

APPLICATION FOR NOMINATION TO THE APPELLATE COURT

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

DATE: 2/11/14

Florida Bar No.: 321117

GENERAL:

Social Security No.:

1. Name Terence R. Perkins E-mail: tperkins@circuit7.org

Date Admitted to Practice in Florida: 6/ /1981

Date Admitted to Practice in other States: None

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

Chief Judge, Seventh Judicial Circuit

3. Business address: 125 E. Orange Avenue, Suite 307

City Daytona Beach County Vol. State FL ZIP 32114

Telephone (386) 257--6071 FAX (386) 248-8132

4. Residential address:

City

Since 1987 Telephone

5. Place of birth: New York, New York

Date of birth: Age: 58

6a. Length of residence in State of Florida: 44 Years

6b. Are you a registered voter? Yes No

If so, in what county are you registered? Volusia

7. Marital status: Married

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.

8. Children

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

9. Military Service (including Reserves)

Service	Branch	Highest Rank	Dates
None			
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>
Seabreeze Senior High School	Unknown	9/1972 - 6/1974	High School
University of Florida		9/1974 - 3/1977	Bachelor of Arts
University of Florida		3/1977 - 12/1980	Juris Doctorate

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

1977 University of Florida, Bachelor of Arts with High Honors

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>
6/1973		Volusia County	
9/1980	Seasonal Lifeguard	Beach Patrol	Daytona Beach, FL

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>
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I have been admitted to the following Courts and I have never been suspended or resigned from any Court.

Florida Supreme Court (all trial and appellate Courts of the State) - Admitted on 05/29/1981

United States District Court, Middle District of Florida - Admitted on 06/19/1981

United States District Court, Northern District of Florida - Admitted on 05/20/1992

United States Court of Appeals, Eleventh Circuit - Admitted on 06/19/1981

United States Court of Appeals, Fifth Circuit - Admitted on 6/19/1981

United States Supreme Court - Admitted on 12/16/1985

Civil Trial Board Certification - Admitted on 06/01/1993

Circuit Court Mediator - Admitted on 08/04/1995

FINRA

NASD Arbitration

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>
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See Attached Tab

1.

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.

See Attached Tab 2 for a description of my prior law practice and Tab 10 for a description of my current division assignment as Circuit Judge.

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 <u>95</u> %
Federal Trial	<u>10</u> %	Criminal _____ %
Federal Other	_____ %	Family <u>5</u> %
State Appellate	<u>10</u> %	Probate _____ %
State Trial	<u>70</u> %	Other _____ %
State Administrative	<u>5</u> %	
State Other	<u>5</u> %	
	_____ %	
TOTAL	<u>100</u> %	TOTAL <u>100</u> %

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

Jury? 65 Non-jury? _____ Hundreds _____
Arbitration? Approx 35 Administrative Bodies? Less than 100

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).

See Attached at Tab 3 for cases I handled as a lawyer and Tab 9 for cases I handled as a Circuit Judge.

- 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).

See Attached at Tab 4 for cases I handled as a lawyer and Tab 9 for cases I handled as a Circuit Judge.

- 27c. During the last five years, how frequently have you appeared at administrative hearings? 1 time in 2010 and none since becoming a judge. average times per month

- 27d. During the last five years, how frequently have you appeared in Court? 15 times per month as an attorney and every day as a judge. 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? 30% Defendants? 70%

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.

The frequency of my Court appearances and the make-up of my civil trial practice has not changed significantly over the past 5 years.

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.

See Attached at Tab 5.

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.

See Attached at Tab 6 for cases I handled as a lawyer and Tab 12 for cases I handled as a Circuit Judge.

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.

See Attached at Tab 7

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.

Yes, I am currently a Circuit Judge with the 7th Judicial Circuit of Volusia County, FL.

- 32b. List any prior quasi-judicial service:

Dates	Name of Agency	Position Held
See Attached at Tab 8		

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.

Yes, I was appointed Circuit Judge in May, 2010 and I ran unopposed for election in 2012.

