# APPLICATION FOR NOMINATION TO THE CIRCUIT COURT

(Please attach additional pages as needed to respond fully to questions.)

DATE	: January 29	9, 2014	Florida Bar I	No.:	184632	
GENE	RAL:		Social Security No.:			
1.	Name Katie	Lee Dearing	E-mail: _k	katie@de	aringfirm.com	
	Date Admitted	to Practice in Florida:	September 2	27, 1999		_
	Date Admitted	to Practice in other States:	Not Applic	cable		
2.	State current e judicial office.	mployer and title, including	professional	position	and any public	or
-	The Dearing La	aw Firm, P.A Owner				
3.	Business addre	ess: 300 West Adams St	reet, Suite 50	0		
	City Jacksony	ville County _	Duval	_ State _	FL ZIP _	32202
	Telephone (9	04) 355-8001	FAX	(904) 3	55-8088	
4.	Residential add	dress:				
	City					_
	Since 20	07Telep	hone	,		
5.	Place of birth:	Jacksonville, Duval Count	y, Florida			
	Date of birth:		Age: 3	8		
6a.	Length of reside	ence in State of Florida: _38	3 years			
6b.	Are you a regis	itered voter? 🛛 Yes 🗌 No	)			
	If so, in what co	ounty are you registered?	Duval			
7.	Marital status:	Married				
	If married:	Spouse's name				
		Date of marriage				
		Spouse's occupation				
		l give for each marriage nai date and place of divorce,				

1

8.	Children

Name(s)	Age(s)	Occupation(s)	address(es)

9. Military Service (including Reserves)

Service

Branch

Highest Rank

Dates

Not Applicable

Rank at time of discharge Not Applicable Type of discharge Not Applicable

Awards or citations Not Applicable

# **HEALTH:**

10.

11a.

11b.

12a. 12b.

Rev. 100209-OGC

13.

14.



# **EDUCATION:**

18a. Secondary schools, colleges and law schools attended.

Schools	Class Standing	Dates of Attendance	Degree
University of Florida, College of Law	Top 1/3	1996-1999	Juris Doctorate
University of Florida	Unknown (3.2 GPA)	1992-1996	Bachelor of Arts
Clay High School	3rd in class	1989-1992	High School Diploma

18b. List and describe academic scholarships earned, honor societies or other awards.

Graduated With Honors from University of Florida College of Law

Recipient of Book Award in Legal Drafting, University of Florida College of Law

Appellate Advocacy Honors, 1997

Selected as Appellate Advocacy Teaching Assistant, 1998

Recipient of Pro Bono Certificate, University of Florida College of Law

Recipient of Florida Undergraduate Scholars Scholarship, 1992

Dean's List University of Florida (Undergraduate, several semesters)

# NON-LEGAL EMPLOYMENT:

19. List all previous full-time non-legal jobs or positions held since 21 in chronological order and briefly describe them.

Date Position Employer Address

N/A Since entering law school at 21, I have had only legal jobs.

## PROFESSIONAL ADMISSIONS:

20. List all courts (including state bar admissions) and administrative bodies having special admission requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have been suspended or resigned.

Court or Administrative Body	Date of Admission
Supreme Court of the United States	2011
United States Court of Appeals, Eleventh Circuit	2005
United States District Court, Middle District of Florida	2003
United States District Court, Northern District of Florida	2003
United States District Court, Southern District of Florida	2003
The Florida Bar	1999

**LAW PRACTICE:** (If you are a sitting judge, answer questions 21 through 26 with reference to the years before you became a judge.)

21. State the names, dates and addresses for all firms with which you have been associated in practice, governmental agencies or private business organizations by which you have been employed, periods you have practiced as a sole practitioner, law clerkships and other prior employment:

Owner/Managing Partner

Name of Firm Address Dates

Owner/Managing The Dearing Law Firm, P.A.

Street, Suite 500 Jacksonville, FL 32202

Dates

June 2012-present

Shareholder/ Attorney	Liles, Gavin, Costantino, George & Dearing, P.A.	225 Water Street, Suite 1500, Jacksonville, FL 32202	2003-2012
Assistant State Attorney	Office of the State Attorney, Fourth Judicial Circuit	220 East Bay Street, Jacksonville, FL 32202	1999-2003
Intern	U.S. Department of Treasury, Office of Inspector General	Washington, DC	Summer 1997

22. Describe the general nature of your current practice including any certifications which you possess; additionally, if your practice is substantially different from your prior practice or if you are not now practicing law, give details of prior practice. Describe your typical clients or former clients and the problems for which they sought your services.

CURRENT PRACTICE: My current practice focuses on civil litigation in state and federal courts as well as administrative agencies. This includes a concentration on commercial and contract actions, product and premises liability defense, insurance disputes, shareholder disputes, unfair competition, business torts, business litigation and an appellate practice. Clients seeking my firm's services include individuals, small businesses and large corporations throughout the State. My clients include a variety of industries, including, e.g., manufacturers, genetics/life sciences, insurance, real estate, etc. Much of the work for my clients focuses on complex commercial litigation of business matters, such as premises liability, products liability defense, breach of a contract, competitive business claims, and shareholder disputes. I provide clients an efficient and thorough representation through motion practice, mediation and trial.

PRIOR CIVIL PRACTICE: I began working at Liles, Gavin, Costantino, George & Dearing, P.A. in 2003 as an associate and became a partner with the firm in 2008. Throughout my time with the firm, my practice was substantially similar to my current practice. In addition, I also provided legal malpractice defense.

PRIOR CRIMINAL PRACTICE: Serving as an Assistant State Attorney from 1999 through 2003, I prosecuted criminal cases from the initial filing decision, through depositions, motion hearings and jury trials. I tried over thirty (30) jury trials to verdict, in cases ranging from misdemeanors to first-degree murder. Serving as a part of the specialized Repeat Offender Court unit, I prosecuted habitual felony offenders, habitual violent felony offenders, and prison releasee re-offenders.

