



TAMPA BAY CHAPTER

September 22, 2010

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Editor
St. Petersburg Times
1000 N Ashley Drive, 7th floor
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Dear Editor:

The American Board of Trial Advocates ("ABOTA") is a national organization composed of lawyers who prosecute and defend civil cases, and who are dedicated to preserving the right of trial by jury and improving the judicial process. The Tampa Bay Chapter of ABOTA respectfully disagrees with Howard Troxler's suggestion in a recent column that your readers arbitrarily vote against incumbent trial judges and those of the Second District Court of Appeals ("DCA") to protest the so-called "Taj Mahal" courthouse built by the *First* DCA.

Instead, we urge your readers to vote based upon the merit of each judge's performance in office. This is the intended purpose of merit retention, and comports with your newspaper's long history of advocating votes based upon competence and fitness for office.

Mr. Troxler's column wrongly suggests voting against Second DCA judges "out of spite," to protest the construction of a building for a *different* court procured by *different* judges in a *different* jurisdiction nearly 300 miles away. His suggestion was made without any indication that the Second DCA's judges were in any way connected with, let alone responsible for, the controversy involving a different court far away. While Mr. Troxler's frustration may be understandable (indeed, shared by many) the issue he addresses is fundamentally irrelevant to the performance of our Second DCA judges.

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Over 30 years ago, in a move supported by the St. Petersburg Times, the Florida Constitution was amended to attempt to take politics out of the selection and retention of appellate judges. Our judicial system was reformed to select appellate judges through non-partisan, merit-based nomination and appointment, permitting voters to then determine, based upon the merit of the judge's performance, whether that judge should be retained in office.

While there have been a very few bumps in the road, by and large, the system has worked well, but cannot and will not continue to do so if merit retention votes are portrayed as mere outlets for public frustration, or opportunities for electoral temper tantrums. Intelligent, trustworthy, and competent judges cannot and will not be recruited and retained in such an atmosphere.

The judges of our Second DCA have enjoyed among the highest ratings given by members of the Florida Bar, i.e., the lawyers for whom they have ruled both against and for. These judges function in a courthouse that is outdated, undersized, mold-infested, and has obsolete air-conditioning and inadequate ventilation. They deserve to be judged on their own merit, competence, and conduct not public frustration over the behavior of different judges on a different court far away.

Sincerely,



C. Howard Hunter, President
Tampa Bay Chapter
American Board of Trial Advocates

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cc: Howard Troxler (via email)