- 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.

See Attached at Tab 9

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

See Attached at Tab 10

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

See Attached at Tab 11

- (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.

See Attached at Tab 12

- (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.

No

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

No

- (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.

No

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.

Cavalier Aviation, Inc. - Ownership of aircraft and hangar. I would remain a shareholder.

Seaside Homes, Inc. - Own and lease 1 rented house located in Ormond Beach. I would remain a shareholder.

- 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.

In the past, I was a shareholder in Peninsula Bank, a local community bank. My firm provided legal services to the Bank and was paid fees for such services. I don't believe I personally represented the Bank on any matter but, when the bank sold, I sold my stock for a profit.

I am currently a shareholder of Gateway Bank and hold my shares as an investment.

Seaside Homes has provided losses that reduce income on my tax returns.

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.

I have spent most of my professional life practicing through the law firm that I helped found. It would be difficult for me to sit as the presiding judge on cases involving some members of that firm.

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.

See Attached at Tab 13.

- 36b. Has any lawsuit to your knowledge been filed alleging malpractice as a result of action or inaction on your part?

See, 36(a).

- 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.

See, 36(a).

- 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.

I was a shareholder in a corporation formed with two high school friends to own and rent houses. I was not actively involved in the management of the business but all 3 of us did personally guarantee a loan to the corporation. After our property was abandoned and seriously vandalized, we missed payments on a bank loan given to Colonial Bank. Because that bank closed and eventually assigned its loans to BB&T, it was initially difficult to determine where the payments were to be made and to whom. By the time we figured out where to make payment, the bank would not reinstate or restructure the debt. Moreover, the bank "called" another loan even though we never missed a single payment. The bank filed suit in the case of BB&T v. Seaside Homes, Inc., Case No. We hired an attorneys, raised the money and after several months paid off both loans in full, including all fees and costs.

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.

A list of my published articles is attached hereto. The Rights of the Medical Expert Witness, The Academy of Florida Trial Lawyers, Winter Litigation Seminar, December, 1990 (See attachment for additional articles) See Tab 14.

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

FDLA Community Service Award - 1999

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

See Attached at Tab 14.

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.

See Attached at Tab 15.

- 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.

See Attached at Tab 16.

- 48c. List your hobbies or other vocational interests.

I have too many hobbies. I am a multi-engine, instrument rated private pilot. I currently own and regularly fly two aircraft, a twin-engine Cessna 310R and an aerobatic De Havilland Chipmunk that I purchased from the British Royal Air Force in 1997. I have played the guitar since age 12 and within the last ten years, I started making guitars. I have been a woodworker since my father introduced me to it in high school. I've made much of the furniture in my home and office and still work in my "shop" several nights a

week.

I restore antique cars. My father gave me a 1952 MG-TD from a junkyard when I was an impressionable teenager and helped me restore it. I've done several since then. I still own that car and now my son and I are restoring it. I hope to give it to him someday.

I try to stay physically fit, a task that grows increasingly more difficult. But I work out regularly and I run. I share an interest in running with my children.

I love all things technological. I make and edit movies on my computer. I can often be found with my digital or movie camera around my neck recording important and not so important events.

- 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.

No.

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

Before my appointment to the circuit bench, I accepted assignments from the Court to investigate and make case specific recommendations to the Court. One particularly lengthy and complicated case was recognized by the FDLA for which I received the annual Community Service Award in 1999..

SUPPLEMENTAL INFORMATION:

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

I have attended CJE presentations and training including the Florida Judicial College (Phase I and II), Advanced Judicial Studies, Faculty Training and Presentation, Advance Legal Drafting and Chief Judge Training. Before that, I regularly attended or presented CLE in Civil Trial Practice, Insurance Bad Faith and Securities Arbitration.

- 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?

Yes, a list of my lectures and programs is attached hereto at Tab 15.

