

APPLICATION FOR NOMINATION TO THE TENTH JUDICIAL CIRCUIT COURT

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

DATE: April 5, 2013 Florida Bar No.: 0674621

GENERAL: Social Security No.: [REDACTED]

1. Name Gerald Paul Hill, II E-mail: ghilltax@gmail.com

Date Admitted to Practice in Florida: 10/10/2003

Date Admitted to Practice in other States: N/A

2. State current employer and title, including professional position and any public or judicial office.

Associate attorney, Frost Van den Boom & Smith, P.A.

3. Business address: 395 S. Central Avenue

City Bartow County Polk State FL ZIP 33830

Telephone (863) 533-0314 FAX (863) 533-8985

4. Residential address: [REDACTED]

City [REDACTED]

Since 6/2005 Telephone [REDACTED]

5. Place of birth: Lakeland, FL

Date of birth: [REDACTED] Age: 38

6a. Length of residence in State of Florida: 38 years

6b. Are you a registered voter? Yes No

If so, in what county are you registered? Polk

7. Marital status: Single

If married: Spouse's name _____

Date of marriage _____

Spouse's occupation _____

If ever divorced give for each marriage name(s) of spouse(s), current address for each former spouse, date and place of divorce, court and case number for each divorce.

N/A

8. Children

<i>Name(s)</i>	<i>Age(s)</i>	<i>Occupation(s)</i>	<i>Residential address(es)</i>
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9. Military Service (including Reserves)

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
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Rank at time of discharge _____ Type of discharge _____

Awards or citations _____

HEALTH:

10.

11a.

11b.

