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Criticism of judges off mark

This Times op-ed piece by representatives of the Florida and U.S. Chambers of Commerce, in the process of advocating tort reform, unjustifiably accuses Florida judges of bias based on a recent chamber "study." The study cited, however, is itself inherently biased: It polled only the perceptions of large corporate in-house counsel, and failed to control for their experience, or lack thereof, in Florida courts.

I write on behalf of the Florida Chapters of the American Board of Trial Advocates, an organization composed of highly experienced trial lawyers who represent both plaintiffs and defendants, corporate and otherwise. In the vast experience of our membership, the overwhelming majority of Florida judges are hardworking, impartial and committed to avoiding any appearance of bias.

The authors also claim that lawyers exercise undue influence over the judicial selection process. The converse is true. Since 1999, Florida's governors, each of whom the Chambers of Commerce has helped elect, have been in near-complete control of the judicial selection process. All appellate judges and Supreme Court justices are appointed by the governor from lists provided by judicial nominating commissions that the governor also appoints. Five of the seven justices who decided the case of which the authors complain were appointed by governors who likely would not have been elected without chamber support.

The board of trial advocates welcomes a dialogue on judicial issues, and many would agree with the chamber on a number of points, particularly related to lawyer advertising. Any such dialogue is cheapened, however, by unjustified and disingenuous allegations such as those in this article.

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