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

As a Circuit Judge I am invited from time to time to sit as an Associate Judge at the Fifth District Court of Appeal. I have served in this capacity three times, usually with 6 appeals and 6 oral arguments each time. On one such day, I served on a panel with Judge David A. Monaco and Judge Richard B. Orfinger. Judge Monaco hired me out of law school and was my mentor and law partner until he went on the circuit bench. Judge Orfinger was also my law partner and practiced with Judge Monaco and I until Judge Orfinger went on the circuit bench. We were told that when we sat as a panel, it was the first time for the court to have 3 judges who all previously practiced together in the same law firm hear a case. I don't know if that's true but it was an honor to sit with my former law partners, hear the arguments and analyze the appellate issues in those cases. I

drafted two opinions related to those cases.

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

Throughout my legal career I have been a student of the law. As a trial judge I strived to faithfully apply the law. I have a deep respect for the law and the role of all three branches of government in the legal process. I hope to bring that perspective to the court. In addition, as a Chief Judge I have gained valuable insight into the organization and function of our branch. For instance, I have been directly involved in our branch's budgeting and legislative planning. I hope to continue my involvement and leadership on administrative issues with this court. Finally, sitting as a trial judge in busy civil and criminal cases has given me a better perspective on the challenges a trial judge can face in difficult cases with difficult parties or attorneys. This perspective provides greater insight into their decisions and rulings and translates into more relevant and focused appellate review.

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.

This is my second Application. The first application was filed with the Circuit Court JNC on February 5, 2010 and I was subsequently appointed to that position.

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

I have been a Circuit Judge, Chief Judge and trial lawyer in our community for almost 34 years. I have presided over and tried cases in front of many of our current Circuit Judges and with many members of the Bar in Central Florida. While I have attempted through this application to identify those with perhaps the most knowledge of or most recent experience with my credentials, I would invite members of the Committee to contact any of our local Judges or Attorneys to determine my qualifications and demeanor to serve as an Appellate Judge, including those currently sitting on the District Court of Appeal, Fifth District.

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.

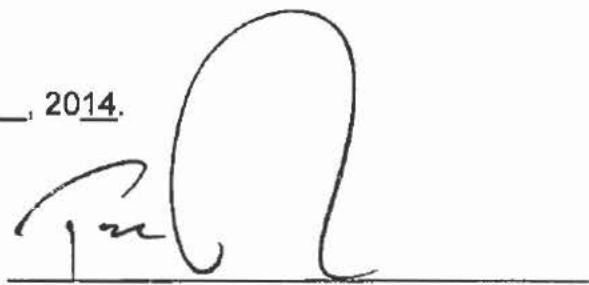
See Attached at Tab 17.

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 11 day of February, 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.

1. 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.

See Tab 18.

2. 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.

See Tab 18.

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.

See Tab 18.

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.

See Tab 18.

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: _____

JNC Submitting To: _____

Name (please print): Terence R. Perkins

Current Occupation: Circuit Judge

Telephone Number: 386-257-6071 Attorney No.: 321117

Gender (check one): Male Female

Ethnic Origin (check one): White, non Hispanic
 Hispanic
 Black
 American Indian/Alaskan Native
 Asian/Pacific Islander

County of Residence: Volusia

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.

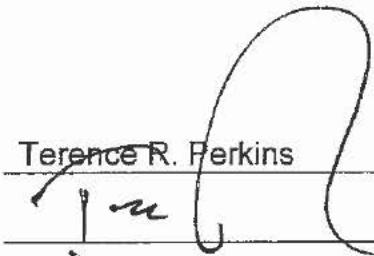
**CONSUMER'S AUTHORIZATION FOR FDLE
TO OBTAIN CONSUMER REPORT(S)**

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:

Terence R. Perkins

Signature of Applicant:



Date:

Feb. 11, 2014

**Additional Answers to Questions on Application for
Nomination to the Circuit Court:**

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.