23. What percentage of your appearance in courts in the last five years or last five years of practice (include the dates) was in:

Court			Area of Practice			
Federal Appellate	5	%	Civil	99	%	
Federal Trial	30	%	Criminal	1	%	

Federal Other		%	Family		%
State Appellate	5	%	Probate		%
State Trial	55	%	Other		%
State Administrative	5	%			
State Other		%			
		%			
TOTAL	100	%	TOTAL	100	%

24. In your lifetime, how many (number) of the cases you have tried to verdict or judgment were:

	37 (including 2 hung juries and 2	Non-jury'?		
Jury?	mistrials)		_1	
Arbitration?	1	Administrative Bodies?	0	

25. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No

26. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain in full.

No

# (Questions 27 through 30 are optional for sitting judges who have served 5 years or more.)

- 27a. For your last 6 cases, which were tried to verdict before a jury or arbitration panel or tried to judgment before a judge, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).
  - 1. TURNKEY CONSTRUCTION AND MAINTENANCE, INC. v. WENDY ARCOS, County Court in and for Duval County, Florida, Case No. 16-2012-CC-2059 (tried to a judgment in 2012). This was a breach of a contract case involving the performance of a construction contract. I agreed to represent the defendant homeowner on a pro bono basis as part of the Fourth Judicial Circuit's and the Jacksonville Bar Association's civil pro bono project. Howard Walton, Esq. was counsel for Plaintiff. The Florida Bar records indicate that Mr. Walton can now be reached at (904) 389-5226.

- 2. BECKHAM v. FLEETWOOD HOMES OF GEORGIA, INC., County Court in and for Alachua County, Florida, Case No. 01-05-cc-2841 (tried to verdict before a jury in 2006). This was a product liability case wherein I represented Fleetwood Homes of Georgia, Inc. The case was tried for three days in Gainesville, Florida and I was sole counsel for Defendant. Craig Hall, Esq., was counsel for Plaintiffs. Mr. Hall's current phone number is unknown as Mr. Hall was disbarred in 2008 after a federal criminal conviction and jail sentence. His last known phone number on file with The Florida Bar is (352) 375-2290.
- 3. VERDERAME v. FLEETWOOD TRAVEL TRAILERS OF VIRGINIA, INC., Circuit Court, Thirteenth Judicial Circuit, in and for Hillsborough County, Case No. 03-11967 (tried to verdict before a jury in 2006). I served as co-counsel on this product liability case with my former partner Rutledge R. Liles, Esq., successfully representing Fleetwood Travel Trailers of Virginia, Inc. Robin Blanton, Esq. was counsel for Plaintiffs. Mr. Blanton may be reached at (772) 794-1266.
- 4. HANANIA v. MERRILL LYNCH, ET AL. (tried to verdict before arbitration panel in 2005): NASD Arbitration Case No.: 04-04209; reported arbitration award can be found at 2005 WL 2708952 (N.A.S.D). I served as co-counsel with my former partner, R. Kyle Gavin, Esq., successfully representing the plaintiff, Clemance O. Hanania, in a securities dispute. Thomas Farnen, Esq. was counsel for Merrill Lynch. Mr. Farnen can be reached at (704) 331-1028.
- 5. STATE OF FLORIDA v. ALVAREZ, Circuit Court, Fourth Judicial Circuit, in and for Duval County, Case No. 16-2001-CF-9618-AXXX-MA (tried to verdict before a jury in 2003). The reported appellate decision affirming the convictions can be found at 890 So. 2d 389 (Fla. 1st DCA 2004). The Defendant in this case was charged with arson and first degree murder, actions for which the State sought the death penalty. I successfully represented the State of Florida along with Bernie de la Rionda, Esq., who may be reached at (904) 630-2400. Richard Kuritz, Esq. (904) 477-2205, and Quentin Till, Esq. (904) 255-4673, were counsel for the Defendant.
- 6. STATE OF FLORIDA v. KENNETH ELLISON, Circuit Court, Fourth Judicial Circuit, in and for Duval County, Case No. 16-2003-CF-1532-AXXX-MA (tried to verdict before a jury in 2003). The reported appellate decision affirming the conviction can be found at 881 So. 2d 66 (Fla. 1st DCA 2004). The Defendant in this case was charged in Repeat Offender Court with dealing in stolen property. Valerie Lynn Limoge, Esq., (407) 836-4884, served as counsel for the Defendant.
- 27b. For your last 6 cases, which were settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).
  - 1. GINA GOLDIN-GURGOV, et al v. VIRTUAL HOMES REALTY, INC., et al.; Circuit Court, Seventh Judicial Circuit, in and for Flagler County, Florida, Case No. 2012-CA-