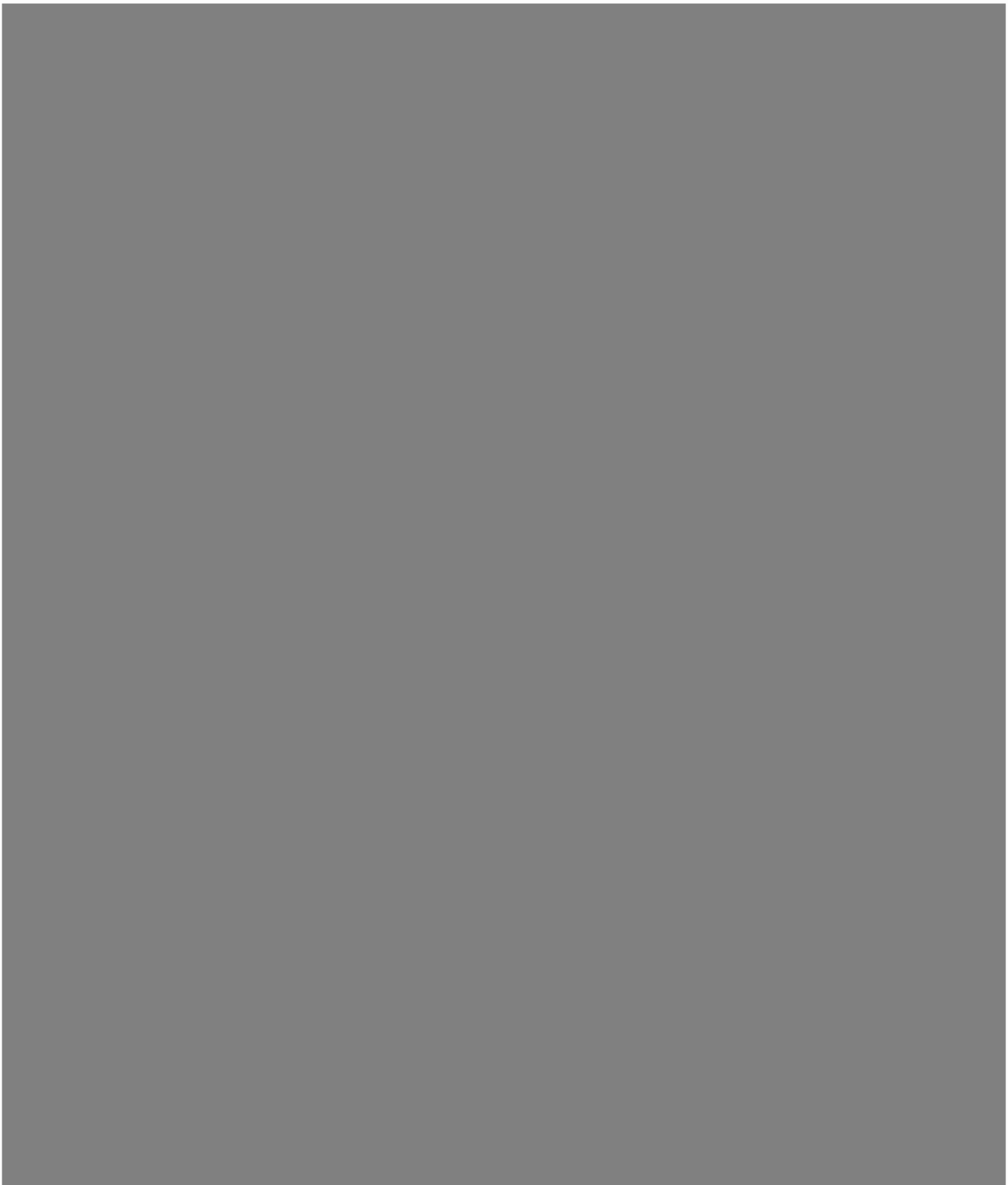


12a.

12b.

13.

14.



15.

16.

17.

EDUCATION:

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

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
Winter Haven Senior High	Unknown	1990-1993	High School Diploma
Florida State University	Unknown	1993-1997	Bachelor of Music Education
St. Thomas University School of Law	Top 10%	8/2000 - 5/2003	Juris Doctorate
University of Florida Levin College of Law	Unknown	8/2003-7/2004	LL.M. in Taxation

18b. List and describe academic scholarships earned, honor societies or other awards. Full tuition scholarship at St. Thomas University School of Law. Renewed each year based on class standing of top 10%. Executive Editor of St. Thomas Law Review, 2002-2003.

NON-LEGAL EMPLOYMENT:

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

and briefly describe them.

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
2/2000- 8/2000	Juvenile Probation Officer	State of Florida Department of Juvenile Justice	195 South Broadway Bartow, FL 33830
8/1997- 12/1998	Director of Bands, Westwood Middle School	Polk County School Board	1915 S. Floral Ave. Bartow, FL 33830 500 Chapel Drive
1994-1996	Resident Assistant	Osceola Hall	Tallahassee, FL 32304

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.

<i>Court or Administrative Body</i>	<i>Date of Admission</i>
Florida Bar	10/10/2003
United States District Court for the Middle District of Florida	12/2004
Supreme Court of the United States	11/2006
United States Tax Court	9/2011
United States Court of Appeals for the Eleventh Circuit	9/2011

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:

<i>Position</i>	<i>Name of Firm</i>	<i>Address</i>	<i>Dates</i>
Associate Attorney	Frost Van den Boom & Smith, P.A.	395 S. Central Ave. Bartow, FL 33831	8/2011 to Present
Associate Attorney	Straughn & Turner, P.A.	255 Magnolia Ave. Winter Haven, FL	11/2006 to 8/2011

		33880	
Associate Attorney	Hardin & Associates, P.A.	1905 Bartow Rd. Lakeland, FL 33801	6/2005 to 11/2006
Associate Attorney	McClure & Lobozzo	211 S. Ridgewood Sebring, FL 33870 4545 NW 8 th Ave Suite A	7/2004 to 6/2005
Associate Attorney	Sam W. Boone, Jr., P.A.	Gainesville, FL 32605	2003-2004

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.

I have been involved with a variety of matters relating to guardianship, probate, will and trust contests, business matters (including complex business transactions as well as disputes between business owners), real estate matters, contract disputes, civil and criminal appeals, homeowner and condominium association matters, and construction related cases (specifically, liens and disputes).

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	_____ %	Civil	_____ 75 %
Federal Trial	_____ %	Criminal	_____ %
Federal Other	_____ %	Family	_____ %
State Appellate	_____ 5 %	Probate	_____ 25 %
State Trial	_____ 95 %	Other	_____ %
State Administrative	_____ %		
State Other	_____ %		
	_____ %		
TOTAL	_____ 100 %	TOTAL	_____ 100 %

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

Jury?	<u>0</u>	Non-jury?	<u>9</u>
Arbitration?	<u>2 (as co-</u>	Administrative Bodies?	<u>0</u>

counsel)

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).

Oliver v. Drucker; 2011CA-282 ; opposing counsel: Tonya Comparetto, (863)686-6883

Pope v. Fussell; 2008CA- 8268 ; opposing counsel: Nicholas Troiano, (863)686-7136

Dentsmith v. Abney; 2007CA-2678 ; opposing counsel: John Dwyer, (813)754-1198

Mathis v. Mathis (co-counsel with Victor R. Smith); 2004CA-4221; opposing counsel: James R. Franklin, (863)519-0700

Pearce v. Cadiz; 2007SC-1289; opposing counsel: Julie Landrigan Ball, (863)688-5200

Stalford Construction, Inc. v. R.C.C. Enterprises, et al; Osceola County case number 2007CC-163-CL; opposing counsel, Peter R. McGrath, (407)872-7010, and Kathy D. Sheive, (407)944-4010

- 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).