Law Clerk University of Florida – College of Law
Gainesville, FL
09/1978 to 12/1980

Law Clerk Kinsey, Vincent, Pyle
42 N. Peninsula Drive
Daytona Beach, FL 32118
06/1979 to 09/1979

Associate Cobb and Cole
Attorney 150 Magnolia Avenue
Daytona Beach, FL 32115
12/1980 to 06/1986

Shareholder Cobb, Cole and Bell
150 Magnolia Avenue
Daytona Beach, FL 32115
06/1986 to 03/1987

Shareholder Monaco, Hood & Perkins
444 Seabreeze Blvd., Suite 900
Daytona Beach, FL 32118
03/29/88

Shareholder Monaco, Hood, Perkins, Orfinger & Stout
444 Seabreeze Blvd., Suite 900
Daytona Beach, FL 32118
12/28/90

Shareholder Monaco, Hood, Perkins, Loucks & Stout
444 Seabreeze Blvd., Suite 900
Daytona Beach, FL 32118
03/92

Shareholder Monaco, Smith, Hood, Perkins, Loucks & Stout
444 Seabreeze Blvd., Suite 900
Daytona Beach, FL 32118
01/95

Shareholder Smith, Hood, Perkins, Loucks, Stout, Orfinger & Selis
444 Seabreeze Blvd., Suite 900
Daytona Beach, FL 32118
11/14/97

Shareholder Smith, Hood, Perkins, Loucks, Stout, & Orfinger
444 Seabreeze Blvd., Suite 900
Daytona Beach, FL 32118
10/18/99

Shareholder Smith, Hood, Perkins, Loucks, Stout, Bigman, Lane & Brock
444 Seabreeze Blvd., Suite 900
Daytona Beach, FL 32118
1/27/04

Shareholder Smith, Hood, Perkins, Loucks, Stout, Bigman & Brock
444 Seabreeze Blvd., Suite 900
Daytona Beach, FL 32118
11/23/09

Shareholder Smith, Hood, Perkins
444 Seabreeze Blvd., Suite 900
Daytona Beach, FL 32118
2010

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.

My practice can best be described as a civil trial practice. I have been a Board Certified Civil Trial Lawyer since 1993 and I have been certified by the Florida Supreme Court as a Circuit Court Civil Mediator. Most of my work involves insurance coverage, in one variety or another. For instance, I have been asked by insurance companies to represent individuals or entities insured by the company and involved in insurance claims. Many of those claims over the years have involved personal injuries or wrongful death. Sometimes I am retained to represent the insured - an individual or entity defending a claim. Sometimes I am retained to represent the insurance company in the defense of the claim brought by their insured or by third parties. These cases can be as simple as defending the owner and driver of a car from injury claims brought by the driver of another car resulting from a motor vehicle accident. The claims can be more complex, involving allegations of malfeasance or negligence in the manufacturer of the product or in providing medical services. So, on occasion, I have represented doctors, hospitals and product manufacturers who are alleged to be negligent in causing damages to another. My representation may involve the defense of the insurance company. An insured may sue an insurance company under the policy or a third party may sue an insurance company for failing to pay a claim it should have paid under a theory known as insurance bad faith.

I have had the good fortune of representing many local individuals and businesses in these types of insurance claims. For instance, when the Daytona International Speedway is sued by patrons for injuries received attending a race or when hit by debris, I have been retained to provide a defense. I have also represented Bethune Cookman College for damage claims that were, in essence, insurance claims. In one case, a disgruntled student sued the College of Nursing for the College's role in failing to graduate and certify the student in Nursing. Had the plaintiff prevailed in this trial, they would have recovered financial damages from the college, some of which were covered by insurance. In similar insurance contexts, I have represented local individuals, doctors, businesses, colleges and even various City Governments.

I have also represented individuals who have been injured and seek compensation for their injuries or who have been denied insurance coverage under an insurance policy. These cases can be as simple as insurance claims arising from an automobile accident to as complex as multi-party litigation of product defects conducted in Federal Court.