- 1582; K. Judith Lane, Esq. was counsel for Defendants, (386) 492-4880 (settled in 2013 after mediation). I represented the Plaintiffs in an action against their rental property management and maintenance companies for breach of fiduciary duty and for an accounting.
- 2. JEFFREY J. FAGAN v. KARL'S RENTAL CENTER OF FLORIDA, LLC, Circuit Court, Fourth Judicial Circuit, in and for Duval County, Case No. 2011-CA-3092; L. Johnston Sarber, Esq. was counsel for Plaintiff, (904) 398-0900 (settled in mediation in 2013). I represented the Defendant, a tent rental company, in a premises liability action wherein Plaintiff alleged personal injury as a result of being hit by Defendant's tent at a music festival.
- 3. CHARLES S. NEVIN v. ENVIROVAC HOLDINGS, LLC; Circuit Court, Fourth Judicial Circuit in and for Duval County; Case No. 2011-CA-327 (settled in mediation in 2013). Stephen Hould, Esq. was counsel for Plaintiff, (904) 247-1305. I represented Plaintiff, an environmental services firm, against claims it breached an employment agreement.
- 4. THE CSI COMPANIES, INC. v. STEVEN GLOMSKI, ET AL., Circuit Court, Fourth Judicial Circuit, in and for Duval County, Case No. 2012-CA-4834; Kevin Cook, Esq. was counsel for Plaintiff, (904) 353-0211 (settled without mediation in 2013). I represented Defendant against claims he breached a covenant not to compete.
- 5. ENVIROVAC HOLDINGS, LLC v. NORTH FLORIDA SHIPYARDS, INC., Circuit Court, Fourth Judicial Circuit in and for Duval County; Case No. 2011-CA-8284; Jim D'Andrea served as counsel for defendants; (904) 346-3800 (settled through mediation in 2013). I represented Plaintiff, an environmental services firm, in the prosecution of breach of contract claims.
- 6. MERRY PATS PRESCHOOL, INC. v. SCHOOL INVESTMENT PROPERTIES, ET AL; Circuit Court, St. Johns County, Florida; Case No. 2013-CA-81; Robert Aguilar, Esq. was counsel for Plaintiff, (904) 264-6000 (settled in mediation in 2013). I represented defendants, transactional brokers in the sale of childcare facilities and private schools, against claims that they breached their fiduciary duties to the seller of a childcare facility.
- 27c. During the last five years, how frequently have you appeared at administrative hearings?

  <u>0</u> average times per month
- During the last five years, how frequently have you appeared in Court?

  <u>5</u> average times per month
- 27e. During the last five years, if your practice was substantially personal injury, what percentage of your work was in representation of plaintiffs? N/A% Defendants?

28. If during any prior period you have appeared in court with greater frequency than during the last five years, indicate the period during which this was so and give for such prior periods a succinct statement of the part you played in the litigation, numbers of cases and whether jury or non-jury.

As an Assistant State Attorney from 1999-2003, I appeared in court every day handling the prosecution of hundreds of criminal cases. My involvement in court included the daily management of cases, appearance at hearings (motion and evidentiary hearings, restitution hearings, probation revocation hearings, sentencing hearings), and jury trials. I prosecuted in excess of 30 jury trials during this time period.

Please refer to Tab C for a summary of my jury trials, most of which occurred at the State Attorney's Office.

29. For the cases you have tried to award in arbitration, during each of the past five years, indicate whether you were sole, associate or chief counsel. Give citations of any reported cases.

I have not tried a case to award in arbitration during the past five years. In 2005, I served as associate counsel with R. Kyle Gavin, Esq. in the week-long arbitration of a securities case: Clemance O. Hanania v. Merrill, Lynch et al.; reported arbitration award found at 2005 WL 2708952 (N.A.S.D). This is the only matter I have tried to award in arbitration.

30. List and describe the six most significant cases which you personally litigated giving case style, number and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant. Give the name of the court and judge, the date tried and names of other attorneys involved.

Below is a listing of the six most significant cases I have personally litigated. They provide a clear view of the breadth and variety of my practice, as well as my familiarity with and ability to manage complex litigation.

1. BAREFOOT COTTAGES DEVELOPMENT COMPANY, LLC. v. CLARK PARTINGTON, ET AL., Circuit Court, First Circuit, in and for Okaloosa County; Case No. 08-CA-4579. The case was pending before the Honorable John T. Brown. Plaintiff was represented by David P. Healy, Esquire, in Tallahassee, Florida. My firm associated bankruptcy counsel Henry Callaway, Esq., to assist in the presentation of evidence during the bankruptcy proceedings. Mr. Callaway can be reached at (251) 694-6224.

The case is significant in its size, complexity, the legal issues presented, and the manner in which it was resolved. This legal malpractice action arose out of an underlying case in which approximately 90 purchasers sought to void real estate contracts on the basis that the contracts contained a fatally defective homeowner's association disclosure. The developer then sued the lawyer and law firm responsible for drafting the homeowner's association disclosure. The case presented legal challenges in virtually every area of the law, including (1) interpretation of the pertinent real estate statute in the absence of controlling authority, (2) damages and remedies available in specific performance actions, (3) appellate issues, (4) bankruptcy procedures and available remedies, (5) the effect, admissibility and weight of settlement agreements executed in underlying legal actions, (6) the role of counsel as a witness, (7) discovery involving out-of-state witnesses, (8) issues of collectibility in legal malpractice cases, (9) birfurcation issues (40 separate specific performance cases within the case to be tried first), etc. Although the case was set for a three-week trial, we successfully resolved the matter in a bankruptcy action filed by the the developer, where we argued that the lawsuit, as an asset of the bankruptcy estate, was only worth a fraction of the amount claimed by the developer. Over the developer's objection, the bankruptcy court found the amount we proposed to settle the case was reasonable. Although I represented the clients together with my former partner, Rutledge R. Liles, Esq., I was the primary attorney on this case as I prepared and responded to discovery, took a majority of the depositions, prepared all pleadings, and prepared and argued all motions.

Additionally, this case serves as an example of my philosophy about the role of a judge. During a hearing on a discovery issue, the judge said "Ms. Dearing, you won the last one; I think this one should go to Mr. Healy." The remark, made not in jest, was a consequence of the new judge's background as a mediator. The erroneous ruling - central to our defense of the case - required the drafting of a petition for certiorari review by the First District Court of Appeal. The judge ultimately reversed his decision following the submission of the appellate petition with a motion for rehearing. However, my client had to pay for the legal work to prepare the appellate papers because the judge failed to follow the law. These costs are factored in to the client's services and operational costs, which eventually costs their clients more. This experience showed me first hand that the legal system only works as intended when a judge has the courage to follow established law without regard for the effect that law has on a particular litigant (or lawyer).