Cleary v. Gecker; 2009CA-9758; opposing counsel: John Naser, (863)644-0311

Mallard Pointe Homeowner's Association, Inc. v. Rogerson; 2009CA-5287; opposing counsel: Nicholas Troiano, (863)686-7136

Ford U.S. Holdings, Inc. v. Biotech Environmental Services, Inc., 2008CA-2372; opposing counsel, Bill Chambers, (863)686-0043

- 27c. During the last five years, how frequently have you appeared at administrative hearings?
0 average times per month

- 27d. During the last five years, how frequently have you appeared in Court?
3 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? n/a%
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.

Since I began practicing, the frequency of my court appearances has remained fairly consistent.

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.

Lamber U.S. v. Bio-Tech Environmental Services, Inc (associate counsel with Mark G. Turner) (2009).

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.

Dentsmith v. Abney, 2007CA-2678. I was counsel for one of the Defendants who was a former employee of the Plaintiff. This case was significant because of the potential impact on my client's ability to continue operating his business and earn income. Opposing Counsel: John Dwyer. Tried before Judge Karla Wright on December 4, 2009.

Pope v. Fussell; 2008CA- 8268. Opposing counsel: Nicholas Troiano. Tried before Judge Neil Roddenbery on April 8, 2010. I was counsel for Plaintiff, who brought an action for boundary by acquiescence. This case was significant in that it involved a disputed boundary between parcels that had been owned by the family of the parties for many decades, and involved complicated real property issues.

Mathis v. Mathis (co-counsel with Victor R. Smith); 2004CA-4221. Opposing counsel: James R. Franklin; tried before Judge Dennis P. Maloney on August 6 and 7, 2007. I acted as co-counsel for Plaintiffs along with Victor Smith, who was lead counsel. This case was significant in that it involved an action to recover damages in quantum meruit for significant improvements which the Plaintiffs made to property owned by Defendants. In addition, this case was appealed by the Defendant, and was affirmed by the Second District Court of Appeal.

Stalford Construction, Inc. v. R.C.C. Enterprises, et al; Osceola County case number 2007CC-163-CL. Opposing counsel, Peter R. McGrath and Kathy D. Sheive; tried before Judge Ronald A. Legendre on May 14, May 29, and July 20, 2009. I acted as counsel for Plaintiff. This was an action involving many claims against a contractor and homeowner for non-payment. There were significant legal issues regarding the liability of each party, and each party was denying in full any responsibility for payment to the Plaintiff.

Wallace v. Bradberry; 2006CC-7643. Opposing counsel, Stephen Baker; tried before Judge Anne Kaylor on November 8, 2007. I was counsel for Plaintiffs in this matter, which was significant because the Plaintiffs had paid funds to Defendant for improvements to a home, however, the work was substandard and unacceptable.

Mulberry Motor Parts v. Tyson; 2006SC-5746. Opposing counsel, Stephen Baker; tried before Judge Angela Cowden on April 9, 2007. I was counsel for Defendant, who was being sued for recovery of the value of an engine which Defendant had returned to Plaintiff. Although Plaintiff prevailed at trial, I appealed to the Circuit Court, which entered an order reversing the final judgment.

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.

Appellate brief attached. I was solely responsible for preparation of this brief.

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:

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
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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,

- (i) List the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.
- (ii) Describe the approximate number and nature of the cases you have handled during your judicial or quasi-judicial tenure.
- (iii) List citations of any opinions which have been published.
- (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.
- (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.

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

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 currently on the board of directors of the Imperial Symphony Orchestra. Although I do not believe it would be necessary to resign from this position if I were appointed, I would do so if it were necessary.

- 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.

None.

- 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.

None.

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.

My father, Jerry Hill, is the current State Attorney for the Tenth Judicial Circuit. I do not believe this relationship would require disqualification or recusal. Further, if this relationship were to require disqualification or recusal on criminal cases, it would certainly not preclude me from hearing any other cases. More importantly, he is in his last term, and any conflict that may exist would only be for a short period of time.

