

Judge unfairly criticized in story

I am the president of the local chapter of the American Board of Trial Advocates, a national organization of both plaintiff and defense lawyers dedicated to promoting professionalism in the practice of law and responding to unfair criticism of the judiciary.

For that reason I reply to the article about a recent appellate decision reversing a jury verdict in a local tobacco litigation case.

The reporter wrote a story that was inaccurate and unfair to the trial judge, Tyrie Boyer. The article was quite surprising because Boyer is well known as a very able and respected jurist.

Boyer was not criticized as the story incorrectly implied.

Importantly, the appellate

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opinion referenced in the article simply attempted to settle issues raised on appeal, like any other.

In fact, five issues were argued. The appellate court affirmed on four and reversed on one issue while it distinguished its former ruling upon which Boyer had relied (the front-page story did not report those facts).

The case opinion did not say that the "judge used flawed logic" as reported in the article.

In fact, the word "logic" is not found in the opinion anywhere.

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legal opinions, but the reporter substituted his own words and completely changed the meaning of the court.

The headline for the article refers to a "settlement" although there was never a settlement.

Likewise, contrary to the article, the opinion neither states nor implies "that Boyer was flawed ..."

Frankly, it appears the reporter sensationalized a story about a case being reversed in the same way cases are regularly reversed.

The event is not sensational, and Boyer was unfairly a victim of an article that wrongly implied that he was singled out by a higher court.

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