2. COX ENTERPRISES, INC. v. NEWS-JOURNAL CORPORATION, ET AL.; U.S. District Court for the Middle District of Florida; Case No. 6:04-cv-698. The case was pending before District Court Judge John Antoon, II. Along with my partner, Rutledge R. Liles, Esq., I represented the Receiver of the News-Journal Corporation. John A. DeVault, III, Esq. and Courtney K. Grimm, Esq. represented Cox Enterprises. They can be reached at the Bedell Firm at (904) 353-0211.

After four years of litigation between the majority and minority owners of the News-Journal Corporation regarding corporate waste, the majority owners chose a statutory election to redeem the shares held by the minority owner (Cox). However, as the newspaper industry plummeted in value, the majority owners no longer had sufficient assets to purchase the shares, despite their irrevocable election to do so. A receiver was appointed by the District Court to sell the assets of the corporation to provide the capital necessary to purchase the shares held by the minority owner. The Receiver presided over the sale of the newspaper, and we assisted the Receiver with the liquidation of the corporation's remaining assets and the recommended distribution of all assets in accordance with Florida law. This case is significant in that it required the interpretation of unsettled Florida statutes and federal law to assist the Receiver in making a recommendation to the District Court regarding the priority of competing claims and the distribution of assets under Plaintiff's statutory election. My extensive involvement in this case included meeting with the Receiver, coordinating the management of the assets, drafting all reports to the District Court, preparation of all motions, and preparation of the Receiver's final recommendation. See attached writing sample.

3. DENISE ROUNDS, ET AL. v. GENZYME CORPORATION; United States District Court, Middle District of Florida, Case No. 8:10-cv-02479. The unreported opinion of the Eleventh Circuit Court of Appeals can be found at Rounds v. Genzyme Corp., 440 Fed. Appx. 753, 754 (11th Cir. 2011); cert. denied, 132 S. Ct. 1913 (2012). Plaintiffs were represented by Karl Pansler, Esq., (863) 683-7500.

I was primary counsel for Genzyme Corporation, a life sciences company and product manufacturer, in an action alleging negligent training of a physician using one of its biologic products in a knee replacement. After removal to the U.S. District Court, I was successful in litigating the matter to a dismissal on several grounds, including an expansion of the "learned intermediary" doctrine to shield manufacturers of prescription products. Plaintiffs unsuccessfully appealed to the Eleventh Circuit Court of Appeals, which affirmed the dismissal on the learned intermediary basis. Plaintiff appealed to the Supreme Court of the United States, where my brief in opposition to certiorari review prevailed, finally ending the action. This case is significant as it demonstrates my familiarity with appellate standards (a must for any trial judge) and how I would use and rely upon existing authority when addressing issues of first impression. Further, it is significant that the Court of Appeals substantially adopted the arguments set forth in my brief. I have included with my writing samples a copy of the Court of Appeals' opinion and a copy of the section of my brief which addresses the learned intermediary doctrine, both highlighted for ease of reference. The Court's wholesale adoption of my argument demonstrates my ability to address the issues that come before a Circuit Court judge, and to issue well-reasoned, succinct opinions on such matters.

4. STATE OF FLORIDA v. ALVAREZ; Circuit Court, Fourth Judicial Circuit, in and for Duval County; Case No. 16-2001-CF-9618-AXXX-MA. The case was tried in August 2003 before the Honorable Lance Day. Richard Kurtiz, Esq. and Quentin Till, Esq. were counsel for the Defendant. Lead counsel for the State of Florida was Bernie de la Rionda, Esq. I was the associate counsel in the case. The Defendant's conviction for second degree murder and arson was upheld by the First District Court of Appeal and can be found at 890 So. 2d 389 (Fla. 1st DCA 2004).

The case involved the rape and murder of a teenage girl and the arson used to dispose of her body. The State of Florida sought the death penalty in this action. My involvement during the trial included the preparation and questioning of approximatelly one-half of the trial witnesses (direct and cross-examination), as well as the final closing argument. The case was tried twice as a mistrial was declared during the second week of the first trial when a defense witness inadvertently gave objectionable testimony. The case is significant because it demonstrates my familiarity with complex criminal issues, including evidentiary matters (such as DNA analysis), and the practical and legal challenges presented by the death penalty. After a two week trial with many late nights and a full day of deliberations on a weekend, the jury reached a compromise verdict of second degree murder because, according to accounts of other jurors, one juror knew if they convicted the defendant of first degree murder, there would be a sentencing phase again requiring the jury's participation. This juror did not want to give more time to this case and could not be persuaded by his peers to resolve the case solely on its merits. Experience with these real, practical issues gives me perspective about the role a judge must play in trial to ensure that the progress of a trial respects the jurors' time so that cases are determined on their merits rather than on convenience. Additionally, trying such a long and expensive case twice focused my attention on the importance of preserving judicial assets, ensuring the efficient administration of justice, and making sure that victims and their families are not revictimized by the legal process.

5. IN RE GOODING; The reported decision of the Supreme Court can be found at 905 So. 2d 121 (Fla. 2005). This case involved an adminstrative action by the Judicial Qualifications Commission (JQC) against the Honorable David M. Gooding. Along with

Rutledge R. Liles, Esq., I represented Judge Gooding before the JQC concerning allegations relating to his campaign finances and activities during his 2002 election for Circuit Judge. I also represented Judge Gooding before the Florida Elections Commission and the First District Court of Appeal. My representation of Judge Gooding in these actions is significant because I became intimately familiar with the Florida Code of Judicial Conduct and the strict adherence necessary to effectively serve as a judge. Even the appearance of impropriety in a jurist can undermine not only a judge, but an entire court system. As a judge, I would apply these lessons in my exercise of the responsibilities entrusted to me by the citizens of the State of Florida and the Governor.