MISCELLANEOUS:

- 35a. Have you ever been convicted of a felony or a first degree misdemeanor?
Yes _____ No If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 35b. Have you pled nolo contendere or pled guilty to a crime which is a felony or a first degree misdemeanor?
Yes _____ No If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 35c. Have you ever had the adjudication of guilt withheld for a crime which is a felony or a first degree misdemeanor?
Yes _____ No If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 36a. Have you ever been sued by a client? If so, give particulars including name of client, date suit filed, court, case number and disposition.
No.
- 36b. Has any lawsuit to your knowledge been filed alleging malpractice as a result of action or inaction on your part?
No.
- 36c. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the amounts involved.
No.
- 37a. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you?
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. I was named as a defendant in a wrongful death case in Leon County in 1995 arising out of a collision involving my vehicle and a woman on a bicycle. The case style was John Locke as the Personal Representative of the Estate of Brenda Locke v. Gerald P. Hill, II, Second Circuit Case No. 1995CA-1663. The case was settled at mediation.

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.

41. 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.

43a. 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.

Revisiting Juvenile Justice: The Requirement for Jury Trials in Juvenile Proceedings under the Sixth Amendment, 9 Fla. Coastal L. Rev. 143 (2008).

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

Selected as Executive Editor of the St. Thomas Law Review, 2002-2003; Graduated from Florida State University with honors; Graduated from St. Thomas University School of Law with high honors.

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

None.

47. Do you have a Martindale-Hubbell rating? Yes If so, what is it? ___ No

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.

Lakeland Bar Association, 2012 - Present.

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.

Rotary Club of Sebring, 2004-2005

Rotary Club of Winter Haven, 2006-2007

Rotary Club of Bartow, 2011-Present

Poinciana Lodge # 227, Avon Park, Florida (Masonic Lodge), 2004-2011

Lakeland Lodge #91, Lakeland, Florida (Masonic Lodge), 2011 - Present

Scottish Rite, Tampa, 2006 - Present

Leadership Winter Haven Class XXIX, 2008-2009

Winter Haven Young Professionals Group, 2007-Present; Steering Committee, 2007-2008

Emerge Lakeland, 2011-Present

Tiger Bay Club of Polk County, 2012-2013

48c. List your hobbies or other vocational interests.

I enjoy recreational flying, listening to and performing music of many styles, reading books of various genres, movies, fishing, and hunting.

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.

I am a Mason and a member of Lakeland Lodge # 91, as well as a member of the Scottish Rite. I would intend to continue to be member of these fraternal organizations if I were appointed, as such membership does not appear to be prohibited for judges. The Comment to Canon 2 of the Code of Judicial Conduct specifically states that "[t]his Canon is not intended to prohibit membership in religious and ethnic clubs, such as . . . Masons"

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

In September of 2011, I participated in an ask-a-lawyer event at the Lakeland Library

sponsored by Florida Rural Legal Services, Inc.

From 2009 to 2011, I represented the Women's Resource Center, Inc. in various matters, including advice relating to a possible donation to the organization, as well as a dispute between the organization and a professional regarding services provided by the professional.

SUPPLEMENTAL INFORMATION:

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

Yes.

In 2007, I attended "Basic Probate & Guardianship". In November of 2008 I attended "Asset Protection in Florida". In 2010, I downloaded and listened to "Survey of Florida Law" and "Elder Law Certification." In August of 2011, I downloaded and listened to a Florida Bar seminar on appellate practice titled "Practice in the Second District Court of Appeal: An In-Depth Look."

- 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?

No.

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

Since I was first admitted to the bar in 2003, my practice has been diverse. I have been involved with matters relating to guardianship, probate, will and trust contests, business matters (including complex business transactions as well as disputes between business owners), real estate matters, contract disputes, civil and criminal appeals, homeowner and condominium association matters, and construction related cases (specifically, liens and breach of contract/breach of warranty issues). This broad range of matters that I have handled over the past several years would greatly assist me in understanding and making decisions in the various issues that might come before me if I were appointed.

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

In addition to the above range of experiences, I believe that if I were selected, my ability to listen thoughtfully to all positions in a case before making a decision, and then making prompt decisions once a case has been presented, would be beneficial. In addition, at times when additional research became necessary, my ability to research issues promptly and thoroughly would serve as an important contribution.

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.

Tenth Judicial Circuit Judicial Nominating Commission, July 2010.

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

REFERENCES:

54. List the names, addresses and telephone numbers of ten persons who are in a position to comment on your qualifications for judicial position and of whom inquiry may be made by the Commission.

Judge Bruce Smith,

Judge Charles Curry,

Judge Michael Raiden

Dr. Eileen Holden

Mark G. Turner

Albert Cassidy,

John W. Frost,

Charles Brantley,

John Marc Tamayo

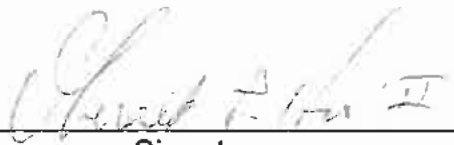
Judge Bob Grode

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(l), 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 7th day of April, 2013.



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.