



Hon. Charles R. Wilson

Circuit Judge, U.S. Court of Appeals for the Eleventh Circuit

by Michael J. Hooi



After clerking for Judge Wilson, Michael Hooi joined Stichter, Riedel, Blain & Postler P.A., a boutique firm in Tampa, Fla., where he specializes in corporate bankruptcy and insolvency, out-of-court workouts, complex commercial transactions, and related civil litigation in trial and appellate courts.

Charles R. “Chuck” Wilson was barely two months into the job when a drowning three miles off the Florida coast caught the world’s attention—and led to an expedited appeal for the new Eleventh Circuit judge. It was the week of Thanksgiving 1999. A 17-foot boat built with aluminum tubes and propelled by a 50-horsepower outboard engine capsized. Eleven of the 14 aboard drowned, including the mother of the best-known survivor, Elián González, who was about to turn 6.¹

Over the next seven months, each level of the federal judiciary would weigh in on the high-profile international custody battle. Elián’s father in Cuba wanted his son back; Elián’s relatives in Miami wanted him to stay. The relatives brought an asylum suit on Elián’s behalf in the Southern District of Florida, which the district court dismissed.² They appealed, and an Eleventh Circuit panel including Judge Wilson affirmed the dismissal.³ The Supreme Court rejected the relatives’ last attempt to keep Elián in the United States, and he returned to Cuba.

Wilson was born in 1954 in Pensacola, Fla., where his father, a lawyer, worked during the civil rights movement to desegregate public places. Although Wilson says that he was too young to understand much of what was happening at the time, he can say that he developed an early respect for the law. He remembers his first visit to a courthouse as a 7-year-old. His father introduced the future judge to colleagues as his bodyguard. When Wilson was 8, he moved to Tampa.

Growing up, Wilson attended Catholic schools, which, he says, meant that the University of Notre Dame was on his radar. He recalls how he felt when he arrived on its campus during a summer college tour: “I saw that golden dome shining against that bright blue sky, and that was all she wrote!” His Fighting Irish classmates included defensive end Daniel Ruettiger, better known as Rudy, who inspired the 1993 movie that would become one of Wilson’s favorites. After college Wilson stayed at Notre Dame for law school, becoming a Double Domer.

As Wilson graduated from law school in 1979, Florida Supreme Court Justice Joseph Hatchett made history when he was confirmed as the first black judge



of the Fifth Circuit. He hired Wilson as a law clerk. After the clerkship, and just before Judge Hatchett was reassigned in 1981 to the newly created Eleventh Circuit, Wilson became an assistant Hillsborough County attorney in Tampa.

But Wilson was eager to try cases and develop a law practice. So he took out a \$10,000 bank loan and hung out his own shingle. He believes that spending five years as a sole practitioner was one of the best things he did as a lawyer. He tried civil and criminal cases in state and federal court. His practice also took him to bankruptcy court, family court, probate court, and the Social Security Administration. He served on the Florida Bar Young Lawyers Division Board of Governors and as president of the Hillsborough County Bar Association Young Lawyers Division. These opportunities to serve early in his career remain special to him.

Although Wilson did not have judicial aspirations when he began his legal career, his general practice prepared him for the opportunities that would come. When now-Senior U.S. District Judge Susan Bucklew vacated her seat on the Hillsborough County Court in 1986, then-Chief Judge Guy Spicola encouraged Wilson to apply for the judgeship. He did, and so began his judicial service, first in state court and later in federal court.

While serving as a U.S. magistrate judge in the early '90s, Wilson received a call from the attorney general of the United States. Janet Reno reached out to recruit him to become the U.S. attorney for the Middle District of Florida, an office that was in chaos at the time.⁴ Unwilling to turn down the call to serve his country, he accepted President Bill Clinton's nomination. Wilson has been credited for improving morale at the office and turning it into a well-regarded place under his watch.

Wilson had been serving as U.S. attorney for five years when President Clinton nominated him for another job. Judge Hatchett was retiring from the Eleventh Circuit, and Wilson was tapped to replace his old boss. In 1999, 20 years after beginning his service as a law clerk, Wilson was confirmed as a U.S. circuit judge.