6. JOHN SCHALMO, ET AL. v. FLEETWOOD MOTOR HOMES OF INDIANA, ET AL.; Circuit Court, Sixth Judicial Circuit of Florida, in and for Pasco County; Case No.51-2006-CA-2064-WS. I represented Fleetwood Motor Homes of Indiana, Inc. (an RV manufacturer) and Lazy Days RV Center, Inc. (an RV retailer). The case was pending before the Honorable Stanley R. Mills (now retired). Christopher Roberts, Esq. served as primary counsel for Plaintiffs for the first five years this case was pending, taking every deposition and drafting and arguing every motion. Mr. Roberts may be reached at (727) 725-1062. Mr. Roberts' former partner, Hugh Smith, Esq., was involved in the mediation of this matter. Mr. Smith may be reached at (727) 724-5796. Goodyear was represented by John Murray, Esq. and Christopher Doran, Esq., who may reached at (813) 222-1800. Prior to reaching a settlement with Plaintiffs, Spartan Motors, Inc. was represented by David Banker, Esq. and Keith Skorowicz, Esq., who may be reached at (813) 224-9255.

This case is significant not only in its size and duration (pending from 2005-2011. involving two appeals and two bankruptcy actions), but also because it demonstrates my ability to handle complex civil actions and my familiarity with matters involving indemnity, insurance, bankruptcy, appellate matters, successive causes of action, severance, trade secrets and the requirements of in-camera reviews. The case involved negligence and strict product liability claims by Plaintiffs, who were injured when their Fleetwood motor home suffered a tread separation on the right front tire, manufactured by The Goodyear Tire & Rubber Company. Both of my clients, one of whom had agreed to indemnify and defend the other, went into bankruptcy; only one emerged. This created unique legal and professional issues relating to indemnity and an attorney's obligation to multiple clients in such situations. Moreover, the case was severed by the trial judge so that Plaintiffs' claims against Goodyear could proceed while my clients were in bankruptcy. However, that severance created novel legal issues relating to successive claims and election of actions. The breadth and scope of the issues presented in this case are emblematic of today's complex civil practice. Experience in litigating a case like this will help me preside over similarly complex matters.

31. Attach at least one example of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach writing for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

Please see under Tab B the following writing samples, which demonstrate the variety of issues and matters I routinely handle:

- COX ENTERPRISES, INC. v. NEWS-JOURNAL CORPORATION, ET AL: Receiver's Response to Objections to Receiver's Report and Recommendation – sole writing responsibility, with proofing by co-counsel.
- ROUNDS v. GENZYME: Excerpts of appellate brief (pages 21-27) and the Eleventh Circuit Court of Appeals opinion substantially adopting the arguments in the brief. The arguments adopted by the Eleventh Circuit are highlighted in both the opinion and the brief for ease of reference. (See Section 30.3 for further explanation). Sole writing responsibility.
- KAREN PFEIFFER, ET AL v. THOMAS EDWARDS, JR., ET AL: Amended Motion to Dismiss and Memorandum of Law sole writing responsibility.
- JOHN H. SCHALMO, ET AL. v. THE GOODYEAR TIRE & RUBBER COMPANY: Memorandum in Opposition to Plaintiffs' Motion for Protective Order – sole writing responsibility.

### PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE:

32a. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved and the dates of service or dates of candidacy.

No

32b. List any prior quasi-judicial service:

Dates

Name of Agency

Position Held

N/A

Types of issues heard:

32c. Have you ever held or been a candidate for any other public office? If so, state the office, location and dates of service or candidacy.

No

- 32d. If you have had prior judicial or quasi-judicial experience,
  - List the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.

N/A

(ii) Describe the approximate number and nature of the cases you have handled during your judicial or quasi-judicial tenure.

N/A

(iii) List citations of any opinions which have been published.

N/A

(iv) List citations or styles and describe the five most significant cases you have tried or heard. Identify the parties, describe the cases and tell why you believe them to be significant. Give dates tried and names of attorneys involved.

N/A

(v) Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give date, describe complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution.

N/A

(vi) Have you ever held an attorney in contempt? If so, for each instance state name of attorney, approximate date and circumstances.

N/A

(vii) If you are a quasi-judicial officer (ALJ, Magistrate, General Master), have you ever been disciplined or reprimanded by a sitting judge? If so, describe.

N/A

# **BUSINESS INVOLVEMENT:**

33a. If you are now an officer, director or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment or election to judicial office.

I am the owner and director of The Dearing Law Firm, P.A. I would withdraw from this position upon appointment to judicial office.

33b. Since being admitted to the Bar, have you ever been engaged in any occupation, business or profession other than the practice of law? If so, give details, including dates.

No

33c. State whether during the past five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind. If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved and the dates such compensation was paid and the amounts.

No

# POSSIBLE BIAS OR PREJUDICE:

34. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you as a general proposition believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself.

