The lawyers objecting to senior judges acting also as mediators are entirely correct. These persons should be required to choose the areas in which they will earn their income so that there is no conflict.

There are other areas in which senior judges should not be permitted to be appointed when they still serve on the bench; for example as receivers in cases in court.


In 1988 when I was practicing law I represented clients who had been badly mistreated in court proceedings who had begged me to take their case after their lawyer, now a judge, had unceremoniously dropped them without provision for them to obtain a succeeding lawyer. The Judge of the case, a good friend of mine, had, in my opinion, wrongfully appointed as a receiver, a still presiding circuit court judge. ~~That~~ Receiver was doing great harm to my clients by the manner in which he was handling their valuable property, for which he had no experience having been on the bench as a Judge for about 40 years, and without business experience. He also favored the opposing litigants who were far more prominent than my clients.

By the time I entered the case the major harm had been done and hundreds of thousands of dollars lost by improper sales.

What is most important is that , before me who was willing to take a chance, they were unable to retain counsel (after the receiver's appointment) because lawyers were afraid they might come before the receiver-judge in another case they might have. I was forced to disqualify my friend, the Judge of the case, because I also knew that his law firm had, before he became a judge, represented my client's opponents.

I was suspended by this Court for my actions in trying to save my clients from oppressive treatment by the judicial system.

Another change that should be made is to provide that all Magistrates in the State be reviewed by an appointing committee rather than just appointed by a Chief Judge, and subject to removal by the same committee.

Respectfully yours,

Edith Broida