

**J**udge Gregory A. Presnell has been a prominent member of Florida's legal community since beginning his practice in Orlando, Fla., in 1966. Judge Presnell was appointed in 2000 by President Bill Clinton, and his ascent to the federal bench was the natural consequence of his distinguished career in the law.

A native son of Florida, Judge Presnell was born in St. Petersburg in 1942. His mother raised him alone until his father returned from fighting in World War II. As a child, Judge Presnell was a Boy Scout and achieved local celebrity through his appearance on the local children's television program "Scout Salute." Throughout his school years, Judge Presnell enjoyed competitive public speak-

ing. He honed his speaking skills for 15 years before he enrolled in the College of William and Mary in 1960.

After graduating with a B.A. in economics in 1964, Judge Presnell set out for law school at the University of Florida, where he first met longtime friend and colleague Tom Cardwell. The two men served on moot court and Law Review together and, upon graduation, ultimately decided to work for the same law firm. After graduating from law school with high honors and serving briefly in the Army Reserve, Judge Presnell settled into his fledgling legal career at the Orlando firm of Akerman Senterfitt & Eidson in 1967. Judge Presnell reflects fondly on that time. "Tom and I shared an office together the size of a storage closet during those pre-Disney days when Orlando was still a sleepy, agricultural community." Tom Cardwell recalls that Judge Presnell was famous for his organizational skills and attention to detail. Commenting on Judge Presnell's character, Cardwell describes Judge Presnell as "a person whose first instinct is always to do the right thing, who cares about other people and how the things he does will affect others."

It did not take long for Judge Presnell to distinguish himself as a commercial litigator, representing an impressive array of clients and causes throughout his career. In addition to representing Major League Baseball, Judge Presnell was involved in fierce litigation that threatened to thwart the building of Orlando International Airport, the construction of which ultimately paved the way for Orlando's dynamic growth into a top tourist destination. During

his tenure with the firm, Judge Presnell was the managing shareholder of Akerman Senterfitt for six years, guiding the firm through widespread expansion and growth. Judge Presnell remained with the firm until he was appointed to the bench in 2000.

Despite his busy legal career, Judge Presnell always found time to give back to the community he loved. As president of the Orange County Bar Association in 1975, Judge Presnell championed the cause of providing access to legal services to the poor. Judge Presnell used his position as president of the Orange County Bar to push through an initiative to earmark a portion of court filing fees to fund legal aid and a mandatory pro bono require-

## *Hon. Gregory A. Presnell*

### *U.S. District Judge, Middle District of Florida*

By Marilyn G. Moran



ment for all members of the local bar. Judge Presnell was also responsible for founding Greater Orlando Area Legal Services, served as president of Florida Legal Services Inc., and was a member of the board of governors of the Florida Bar.

To all who know him, Judge Presnell is renowned for possessing the twin traits of impeccable character and impressive skill as a litigator. A consummate teacher and philosopher, Judge Presnell shared his wealth of knowledge with the greater legal community by serving as the chair of the Business Litigation Certification Committee of the Florida Bar. He has received many awards honoring his outstanding achievements and commitment to public service, including the President's Award of Merit given by

the Florida Bar in 1992 and the William Trickett Jr. Professionalism Award in 1996.

As good fortune would have it, Judge Presnell met and later married Cecelia Bonifay, a shareholder at Akerman Senterfitt. They have been married for 18 years. Judge Presnell and Cecelia love the outdoors, especially enjoying an afternoon boating on the warm salt waters of the Gulf of Mexico near their home. Judge Presnell also enjoys spending time with his three sons — Pearce, Bryan, and Russell.

For five years now, Judge Presnell has proudly donned the black robe and all the awesome responsibility it brings. Not afraid to take a bold stance, Judge Presnell was one of the first federal district judges to rule that the U.S. Sentencing Guidelines were unconstitutional. Accord-

ing to Judge Presnell, the decision was necessary, because "federal sentencing guidelines, as they have been adopted and implemented, are another indicia of the waning independence of the judiciary and have rendered judges meaningless participants in the sentencing process." The U.S. Supreme Court agreed, finding the guidelines unconstitutional in its recent landmark decision in *United States v. Booker*, \_\_\_ U.S. \_\_\_, 125 S. Ct. 738 (2005).

During his time on the bench, Judge Presnell has grappled with many important issues. Perhaps the most significant issue to Judge Presnell, however, is the current funding crisis affecting the U.S. judiciary. Judge Presnell is concerned about what he sees as the erosion of judicial independence as a result of the lack of funding. "Our history is pretty clear that the judiciary is supposed to be a co-equal branch — a check and balance on the other two. In order to function, the judicial branch must be adequately funded," Judge Presnell warns. He has raised public awareness of this pressing issue by speaking at seminars and conferences, where he urges federal practitioners to push for legislative action to end the funding crisis.

Giving due credit to his excellent staff, Judge Presnell describes his chambers as both accessible and efficient. Procrastination is not a word in his vocabulary, and he strives to move cases fairly yet expeditiously through the court process. Judge Presnell is a trial lawyer's judge. Through his own experience trying cases, Judge Presnell is attuned to the issues facing the attorneys who litigate cases before him. Although he is generally pleased with the quality of attorneys he sees in his courtroom, Judge Presnell offers a few words of advice for those appearing before him. "I can tolerate just about anything, but there are two traits of a lawyer that I hold in great disdain — lack of adequate preparation and misrepresenting the facts or the law to the court."

When asked what he likes about being a judge, Judge Presnell answered that he enjoys the variety and the challenging nature of the work and likes working with motivated, conscientious, and bright law clerks, whom he mentors to become great lawyers. One may not know, based on his scholarly and dignified presence, that Judge Presnell also has a penchant for whimsy. Judge Presnell created a unique tradition to honor and remember his law clerks: having them forever memorialized in colorful caricature portraits that line the hallway leading to the judge's chambers.

A Renaissance man, Judge Presnell has interests that span many intellectual pursuits. He is a prolific reader, who is fascinated by the pursuit of knowledge and expansion of his experience. Since taking the bench, Judge Presnell has taken Italian lessons and studied astronomy, philosophy, and history, to name but a few of his many



Judge Presnell and his staff in his law library (l to r): Tomlyn Wright, Fritz Vermuth, Judge Presnell, Anita Justin, Laina Wilk, and Diane Peede.

interests. These pursuits add depth and character to his work and occasionally prompt direct historical references in his legal opinions. For instance, Judge Presnell found a disturbing similarity between the evidence — testimony of convicts seeking reduced sentences — used in *United States v. Lyons*, 352 F. Supp. 2d 1231 (M.D. Fla. 2004) and evidence that led to the wrongful conviction and execution of Capt. William Kidd in London in 1701. *See id.* at 1237 n. 8.

In a foreshadowing of days to come, during the early years of his career, Judge Presnell was appointed by a federal judge to represent a criminal defendant charged with postal crimes. That federal judge was none other than George C. Young, whose name now adorns the George C. Young U.S. Courthouse in Orlando, where Judge Presnell proudly and honorably metes out justice each day. **TFL**

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