None

## **MISCELLANEOUS:**

35a.	Have you eve	r been	convict	ted of a felony or a f	irst degree misdemeanor?
	Yes	_ No	Х	If "Yes" what charg	jes?
	Where convic	ted? _			Date of Conviction:
35b.		ed nolo	conte		to a crime which is a felony or a first
	Yes	_ No	Х	If "Yes" what charg	es?
	Where convic	ted? _			Date of Conviction:
35c.	Have you eve first degree m		_	udication of guilt wi	thheld for a crime which is a felony or a
	Yes	No _	X	If "Yes" what charg	es?
	Where convic	ted?			Date of Conviction:
36a.	•			by a client? If so, umber and disposition	give particulars including name of client, on.
	No				
36b.	Has any lawsuinaction on yo			wledge been filed a	leging malpractice as a result of action or
	No				
36c.				_	e carrier ever settled a claim against you ars, including the amounts involved.
	No				
37a.	Have you eve been filed aga		*	sonal petition in ba	nkruptcy or has a petition in bankruptcy
	No				

37b.	Have you ever owned more than 25% of the issued and outstanding shares or acted as an officer or director of any corporation by which or against which a petition in bankruptcy has been filed? If so, give name of corporation, your relationship to it and date and caption of petition.
	No
38.	Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If so, please supply the jurisdiction/county in which the lawsuit was filed, style, case number, nature of the lawsuit, whether you were Plaintiff or Defendant and its disposition.
	Yes. Katie J. Lee v. Paul Sarvinas, 01-1998-SC-002932, in Alachua County Small Claims Court, 1998. This action involved a traffic accident which resulted in property damage to my car. The action was settled through the small claims court mediation process.
39.	Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, give the particulars.
	No
40.	To your knowledge within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a formal complaint or formal accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such formal complaint or formal accusation(s), the specific formal complaint or formal accusation(s) made, and the background and resolution of such action(s). (Any complaint filed with JQC, refer to 32d(v).
	No
<b>4</b> 1.	Are you currently the subject of an investigation which could result in civil, administrative or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation and the expected completion date of the investigation.
	No
42.	In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain.
	No
43 <b>a</b> .	Have you filed all past tax returns as required by federal, state, local and other government authorities?
	Yes 🖂 No 🗌 If no, please explain.
43b.	Have you ever paid a tax penalty?
	Yes  No  If yes, please explain what and why.
43c.	Has a tax lien ever been filed against you? If so, by whom, when, where and why?

No

#### HONORS AND PUBLICATIONS:

44. If you have published any books or articles, list them, giving citations and dates.

Pretrial Stipulations, Pretrial Orders and Attorneys' Authority to Stipulate; Business Litigation in Florida, Seventh Edition (2012, contributing author).

Pretrial Stipulations, Pretrial Orders and Attorneys' Authority to Stipulate; Business Litigation in Florida, Sixth Edition (2010, contributing author).

Various articles in The Financial News and Daily Record on behalf of the Jacksonville Bar Association (JBA) about JBA events and programs.

45. List any honors, prizes or awards you have received. Give dates.

Best Lawyers in America, Woodward & White (Insurance), 2013, 2014

AV Preeminent rating by Martindale-Hubbell

Florida Super Lawyers, 2014

Florida Super Lawyers, Rising Star, 2011-2013

Invited Fellow, American Bar Foundation, 2010

Named by 904 Magazine as one of the top legal practitioners in Jacksonville under 35, June 2009

46. List and describe any speeches or lectures you have given.

N/A

47. Do you have a Martindale-Hubbell rating? Yes ☑ If so, what is it?\_\_\_No ☐ AV

#### PROFESSIONAL AND OTHER ACTIVITIES:

48a. List all bar associations and professional societies of which you are a member and give the titles and dates of any office which you may have held in such groups and committees to which you belonged.

The Florida Bar

Fourth Circuit Unlicensed Practice of Law Committee, Chair: 2012-present;

Committee on Judicial Independence, 2007-2009;

Committee on Professionalism, 2005-2008

Jacksonville Bar Association

Board of Governors, 2009-present;

Young Lawyers Section Board of Directors, 2003-2009 (President, 2008-2009; President-Elect, 2007-2008; Secretary and Treasurer, 2006-2007))

Defense Research Institute (Professional Liability Committee, Commercial Litigation Committee, Women in the Law Committee)

Professional Liability Defense Federation

The Chester Bedell American Inn of Court, Barrister

Jacksonville Womens Lawyers Association (and by association and extension the Florida Association of Women Lawyers)

American Bar Association (Business Torts Litigation Committee, Commercial and Business Litigation Committee, Products Liability Committee, Professional Liability Litigation Committee)

Florida Bar Foundation, Fellow

American Bar Foundation, Fellow

48b. List, in a fully identifiable fashion, all organizations, other than those identified in response to question No. 48(a), of which you have been a member since graduating from law school, including the titles and dates of any offices which you have held in each such organization.

Girls Inc. of Jacksonville (June 2012-present, Board of Directors)

St. Mark's Episcopal Church, Jacksonville, Florida (September 2011- present)

Saint John's Episcopal Cathedral, Jacksonville, Florida (2004-September 2011)

City of Jacksonville Ethics Commission (2003-2007; Vice-Chair, 2007)

University of Florida College of Law Alumni Council (2010-present)

48c. List your hobbies or other vocational interests.

Spending time with my family, Florida Gator football, running, boating and reading.

48d. Do you now or have you ever belonged to any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench.

While in college at the University of Florida, I belonged to a sorority (Alpha Omicron Pi) which restricted admission based on gender. I am no longer active in that organization.

48e. Describe any pro bono legal work you have done. Give dates.

As an Assistant State Attorney, I was restricted from performing most, if not all, kinds of legal pro bono work. Since leaving the State Attorney's Office in 2003, I have done approximately 300 hours of pro bono legal work on a variety of cases. The nature of that work ranges from assisting clients in obtaining professional licensure, resolving contract disputes for clients before legal action is filed, and representing clients in federal and state courts in a variety of actions. I recently (2012) accepted and tried to judgment a

pro bono judicial appointment to handle a breach of contract claim in a construction case.

