

# 50 Years of the First DCA

By Wendy S. Loquasto<sup>1</sup>



Tom Hall and I had the honor and pleasure of being part of the 50th anniversary celebration for the First District Court of Appeal held on Thursday, July 12,

2007, when we presented the court with a plaque from the Appellate Practice Section in celebration of the occasion.

The anniversary celebrations kicked off with an en banc ceremonial session of the court, for which Chief Judge Edwin B. Browning, Jr., presided. The First DCA's past was aptly represented by a host of retired judges, including Tyrie A. Boyer, Robert P. Smith, Jr., Larry G. Smith, Winifred L. Wentworth, James E. Joanos, as well as widows of the late Ralph W. Nimmons, Jr., J. Klein Wigginton, and E.R. "Dick" Mills, Jr. The Honorable Charles Wells also attended, bringing with him the congratulations from the Florida Supreme Court, as was Chief Judge David M. Gersten of the Third District and Judge Robert J. Pleus, Jr., of the Fifth District, whose father was one of the first three judges appointed by Governor Collins to the Second DCA in 1957. Raymond Rhodes, the First District's Clerk of Court for 30 years, took his seat of honor among the legal celebrities.

Bar and government dignitaries joined in the commemoration, including The Honorable Richard W. Ervin, III, who retired in December 2006 after an unsurpassed 30 years on the bench at the First District; Secretary of the Department of Children & Families Bob Butterworth, who, through his unprecedented four terms as Florida's Attorney General, employed a cadre of attorneys who appeared before the court; and newly installed Florida Bar President Frank Angones, who continues the Bar's commitment to preserving judicial independence. Judge of Compensation Claims

John Lazzara appeared on behalf of the Florida Workers' Compensation Institute to convey its thanks and praise for court's work in the workers' compensation realm, for which the First DCA has had exclusive appellate jurisdiction since 1979.

Presenting as the keynote speaker was Dr. James M. Denham, Director of the Center for Florida History at Florida Southern College, an award-winning historian and author who specializes in Southern and Florida history. Against a background of economic, social and political history, he unraveled the "often confusing and sometimes convoluted path to [the] creation" of the District Courts of Appeal in 1957. True to his promise, his comprehensive history included "heroes and villains (at least, sort of); regional warfare; farsighted vision and short term interest; backstabbing; problems galore; and more politics than you can shake a stick at." He began with Florida's first constitution, which prohibited the establishment of an independent appellate judiciary, instead calling for circuit court judges to sit as an appellate bench, and continued with the establishment of the Florida Supreme Court in 1851. Popular elections of the justices; poll taxes that excluded African Americans and poor whites from voting, thereby vesting electoral power in the affluent; control of governmental legislative power by the Panhandle and Pork Chop Gang in the face of tsunami-size growth of Florida's population in central and south Florida in the 1920s and then again in the 1940s and 1950s; the corresponding increase in appeals from 125 dispositions in the mid-1940s to 1,825 filed appeals in 1955, which the six-member supreme court was simply unable to process in a timely manner. Enter Governors Dan McCarty and LeRoy Collins, who together with Florida Bar leaders Horner Fisher, Robert Plois, and William McRae, and the advice of Justice Thomas Elwyn, formed the Judicial Council of Florida in 1953 and pushed its agenda forward, culminating in the passage of a constitutional amendment in 1956 that created the First, Second and

Third District Courts of Appeal.<sup>2</sup>

The celebration was capped off with banquet held at the University Center Club on Florida State University's campus. Hank Coxe, the immediate past president of The Florida Bar, emceed the event, commenting that three of the First District's judges have come from his firm (Bedell, Dittmar, DeVault, Pillans & Coxe, P.A): Robert P. Smith, Jr., the late E. Earle Zehmer, and Peter D. Webster.

The keynote address was given by Diane Roberts, who is an eighth generation Floridian, Professor of English at Florida State University, author, political columnist for The St. Petersburg Times, and commentator for National Public Radio. Ms. Robert's most recent book, *DREAM STATE: Eight Generations of Swamp Lawyers, Conquistadors, Confederate Daughters, Banana Republicans, and other Florida Wildlife*, presents Florida's history through her strange and varied politically prominent family in a hilarious fashion. She applied the same sense of humor and wit to her keynote address, which focused on judicial independence, by sprinkling gems of old-time Tallahassee wisdom and choice political morsels to the delight and laughter of those assembled, which included APS Chair Steve Brannock and immediate past Chair Susan Fox, as well as host of APS members.

All in all, the day's events were a worthy tribute honoring this significant milestone in the history of the First DCA.

## Endnotes

<sup>1</sup> Wendy S. Loquasto is a partner with Fox & Loquasto, P.A., a statewide appellate practice firm with offices in Tampa and Tallahassee. Upon graduating from Stetson University College of Law in 1988, she clerked for 15 years for The Honorable Richard W. Ervin, III, at the First District Court of Appeal. She is currently a member of the Executive Council of the Appellate Practice Section, Chair of the Section's Tallahassee Outreach Program, a member of the Florida Bar Journal and Editorial Board, and immediate past President of the Florida Association for Women Lawyers.

<sup>2</sup> To see Dr. Denham's history in full, visit the APS website at [www.flabarappellate.org](http://www.flabarappellate.org).