



by Richard S. Dellinger

# The Middle District of Florida Celebrates 50 Years

Oct. 29, 2012, marked the 50th anniversary of the creation of the Middle District of Florida, which was celebrated at the district's 50th Anniversary Dinner and Academic Symposium. The event began by commemorating the service of the longest serving Middle District Court Judge, Senior U.S. District Judge George C. Young and ended with a glimpse toward the future of the district court with presentations by law reviews from three Florida law schools. On the first evening of the event, the attendees watched on video an oral history of Judge George C. Young prepared by the *Florida Law Review* and the unveiling of a bronze bust of Judge Young, who also was in attendance. The bronze bust will be displayed publicly in the Orlando Federal Courthouse. The next day, attendees enjoyed a day-long academic symposium which highlighted major events in the district. After welcome remarks from Chief Judge Anne C. Conway, Florida Southern University's Prof. Michael Denham discussed how "roving" federal judges from the northern and southern districts handled federal cases in central Florida prior to formation of the middle district in 1962.

After Professor Denham's remarks, Chief Bankruptcy Judge Karen S. Jennemann introduced a panel to speak about major civil cases in the Middle District of Florida. Veteran practitioner Sylvia Walbolt of Carlton Fields PA researched the 50 years of civil cases, provided the background to the panelists, helped organize the presenters and then peppered Judge Susan Black and Judge Harvey Schlesinger with questions about their knowledge of the selected civil cases. The U.S. Court of Appeals for the Eleventh Circuit Senior Judge (and former Middle District Chief Judge) Susan Black discussed major prison overcrowding cases handled in the Middle District of Florida, including pictures of the overcrowded and unsanitary conditions in the prisons and successes of the middle district in alleviating the overcrowding. Senior Middle District Judge Harvey Schlesinger spoke about admiralty cases in the district, including the cases associated with the collapse of Tampa's Skyway Bridge.

After the civil panel, Magistrate Judge Anthony Porcelli introduced a distinguished panel who spoke about major criminal cases in the district. Senior Judge William Castagna provided a firsthand account of the district court's handling of the true mafia story chronicled in the 1997 movie "Donnie Brasco." Prof. Robert Batey spoke about the expansion of federal criminal jurisdiction since the creation of the district. Former Eleventh Circuit Judge Joseph Hatchett (now

with Akerman Senterfitt, LLP) provided some insight into how the practice has changed in the district. Former Judge Hatchett spoke about how many years ago all lawyers were expected to take criminal appointments, formal plea bargaining was nonexistent, and discovery was historically achieved by ambush.

In one of the most moving speeches of the day, Senior Judge William Terrell Hodges spoke about segregation and integration in the Middle District of Florida. Judge Hodges reminded participants that his first case was a school desegregation case and that the case spanned his entire career as a judicial officer. He noted that unlike other areas of the South, the public schools were integrated with no violence with the help of the Middle District Courts. Judge Hodges' speech was inspirational for those in attendance and brought a standing ovation from over 150 judges, attorneys, and court staff.

Attendees also heard from civil rights attorney William Sheppard who spoke about his work in civil rights and his experience as a law partner with Judge Henry Lee Adams Jr., who then joined Sheppard on stage for questions from the audience. Students from the law reviews at the University of Florida, Florida State University, and the University of Miami presented case comments that the students had prepared relating to cases decided during the district's 50 years.

On behalf of the University of Florida: Lauren Millcarek spoke about the 1970 case of *Harvest v. Board of Public Instruction of Manatee County*, which held Florida Gov. Claude Kirk in contempt of court; Olga Bandera spoke about the 1971 case of *Mims v. Duval County School Board*, which decreed that the Duval County schools would be integrated; Mariko Shitama spoke about the 1975 case of *Costello v. Wainwright*, which forced the Florida Department of Corrections (by injunction) to alleviate overcrowding; Zach Smith spoke about *American Waterways Operators, Inc. v. Askew*, where a three-judge panel from the Middle District of Florida found that Florida's attempt to regulate oil spills was pre-empted by federal law; and Cem Akleman talked about the 1972 decision of *American Yearbook Co. v. Askew*, which held that Florida could constitutionally mandate that school textbooks be manufactured in Florida.

On behalf of Florida State University: Tara R. Price passionately defended Judge Howell Melton's 1991 finding that pornography displayed at the Jacksonville Shipyards constituted an illegal, hostile work environment for a female dock worker in *Robinson v. Jack-*

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*Richard S. Dellinger is an FBA vice president for the Eleventh Circuit and former president of the Orlando Chapter of the FBA. Dellinger, a partner with Lowndes, Drosdick, Doster, Kantor and Reed, P.A., practices in the area of complex litigation, including intellectual property and business litigation. This article was previously published in the Eleventh Circuit Historical News and the Orange County Bar Briefs.*





At the Middle District of Florida 50th Anniversary Celebration—(left photo, l to r) Chief Judge Karen Jennemann, Professor Michael Denham, and Richard Dellinger, FBA vice president for the Eleventh Circuit; (right photo, l to r) Magistrate Judge Anthony Porcelli, former Judge Joseph Hatchett, Senior Judge William Castagna, and Stetson Law Professor Robert Batey.

*sonville Shipyards, Inc*; Patrick Fleming spoke about how Judge John Moore rightfully found in 1983 that a school teacher could not be terminated for having tuberculosis in the case of *Arline v. School Board of Nassau County*; Alexandra Moore spoke about Judge George C. Carr’s finding that requiring literacy tests for public school attendance is a violation of the Fourteenth Amendment in *Debra P. v. Turlington*; Ben Eisenberg presented an interesting analysis of Judge Schlesinger’s 1993 finding in *Playboy Enterprises, Inc. v. Frena* that a webhosting company could be held strictly liable for allowing infringing materials to be uploaded onto its website by third parties; and Seth Welner introduced a complex analysis of the Securities and Exchange Act through discussion of Judge Elizabeth Kovachevich’s refusal to extend a private right of action to securities disputes that are traditionally handled in arbitration proceedings in *Raymond James & Associates, Inc. v. NASD*.

Finally, on behalf of the University of Miami: Emily Horowitz and Erika Pagano gave a creative skit and presentation concluding that Judge Mary Scriven reached the right decision in 2011 in *Shelton v Secretary Department of Corrections* that drug offenses are not strict liability offenses and they must have some element of *mens rea*;

Sam Wardle discussed *United States v. Lyons*, a case which received national headlines in 2010 due to government misconduct and the ultimate finding of actual innocence for the convicted defendant; Brian Stewart talked about the commercial misappropriation and invasion of privacy claims associated with the movie *The Perfect Storm* in the 2002 case of *Tyne v. Time Warner Entertainment Co.*; and Nicholas E. Williams discussed how the bankruptcy courts could constitutionally hear adversary proceedings associated with bankruptcy cases as “core proceedings” according to *In re Safety Harbor Resort & Spa*.

The symposium event was the culmination of the five-year plan of the Middle District of Florida Historical Committee to preserve history and educate the public. The committee was composed of a number of Middle District of Florida judges and members of the bar. The committee was formed to preserve the history of the Middle District of Florida Courts, develop training programs for outreach, collect oral histories, prepare historical educational materials, and design a website to deliver items of historical significance to the public. For more information on the 50th anniversary event and the Middle District of Florida Historical Society, please see [mdflhistoricalcommittee.com/academic-symposium](http://mdflhistoricalcommittee.com/academic-symposium). ©



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