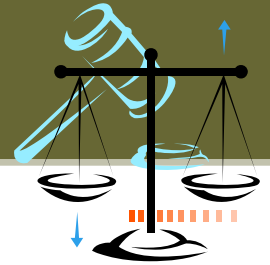




# CRIMINAL LAW SECTION MONTHLY UPDATE

July 15, 2009  
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THE FLORIDA BAR CRIMINAL LAW SECTION  
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## The Section Honors Judge O.H. Eaton

By: Donnie Murrell, Immediate Past Chair



The Selig Goldin Award is the highest honor bestowed by the Criminal Law Section. This year the award went to Circuit Court Judge O.H. Eaton of Sanford. Judge Eaton was nominated by a fellow Seminole County judge and clearly deserved the award.

Judge Eaton first won election as a circuit judge in the 18<sup>th</sup> Circuit in 1986. He came to the bench from a civil background but quickly took to criminal law. He served in every division of the 18<sup>th</sup> Circuit, including chief judge, but clearly preferred serving as a criminal court judge.

According to Assistant Public Defender Janell Howard, who has tried many cases before him, Judge Eaton is a “teaching judge”. He teaches the lawyers who appear in his courtroom the law, and the way to practice law. Ms. Howard described Judge Eaton as a trial lawyer’s judge: he may not rule the way you want, but he will give you a chance to be heard and he will listen.

The Florida Supreme Court has described Judge Eaton in published opinions as “One of the most experienced judges in death penalty cases, and the judge who teaches the state’s judges the death penalty course mandated by the Rules of Judicial Administration.” The Court has also described Eaton as “among the most knowledgeable judges in Florida on the death penalty.” Justice Pariente quoted verbatim from one of Judge Eaton’s sentencing orders in a concurring opinion. That sentencing order should be read by every lawyer and judge involved in a capital case. It touches clearly and directly on most cutting edge death penalty issues still to be resolved in this state. The opinion is Lynch v. State, 2 So3rd 47 (Fla. 2009).

*Continued on Page 3...*

### SAVE THE DATES!

2010 Board Certification Exams for Criminal Appellate and Criminal Trial will be held:

May 14, 2010, Hilton Hotel - Tampa

813/877-6688

Gerald T. Bennett PPD Program	University of Florida, Gainesville	August 1 - 7, 2010
General Executive Council Meeting	Tampa Airport Marriott	September 11, 2010
Advanced Federal Practice	Walt Disney World Hilton, Orlando	January 21, 2010
Masters of DUI	Walt Disney World Hilton, Orlando	January 22, 2010
Mid-year Executive Council Meeting	Walt Disney World Hilton, Orlando	January 22, 2010
Topics in Evidence	Tampa Airport Marriott	March 4, 2010
Criminal Law Update	TBA	April 16, 2010
Annual Executive Council Meeting	Boca Raton Club & Resort	June 25, 2010

## Joint Luncheon held with Trial Lawyers Section

By: Donnie Murrell, Immediate Past Chair

This year, for the first time in over a decade, the Criminal Law Section held its annual luncheon in conjunction with the Trial Lawyers Section and the Chester Bedell Foundation. The result was impressive. Over one hundred lawyers and guests were in attendance. The Selig Goldin award was presented to Judge O.H. Eaton and his remarks were followed by the keynote speaker, Mr. Martin Dyckman a retired associate editor from the St. Pete Times and author of the book "Disorder in the Court" concerning the Florida Supreme Court scandal of the early and mid-70's. Mr. Dyckman's appearance was made possible by the Chester Bedell Foundation.

While Mr. Dyckman gave a very interesting recounting of the events regarding the Supreme Court scandals that he helped uncover as an investigative journalist, history really came alive when he opened the floor for questions.

First on his feet was Mr. Robert E. Ervin, brother of a former Florida Attorney General and lawyer to one of the accused Supreme Court Justices. Mr. Irvine criticized what he perceived to be the one-sided approach Mr. Dyckman took in his book and maintained that his client was innocent of any wrong doing.

### SHARING THE NEWS

We want to hear from you! Please email your information to [wgraham@flabar.org](mailto:wgraham@flabar.org).