My practice also includes a few unrelated areas that don't fit into any neat group. For instance, I have represented a number of individual investors in arbitration proceedings against their stockbroker or brokerage house. I have represented doctors in regulatory disputes with the Board of Medicine and pilots charged with violations of FAA Regulations. Often, I am called upon to analyze and litigate general business disputes between individuals or entities. These cases can be as simple as determining whether a broker is entitled to a commission on the sale of real property to as complicated as determining financial obligations and off-sets arising between multiple parties under numerous statutory and contractual provisions, boundary disputes or probate litigation.

From time to time, I am asked to serve as a mediator to assist parties and their counsel in correctly analyzing and settling commercial disputes. Much, but not all, of my mediation practice relates to insurance disputes. While I enjoy this part of my practice, it is inconsistent with a general litigation practice and, as a result, I have had to limit my mediations to once a month.

- 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).

This list identifies the last 6 jury trials I tried as an attorney. I identified the last 10 jury trials tried before me as a circuit judge in response to question 32d.

Marquette Rende v. First Floridian, Case Number: 2007 CA 002691, Flagler County, FL

Defendant's Counsel:

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Fulmer, Le Roy Albee, Baumann, & Glass, P.L.C.
10161 Centurion Parkway North, Suite 190
Jacksonville, Florida 32256
904-562-1020

Specialty National Insurance Company v. U-Save Auto Rental of America, Inc., et al. – Middle District Court, Case Number: 8:07-CV-878-T24 MAP

Plaintiff's Counsel:

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Selena T. Donaldson, Esquire
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813-289-0690

Counsel for Defendant, Michael Kastrenakes:

Robert W. Clark, Esquire
Smith, Clark, Bierley, Mueller, P.A.
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813-226-1880

Mark Godfrey v. Precision Airmotive, Volusia County, Florida, Case Number: 2001-30640 CICI

Attorney for Defendant Teledyne
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J. Lester Kaney, Esquire
Cobb & Cole
P.O. Box 2491
Daytona Beach, FL 32115-2491
386-323-9233

Attorney for Defendant, OBA Maintenance:
F. Bradley Hassell, Esquire
Eubank, Hassell & Moorhead
P.O. Box 2229
Daytona Beach, FL 32115
386-238-1357

Lane Vaughn v. Progressive American Insurance Company, et al., Brevard County, Florida, Case Number: 98- 09205-CA-0

Attorney for Def, APAC:
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Counsel for Plaintiff:
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713-868-1111

**Daniel Randazzo vs. Stephanie A. Glidden, et al., Volusia County, Florida,
Case Number: 2006-11239-CIDL**

Counsel for Plaintiff:
Brandon S. Peters, Esquire
PETERS TRIAL GROUP, LLC
Post Office Box 547067
Orlando, Florida 32854
407-999-7997

**Helen Blanton, et al. vs. Allen M. Belus, et al., Volusia County, Florida,
Case Number: 2001-30628-CICI**

Counsel for Defendants:
Diego Handel, Esquire
150 S. Palmetto Avenue, Box N
Daytona Beach, Florida 32114
386-252-0175

- 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).

**Mary Novak vs. Theodore Arthur Dalton, Volusia County, Case Number:
2004-30931-CICI**

My client: Plaintiff

Counsel for Defendant:

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1120 Beville Road, Suite D
Daytona Beach, Florida 32114
386-248-2557

**W. Anthony Martin, Sr., et al. vs. Sunshine Towing & Recovery, Duval
County, Case Number: 16-2008-CA-007553**

My client: Defendant, Sunshine Towing & Recovery

Counsel for Plaintiff:

Mark E. Calvin, Esquire
Terrell, Hogan, Ellis, Yegelwel, P.A.
Blackstone Building, 8th Floor
233 East Bay Street
Jacksonville, Florida 32202
904-632-2424

**Kelly A. Terrell vs. Michael H. Evans, et al., Polk County, Case Number:
2008-CA-008925-0000**

My clients: Defendant, Michael Evans

Counsel for Plaintiff:

Mark H. Wright, Esquire
Jayson, Farthing, Skafidas & Wright, P.A.
One Urban Centre
4830 Kennedy Boulevard
Suite 430
Tampa, Florida 33609
813-321-1111

John Robert Mitchell, et al. vs. Colony Insurance, Progressive Insurance, et al.; Hillsborough County, Case Number: 08-CA-7577

My client: Defendant, Progressive Insurance Company

Counsel for Plaintiff:

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Swope, Rodante, P.A.
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813-273-0017

Counsel for Defendant, Colony Insurance:

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Nancy H. Henry, Esquire
Edward W. Collins, Esquire
Carlton Fields, P.A.
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Counsel for Defendant, Newman Crane
Christopher Fertig
Darlene Lidondici, Esquire
Fertig and Grambling
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Counsel for Defendants, Mitchell and Gray Robinson:

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Jonathan Vine, Esq.
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561-383-9200

Lance Holden, Esquire
Weldon E. Brennan, Esquire
Brennan, Holden & Kavouklis
115 S. Newport Avenue
Tampa, Florida 33606-1943
813-254-7770

Melissa A. Humber vs. Thomas A. Wolf, as the Personal Representation of the Estate of Jerry G. Beckmeyer and Ivan A. Iwanowski, Case Number: 16-2007-CA-0484, Duval County, Florida.

My client: Estate of Jerry Beckmeyer

Counsel for Plaintiff:

R. Gene Odom, Esquire
Guarnieri Martinez & Odom PA
1111 Oakfield Dr. Ste. 115
Brandon, Florida 33511-4948

Counsel for Defendant, Wolf:

Joseph T. Kissane, Esquire
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1805 Copeland Street
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Counsel for Defendant Iwanowski

Ty Tyler, Esquire
Tyler & Hamilton
4811 Beach Blvd., Suite 200
Jacksonville, FL 32207

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.

**Terrance Wainbright Adolph vs. Raymond James & Associates, et al.
Arbitration Proceeding National Association of Security Dealers, Boca Raton
NASD Case Number: 05-01757
Sole Counsel for Plaintiff**

**Reid B. Hughes, Sr., et al. vs. Merrill Lynch, et al., NASD Dispute
Resolution, Inc.,
NASD Case Number: 05-05710
Sole Counsel for Plaintiff**

**Donna B. Levine vs. Raymond James Financial Services, Inc.
FINRA Dispute Resolution Case Number: 08-00009
Sole Counsel for Plaintiff**

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.

Mark Godfrey v. Precision Airmotive, Volusia County, Florida, Case Number: 2001-30640 CICI; Judge: Richard Graham; Trial Date: 07/16/2007.

I was Co-Counsel for Plaintiffs. My clients: Mark Godfrey and Nicholas Grace.

In the early morning hours of July 24, 1999, Nicholas Grace, a flight instructor and his student, Mark Godfrey, took off from the Ormond Beach Airport and when their aircraft engine unexpectedly quit, they crashed. Both sustained critical injuries and permanent brain damage from the crash. After careful investigation, we brought suit against the manufacturer of the aircraft engine and the manufacturer of the aircraft's carburetor. After years of discovery and motion practice, the case went to trial on July 16, 2007 before the Honorable Richard Graham. After a two week jury trial, the jury returned a verdict in the total amount of \$54,000,000.00 against the engine and carburetor manufacturers. Although I am told that this is the largest insured verdict in Volusia County history, this case has significance to me for other reasons. First and foremost, my clients had horrendous permanent brain injuries that required extensive long-term care. This recovery allowed my clients to complete the medical treatment and obtain the future treatment they so desperately required. Of almost equal importance, this case reminded me of the power and propriety of our judicial system. The defendants initially blamed the pilots, then the maintenance company and then the investigators and the experts. They raised every possible defense, no matter how technical. By example, Judge Graham was asked by the defendants to decide over 42 pre-trial motions in the weeks leading up to trial. Despite the proliferation of the defendants' allegations and pleadings, I saw little merit in their contentions. In fact, I spent many a sleepless night preparing for trial trying to determine what real defense, if any, would be presented. By the close of evidence, it was clear that the defendants had no real defense to the claim. Luckily, the jury wholeheartedly embraced this conclusion and awarded damages to the injured plaintiffs.