Wilson approaches judging with impartiality, collegiality, and efficiency. He has no opinions that he cannot set aside when he is to decide a case. Appellate judging, he adds, is a team effort. Reaching a decision involves persuasion not only by counsel but also among the judges themselves because the support of at least two, and sometimes seven, is typically required. Wilson notes that the judges of his court strive for consensus as they consider not only the parties' positions but also each other's views in developing the decisional law of the circuit.⁵ He recognizes that in every case, the parties are waiting. He thus considers it his obligation as a judge to be decisive and avoid sitting on the fence. After studying a case, he makes his decision, writes an opinion when assigned or when necessary, and moves on. For Judge Wilson, efficiency and producing a good opinion are not mutually exclusive. Indeed, one of his 2017 opinions was chosen by The Green Bag as an exemplar of good legal writing.⁶

Wilson is loyal fan of his alma mater. He and his wife, Belinda, a retired banker who specialized in private-wealth management, have two daughters, Courtney and Kendall, who are Notre Dame alumnae and lawyers. He continues to follow the Fighting Irish closely, and he has given back to that community by serving on Notre Dame Law School's Advisory Council.

Judge Wilson is known to avoid drawing attention to himself. His name, for example, does not appear on the marquee of the Sam M. Gibbons U.S. Courthouse in Tampa, where he keeps his chambers. Because the Eleventh Circuit does not regularly hear cases there, he considers himself only a guest of the courthouse.

Judge Wilson enjoys mentoring young lawyers. In the year I clerked for him, he engaged his staff not only in the work of the court but also in outside interests, including sports and books. Besides taking his staff out on birthdays and other special occasions, Judge Wilson would join us for lunch when he was available at the kitchen table in his chambers. He would often share local history and have a Cuban sandwich. He would challenge us not only to hone our skills by giving us a lot of responsibility over the cases but also to run against him in the annual Gasparilla 15K in Tampa. In a rare departure from

his usual humble demeanor, he would point out that he has beaten most of us.

This September Tampa hosts the 2019 Federal Bar Association Annual Convention. So for fun, I have asked Judge Wilson to weigh in on two local controversies. Note that these are just advisory opinions from an Article III judge. You know what that means.

The first may seem too basic to be controversial: What is a person from Tampa called? Leading contenders have been Tampan, Tampanian, and Tampeño. Although Judge Wilson sides with "Tampanians," the city's identity crisis persists.

The second is an intrastate controversy. A variation of a ham-and-cheese sandwich, the Cuban sandwich was developed in cafes catering to Cuban workers in Key West and Ybor City, which is now a Tampa neighborhood whose early settlers included Italian and Spanish immigrants. Cuban exiles and expats later took the sandwich to Miami. Both sides of the controversy agree that ham, roasted pork, Swiss cheese, pickle, and mustard belong between the slices of bread. But what about salami? Following Tampa's position, Judge Wilson says, "It's not a Cuban sandwich without [it]." Miami respectfully dissents.

This September also marks Judge Wilson's 20-year anniversary on the Eleventh Circuit bench. He has made it his life's work to serve his local community, state, and country. Here's to his next 20 years of service and beyond! ☺

Endnotes

¹Antonio Rafael de la Cova provides more details in his article *The Elián González Case: The World's Most Watched and Politically Charged Custody Battle that Reached the U.S. Supreme Court and Determined a Presidential Election*, 18 HARV. LATINO L. REV. 151 (2015), <http://www.latinamericanstudies.org/academic/HLLR-Spring-2015.pdf>.

²*Gonzalez Ex Rel. Gonzalez v. Reno*, 86 F. Supp. 2d 1167 (S.D. Fla. 2000).

³*Gonzalez v. Reno*, 212 F.3d 1338 (11th Cir. 2000).

⁴For a more detailed account, see JAMES M. DENHAM, FIFTY YEARS OF JUSTICE: A HISTORY OF THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA 243-47 (2015).

⁵For more on how the court develops the law of the circuit through its opinions, see Hon. Charles R. Wilson, *How Opinions Are Developed in the United States Court of Appeals for the Eleventh Circuit*, 32 STETSON L. REV. 247 (2003), <https://www.stetson.edu/law/lawreview/media/how-opinions-are-developed-in-the-united-states-court-of-appeals-for-the-eleventh-circuit.pdf>.

⁶Judge Wilson was a 2017 Honoree, Judicial Opinions Concurring or Dissenting, for *United States v. Vail-Bailon* (858 F.3d 1293 (11th Cir. 2017) (en banc) (Wilson, J., dissenting)). See *Exemplary Legal Writing*, GREEN BAG ALMANAC & READER, http://www.greenbag.org/green_bag_press/almanacs/almanacs.html (last visited June 3, 2019).