This prompted a response from Mr. Ervin's lunch mate, Dexter Douglas, who also represented a Supreme Court Justice during the scandal. Mr. Douglas took issue with Mr. Ervin and delicately indicated that he thought the book was accurate. When Dexter Douglas concluded his remarks, James Russ, legendary criminal defense lawyer from Orlando stood up. Mr. Russ also represented a Supreme Court Justice in the case and he said in no uncertain terms that he thought Mr. Dyckman had the facts straight. Mr. Dyckman added, with a clearly sincere laugh, that one of the things he had feared the most during the entire ordeal was receiving a deposition subpoena from Jim Russ.

It was riveting to literally watch "history come alive" as these legendary attorneys publicly discussed their perspectives on this fascinating segment of Florida history. That isn't something that happens every day. Hopefully, next year's speaker and topic will be just as interesting. Don't miss it.

## Easley Wins Florida Bar Certification Promotion Excellence Award

By: Lisa M. Tipton, APR, The Florida Bar



*Photo caption: 2009 Excellence in the Promotion of Board Certification Award Winner Dorothy F. Easley and 2008-09 BLSE Chair Joni Armstrong Coffey at the BLSE's annual convention reception sponsored by Florida Lawyers Mutual Insurance Co. Photo courtesy of The Florida Bar.*

**TALLAHASSEE, July 10, 2009** – Dorothy F. Easley of Easley Appellate Practice PLLC in Miami has won The Florida Bar Board of Legal Specialization & Education's "Excellence in the Promotion of Board Certification Award" for 2009. The award recognizes excellence and creativity by a Florida Bar board certified lawyer or a law firm in advancing the public's knowledge of and appreciation for legal board certification. Easley's "Appellate Gourmet" blog and firm Web site promote board certification through excellent descriptions and commentary related to board certification and by their rankings in Internet search engines. The 2008-09 BLSE Chair, Joni Armstrong Coffey of Miami, presented the award to Easley at the BLSE's annual convention reception, sponsored by Florida Lawyers Mutual Insurance Co.

**Judge O. H. Eaton***...from first page*

As impressive as he has been as a trial court judge, Judge Eaton's work off the bench is perhaps even more impressive. He not only teaches our state court course on capital litigation, he teaches at the National Judicial College for judges from across the country. He served on, and chaired, the Supreme Court's Criminal Court Steering Committee. That committee has been instrumental in suggesting and drafting rule changes and providing other suggestions for the operations of criminal courts. Eaton served on, and chaired, the Criminal Procedure Rules Committee. For years he has been involved in numerous amendments to the rules of criminal procedure, often as a member of the committee but just as often simply as an interested, concerned jurist who takes the time to offer his comments. It is clear from several Supreme Court opinions adopting various rule changes that when Judge Eaton talks, the Supreme Court listens.

The most recent rule change Judge Eaton was involved in concerned the proposed amendment to require state attorneys and public defenders to attend first appearances. While Chief Judge of the 18<sup>th</sup> Circuit Eaton had recognized the importance of first appearances and the need for uniformity in the manner in which they are conducted. He implemented the publication of a handbook for first appearances that was distributed throughout the circuit detailing the responsibilities of trial courts, prosecutors and appointed counsel for handling first appearances in his circuit. When the issue came before the Rules Committee, Judge Eaton appeared at two different meetings, at his own expense, to champion passage of

the amendment. Some elected State Attorneys and Public Defenders opposed the rule change as too burdensome and expensive. Judge Eaton made short work of those arguments and the rule change was unanimously adopted by the Rules Committee on a Friday in June, 2008. That following Monday the United States Supreme Court ruled in a case out of Texas that failing to provide counsel to indigent clients at first appearances can subject local governments to civil damages under Section 1983. Judge Eaton was ahead of the curve on that issue.

The American Bar Association appointed Judge Eaton to a blue ribbon panel to study and report on the application and use of the death penalty in the State of Florida. The panel met, held hearings and gathered evidence for two years. It published its findings and conclusions in 2005. The study is available on-line at the ABA website. It is recommended reading for anyone with an interest in death penalty litigation.

Judge Eaton has worked tirelessly on criminal justice issues. He has never stopped being involved, never stopped trying to improve the system. For all his efforts, the Criminal Law Section was proud to present him the Selig Goldin Award for 2009.

We encourage everyone to be thinking about next year's award. Thoughtful nominations are welcome. If you know someone who deserves this recognition, please let us know.

**2009 Florida Bar General Meeting  
Criminal Law Section Executive Council Meeting  
September 11, 2009  
Tampa Airport Marriott**

Hotel Reservations can be made by calling 800-564-3440  
Room Rates: \$163.00, Group Code: **ILGR**, Hotel Reservation Cut Off: August 25th.

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