I tried this case with a gifted trial lawyer named Arthur Wolk. While I participated equally in the trial and almost exclusively at the pre-trial stages of the case, I owe much of the credit for this great result to Arthur's eloquence in the courtroom and an enthusiastic pursuit of justice for our clients.

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John Robert Mitchell, et al. vs. Colony Insurance, Progressive Insurance, et al.; Hillsborough County, Case Number: 08-CA-7577.

I was retained after the trial to represent Defendant, Progressive Insurance Company, Mr. Mitchell's auto carrier.

This case could be a law school exam on trial practice, insurance law and civil procedure all rolled into one. The case started on a two lane undivided highway in Lakeland, when a pick-up truck driven by Mr. Mitchell turned left in front of a car driven by Mrs. Bryant. The resulting impact killed two children sitting in the backseat of Ms. Bryant's car and severely injured Ms. Bryant. There were five insurance companies involved in various aspects of the resulting claims and when Mrs. Bryant's attorneys were unable to decipher the precise existence and extent of all of the coverages, they brought claims in State Court. That case eventually worked its way to trial in Polk County, resulting in a verdict for Ms. Bryant in the amount of \$47,000,000.00. The verdict was reduced by the Court to \$27,000,000.00 and ultimately affirmed on appeal by the District Court.

I was retained to represent Progressive Insurance Company. Progressive was expecting a bad faith claim resulting from the verdict in excess of the insurance coverage and hired me to defend them in that claim. Bad faith litigation has been described as a three dimensional chess game and that was no more true than in this case. Bad faith claims were brought against three of the insurance carriers along with a legal malpractice claim against the defense attorney and an errors and omissions claim against the insurance agent. Claims and cross-claims were filed by and between the parties. Discovery in the case was complicated by the existence of attorney-client and work product privileges claimed by some but not as to all. After a year of hearings, even the Circuit Judge presiding in the matter had a hard time keeping straight all of the parties and their respective claims and interests. The case proceeded to mediation and was unsuccessfully mediated six times before a successful mediation on the seventh try.

This case was significant not just because of the large dollar amounts involved but because of the degree of difficulty of the issues. I can't remember another case that had more conflicting issues. Moreover, every issue cut both ways. A favorable outcome on one issue may be beneficial with regard to some of the parties but detrimental as to others. Often, 20 to 25 lawyers were involved in specific proceedings or issues of the case. Money was literally no object. Some of the most creative legal arguments were made in the case. And, through it all, the attorneys were able to keep their dealings and communications civil and professional.

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**Helen Blanton, et al. vs. Allen M. Belus, et al., Volusia County, Florida,
Case Number: 2001-30628-CICJ; Judge: Richard S. Graham; Trial Date:
June 19, 2006.**

My clients: Plaintiffs.

One of my most important cases involved the representation of 25 elderly individuals, some husband and wife, who sued their accountant under theories of fraud, misrepresentation and breach of fiduciary duty. Although the amount of money my clients were seeking collectively was significant, this case is not memorable for that reason. The money my clients lost was their retirement savings and, in a very real sense, all the money they had in the world. I took the case on a contingent fee because my clients could not have paid an hourly rate. Because of their advanced age, getting the money to my clients as quickly as possible became a high priority. The case was tried in Volusia County and Judge Richard Graham presided over the proceedings. Following a complete recovery by my clients, I hosted a sort of victory dinner for my clients, my staff and my family. That dinner was one of the most memorable and pleasant celebrations of my career. If the success of a lawyer can be measured by the positive impact on his clients, then this case was a complete success. In addition to making me feel good about what I was doing in the case, it reminded me of the vulnerability of some members of our community and the proper role of attorneys to advocate on their behalf. Even after five years, I still get Christmas cards and occasional birthday cards from these clients.