I also participate in the United States District Court for the Middle District of Florida's probono program, whereupon federal judges may request my probono service to clients the Court deems would benefit from legal representation. I have accepted appointments for probono representation from District Court Judges Corrigan (August 2008 and September 2013) and Howard (November 2009, June 2011). I presently represent, via Judge Corrigan's appointment, a defendant against claims that he violated a covenant not to compete with a former employer.

# SUPPLEMENTAL INFORMATION:

49a. Have you attended any continuing legal education programs during the past five years? If so, in what substantive areas?

Yes - Trial Advocacy, Practice Management, Litigation Skills, Federal Practice, Bankruptcy, Professionalism, and Women in Law Leadership.

49b. Have you taught any courses on law or lectured at bar association conferences, law school forums, or continuing legal education programs? If so, in what substantive areas?

I have guest lectured at a mediation class and a professional responsibility class at Florida Coastal School of Law. I have also served as a panelist on several panels at Florida Coastal School of Law on various topics (commercial litigation, bar association involvement, etc.).

In September 2011, I spoke at a CLE program entitled "The Mechanics of Civil Procedure" as the featured speaker on the topics of "Non-Complaint Claims and Third Party Practice" and "The Purpose, Procedure and Strategy of Discovery."

50. Describe any additional education or other experience you have which could assist you in holding judicial office.

As a shareholder in a small firm and now the owner of my own law practice, I have managed the business side of a law firm and understand the attorney/client relationship and the practical challenges of a law practice. This familiarity will assist me in presiding over issues relating to attorney's fee awards, in coordinating hearing times with counsel and managing the progression of a case. Further, as a private practitioner accountable to my clients, I am acutely aware of the ever-escalating costs of litigation for clients, the effects of which are felt by individuals and small and large businesses alike. This experience and understanding of the true costs - financial and otherwise - for the litigants (and in turn their clients/customers) will aid me in the expedient and efficient management of a case load.

Additionally, I have served eleven years on the Jacksonville Bar Association (JBA) Board of Governors and the JBA Young Lawyers Section (YLS) Board of Directors, including as President of the YLS. Through my work with the JBA, I have experience managing and working with different personalities on important issues facing the legal community in order to promote common goals. This background will serve me well as a judge in managing cases with multiple parties and counsel to accomplish the efficient resolution of an action.

Finally, as a member of the City of Jacksonville Ethics Commission for four years and as its Vice-Chair, I addressed community concerns with impartiality, and evaluated the City's Ethics Code with restraint and strict adherence to the authority granted to the Commission by the Code itself. As a judge, I would likewise construe the law as written, without being influenced by how a ruling would affect an individual litigant. As a member of the Ethics Commission, when interpretation of the Code dictated a result some found unjust, I did not vote to nullify the language of the Code to please the public or any particular complainant. Rather, I worked with the Mayor's Office and the City Council to revise the City's Ethics Code where necessary. My respect for the legislative process and the rule of law will assist me as a judge in all cases, particularly those involving statutory construction and interpretation.

51. Explain the particular potential contribution you believe your selection would bring to this position.

My selection to judicial office would provide the diverse legal experience necessary to do the job well and to provide the public, litigants and the Bar confidence in the proceedings. With four years experience in criminal prosecution and more than ten years in a diverse and complex civil litigation practice, I am familiar with many areas of the law over which a Circuit Court judge presides.

I would also bring real courtroom knowledge and trial experience to the bench. I am familiar with the customs and pace of criminal court, as well as the practices and procedures of a civil division. I have tried in excess of thirty jury trials - both small and large, civil and criminal - and have litigated cases through discovery, mediation and trial. This experience will serve me well in any or all of the Circuit Court divisions.

As a civil litigator, I have represented multinational corporations in large complex cases, as well as individuals and businesses in small matters. The breadth and diversity of my civil practice has uniquely prepared me to address the range of cases and issues over which a Circuit Court judge presides. My diverse practice and experience - which is critical to the management of today's civil docket - will enable me to capably resolve the wide variety of issues presented in civil litigation in a timely manner. Additionally, I have been successful in resolving legal disputes short of trial through the pursuit and advancement of dispositive motions and other innovative resolutions (e.g., the bankruptcy resolution in the Barefoot Cottages action, supra). As a jurist, I will employ my expertise in motion practice to efficiently preside over and rule on motions, and to resolve cases pursuant to existing law, an integral skill for civil judges who expend a large percentage of their time presiding over and ruling on pretrial motions.

As an Assistant State Attorney, I prosecuted a wide variety of cases, from misdemeanors to first degree murder. I regularly handled the kind of evidentiary issues that come before a Circuit Court judge, and worked with the other participants in the criminal justice system, including victims, law enforcement, witnesses, and, occasionally, defendants. I learned the art of successfully managing a large case load and the value of a strong and efficient judge. This experience will serve me well in the fast-paced environment of a Circuit Court criminal docket.

Further, I am a dedicated and industrious worker. As a prosecutor, I learned the importance of hard work, time and case management, and the efficient administration of justice. These skills later proved invaluable to a successful civil practice and will serve

me well as a judge. The adminstration of today's court system requires, among others, the skills of prioritization, efficiency and diligence. My demonstrated success in these areas will serve the position and the litigants well as I am sensitive to the costs of litigation, and the toll delays can have on the litigants. Accordingly, cases before me will be moved through the court system without unnecessarily wasting time or resources, with careful deliberation to reach the right result.

Finally, my pro bono service will be particularly useful as a judge. With legal costs increasing, many litigants, both in the criminal and civil contexts, represent themselves without a lawyer. People who are not familiar with the court system and its practices and rules can find it much more challenging than they may have expected. Through my pro bono service, I have come to appreciate the challenges encountered by those who represent themselves and the effect pro se representation has on a case. This experience will be an asset upon which I can rely to make the court system work as well for those without counsel as for those with counsel, and to ensure a proper record for an appellate court.

52. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission.

In 2011, I submitted applications to this judicial nominating commission for the following judicial appointments:

Circuit Court - April 2011

Circuit Court - August 2011

County Court (Duval County) - August 2011

Circuit Court - September 2011

County Court (Duval County) - November 2011. I was one of six applicants who were nominated for the position by the Commission and whose names were submitted to the Governor for his consideration.

53. Give any other information you feel would be helpful to the Commission in evaluating your application.

By way of personal background, I am the middle of three daughters born to high-school sweethearts who will celebrate their forty-second wedding anniversary this year. I was born at the Naval Air Station Jacksonville and raised here in the Fourth Judicial Circuit, living in Duval and Clay Counties. I am the proud product of those public school systems, graduating third in my class from Clay High School. After putting myself through law school, I became the first lawyer in our family. As a Jacksonville native with strong ties to the community, it was important for me to return here to work and raise a family. My husband and I have been blessed with two sons, Luke and Jack.

As the daughter of an officer in the United States Navy and a working mother, I was instilled with the values of hard work, discipline, integrity, and honesty. I was raised to respect others, as well as the rule of law, and to know the importance of public service. These values form the core of my character and influence the kind of jurist I would be. Indeed, it is this call to public service which moves me to seek this appointment.

Finally, I have the requisite temperament to succeed as a judge. I am respectful and patient. As a judge, I would preside with strength, tempered by humility, and with confidence, without arrogance. Although I would assist parties in the expeditious resolution of their cases through scheduling and prompt rulings, I would not approach the job as a mediator trying to equally please the litigants. Rather, I would have the confidence to make difficult decisions dictated by strict adherence to the law, without passion or prejudice. I would be prepared and informed, but impartial. I would ensure dignity for the proceedings and the participants - lawyers and lay persons. As with my personal life. I would ensure that my actions on the bench reflected well on the office to which I had been entrusted.

Thank you for your consideration.

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REFE	RENCES:	
54.	List the names, addresses and telephone numbers of ten persons who comment on your qualifications for judicial position and of whom into the Commission.	
	The Honorable Charles W. Arnold - Retired Circuit Court Judge	
	The Honorable Peter L. Dearing - Circuit Court Judge**	
	The Honorable Tatiana Salvador - Circuit Court Judge	

The Honorable Mark Borello - Circuit Court Judge				
The Honorable Dawn K. Hudson - County Court Judge				
Mr. Rutledge R. Liles, Esquire				
Mr. Niels P. Murphy, Esquire				
Mr. Henry M. Coxe, Esquire				

Mr. W. Braxton Gillam, Esquire				
Mr. M. Ashton Hudson				
** The Honorable Peter L. Dearing				

#### CERTIFICATE

I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(I), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Further, I stipulate I have read, and understand the requirements of the Florida Code of Judicial Conduct.

Dated this 29th day of January , 2014.

Signature

(Pursuant to Section 119.071(4)(d)(1), F.S.), . . . The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1), dealing with public records.

#### FINANCIAL HISTORY

In lieu of answering the questions on this page, you may attach copies of your completed Federal Income Tax Returns for the preceding three (3) years. Those income tax returns should include returns from a professional association. If you answer the questions on this page, you do not have to file copies of your tax returns.

- State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.
  - 2013: \$157,000. My tax return for 2013 has not yet been prepared so this figure is a good-faith estimate of my total income from my law practice for 2013. In light of the fact that 2013 is an estimate, I have also included information for 2010 to give three full and accurate years of income.

2012: \$101,520

2011: \$162,500

2010: \$180,000

State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

2013: \$155,000. My tax return for 2013 has not yet been prepared so this figure is a good-faith estimate of my total income from my law practice for 2013. In light of the fact that 2013 is an estimate, I have also included information for 2010 to give three full and accurate years of income as reported to the Internal Revenue Service.

2012: \$101,520

2011: \$162,500

2010: \$180,000

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis

from all sources other than the practice of law, and generally describe the source of such income or losses.

None.

4. State the amount of net income you have earned or losses incurred (after deducting expenses) from sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

None.

## JUDICIAL APPLICATION DATA RECORD

The judicial application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The chair of the Commission shall forward all such completed pages, along with the names of the nominees to the JNC Coordinator in the Governor's Office (pursuant to JNC Uniform Rule of Procedure).

(Please Type or Print)

Date: January 29, 2	014	
JNC Submitting To:	Fourth Judicial Circuit	
Name (please print):	Katie Lee Dearing	
Current Occupation:	Owner of The Dearing Law Firm, P.A.	
Telephone Number:	904-355-8001 Attorney No.: 18463	32
Gender (check one):	☐ Male ⊠ Female	·
Ethnic Origin (check or	ne): 🛛 White, non Hispanic	
	☐ Hispanic	
	Black	
	American Indian/Alaskan Native	
	Asian/Pacific Islander	
County of Residence:	Duval	

# FLORIDA DEPARTMENT OF LAW ENFORCEMENT

# DISCLOSURE PURSUANT TO THE FAIR CREDIT REPORTING ACT (FCRA)

The Florida Department of Law Enforcement (FDLE) may obtain one or more consumer reports, including but not limited to credit reports, about you, for employment purposes as defined by the Fair Credit Reporting Act, including for determinations related to initial employment, reassignment, promotion, or other employment-related actions.

# CONSUMER'S AUTHORIZATION FOR FDLE TO OBTAIN CONSUMER REPORT(S)

I have read and understand the above Disclosure. I authorize the Florida Department of Law Enforcement (FDLE) to obtain one or more consumer reports on me, for employment purposes, as described in the above Disclosure.

Printed Name of Applicant:	Katie Lee Dearing	
Signature of Applicant:	1 atolican	
Date: January 29, 2014		