Counsel for Defendants:
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**Lane Vaughn v. Progressive American Insurance Company, et al., Brevard County, Florida, Case Number: 98- 09205-CA-0; Judge: Theron Yawn;
Date of Trial: July 1, 2002.**

I represented the Defendant, Progressive American Insurance Company.

This case arose out of a single vehicle automobile accident on I-95 in Brevard County. An attorney, Lane Vaughn, was northbound in the early morning hours when his car left the roadway and overturned, severely injuring Mr. Vaughn. Mr. Vaughn sued the construction company doing roadway improvements in the area and my client, Progressive Insurance Company. The allegations against Progressive were that a phantom vehicle, seen only by Mr. Vaughn, abruptly changed lanes, causing him to run off the roadway and eventually overturn. After a three week jury trial, the jury returned a verdict in favor of Progressive but in Mr. Vaughn's favor against the other defendants.

This case was significant for me for two reasons. First, under the bright light of the jury's inquiry, it was clear that no phantom vehicle was involved in the case. Despite his efforts to complicate or obfuscate that issue, the jury saw the issue clearly. This was a good reminder of exactly why we have jury trials. Second, all sides were confounded by an extremely difficult senior judge. The judge would argue with counsel, lose his temper and fail to follow the law, in more and more inappropriate ways as the trial progressed. The conduct of the trial judge got so bad that the Appellate Court eventually reversed the jury's verdict and remanded the case for a new trial.

This case was a watershed for me and started my sincere interest in becoming a judge. Up to that point in time, I considered the judge in a jury trial to be a benevolent influence that directed or shepherded a jury through the trial and to their deliberations. This case showed me the other side of the Court's influence. This case showed me how the misdirected efforts of a disinterested or ill prepared judge can disrupt the entire process and prevent a fair trial. In the course of this three week trial, I saw opposing counsel change from an adversary to an ally against an unpredictable judge.

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**Mary Novak vs. Theodore Arthur Dalton, Volusia County, Case Number:
2004-30931-CICI**

I represented the Plaintiff

In this case, my client, Mary Novak, was injured when her car was rear-ended by another car on A-1-A in Ormond Beach. Following some initial treatment, she had surgery on her back, but the surgery failed. In fact, her symptoms got worse.

Mary was originally represented by another lawyer in the community with an excellent reputation and skills. However, Mary did not believe that he was doing enough for her. So she came to see me, at the recommendation of another client. It didn't take long to see that the problem between Mary and her then current counsel was really more a problem of communication. So I called the other lawyer and advised him of the problems. I also advised Mary to stay with her current lawyer.

Despite my efforts, Mary was back in my office a few months later and eventually, it was clear I would have to assume her case. I did and we eventually had an excellent resolution of the case. While this case was very financially rewarding to me, its significance arises from what I learned about client communications. I considered Mary and her husband, Russ as my partners in identifying Mary's problems and available solutions. We met often and collectively discussed all decisions. The other guy didn't do this. At the end of the day, I had a happier, better informed client.

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Tina Gaskin vs. Bethune Cookman College, 2001-32074-CICI, Volusia County, Florida.

I represented Bethune Cookman College.

Tina Gaskin was a nursing student at Bethune Cookman College and sued the College when they refused to allow her to graduate and refused to certify her to the Board of Nursing. Ms. Gaskin claimed that the College was arbitrarily withholding her degree and interfering with her livelihood. The College defended that the student had not met the requirements of the nursing curriculum and they refused to change or lower the standards for one student.

The jury found in favor of the College. This case taught me two important lessons. First, a great deal of publicity surrounded the case. In fact, a front page local article appeared the weekend before jury selection. Surprisingly, only one of many prospective jurors had actually seen the article and even that juror couldn't relate it to the case. Second, this jury provided simple and common sense answers even after hearing days of conflicted and technical testimony. This case reminded me that juries can be smart and insightful and, given the right tools, reach the right result.

Plaintiff's attorney:

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