

domestic relations cases and some uncomplicated civil matters, and in nearly all instances he had succeeded in producing a settlement between the parties to be confirmed by a court order.

Several Blountstown attorneys appeared regularly in Liberty County. Blountstown and Bristol are only four miles apart and almost face each other across the Apalachicola River. Each is a county seat. Bristol is Liberty's seat, and Blountstown is the courthouse site for Calhoun County. However, they are in separate circuits. Occasionally the county judge in one county or the other would be unable to hear a case and there would be a need to assign a county judge from another county to handle the matter. The chief judge of a circuit has the authority to assign a county judge within that circuit to act in a county in which the resident judge is unable to act. However, when either Liberty or Calhoun needed another county judge, it was more convenient and economical to have the Supreme Court assign the judge from the other county, as it would involve only a four-mile drive across the river bridge.

When I received the calendar on Wednesday afternoon of the matters coming up the next day I was especially interested in whether a particular Blountstown lawyer was involved in any of the cases. If he was, I would deliberately arrange to be ten minutes late for the appointment and almost invariably

he would succeed in reaching a settlement of his case (or cases).

Liberty County is unique. Its citizens are doggedly independent, yet most of them are conscientious and dependable. They are down to earth and unpretentious and possess a great store of common sense and basic respect for decency and fairness. I always enjoyed going there. A fine fish dinner at either of two nice eating places was the usual aftermath of the Thursday morning hearings.

My visits to Franklin County were very special. My deep friendship for Clerk of the Court Robert L. Howell, as well as attachments made to other officials and quite a number of the citizens, enriched my sojourns there. It was not just the alternate Tuesday hearings that brought me there. I tried quite a few cases, both civil and criminal, in Franklin County. The noon meals on the days I was there featured the superb seafood available from that industry which flourished there. The Grille, The Hut, and Maud's (at East Point) all had excellent bills of fare. The Franklin County attorneys in my first years on the bench included Jay Shuler, Bourke Floyd, R. Don McLeod, and his son, Eldon McLeod. Later there were a number of others, but those named were the ones I contacted in the summer months of 1957. However, lawyers from Port St. Joe, Panama City,

Blountstown, and Tallahassee also appeared with considerable regularity.

The janitor in the courthouse at Apalachicola was a Mr. Tucker, an elderly white man who had excellent contacts with the seafood houses on the river front. One day when I had a calendar of hearings which was to carry me until nearly five o'clock in the afternoon, he sent word requesting that I come by the boiler room before leaving to return to Tallahassee. I complied and found that he had obtained two bags of oysters which were naturally cold because the weather was that way and they had not been iced. He had a two-by-six piece of timber resting on two sawhorses, and had shucked a quantity of oysters to be eaten from the half shell. He had the condiments of catsup, pepper vinegar, Worcestershire sauce, and lemon juice within handy reach, as well as quantities of soda crackers. Cold soft drinks were also on hand. I was invited to eat my fill and proceeded to do so, consuming some three or four dozen raw oysters before quitting. There were a number of the courthouse personnel there also.

I related this incident to my colleague, Judge Hugh Taylor, who was a veteran of such things, and he promptly informed me that I had at last been accepted in Franklin County. Until a new judge or prosecutor had passed Mr. Tucker's standards, he was not invited to eat oysters with him in

the boiler room. I was told that until "Tuck" shucked oysters for you in the boiler room you were strictly on probation. I was elated to achieve this acceptance.

When there were court trials or other extended procedures requiring several days in Apalachicola, I arranged to stay at the old Gibson Hotel located almost directly across the street from the courthouse. At those times, in 1957 and the years closely following, these occasions also brought the state attorney, William D. Hopkins, the assistant state attorney, Harry Morrison, a number of other aides and investigators of the prosecutor's office, the official court reporter, Frances Thigpen, and a number of others, including lawyers and witnesses who were involved in matters to be heard in court. Nearly all of these persons also stayed at the Gibson Hotel. This hotel was old and famous and at one time had featured a fine dining room. However, at the time I first came there it was not at all fancy and did not serve meals. It had a barroom which was well attended in the evening (but not by me!). The proprietors were Joe and Clara Riscamm who were originally from "up North." They were most hospitable. The rooms and the hotel generally were clean with adequately functioning plumbing and comfortable beds. The walls were rather thin and sound carried rather too well from room to room. However, I was not disturbed to any extent and concluded after the first night that I

had really had a restful evening. However, that morning as I had come down to walk the short distance up the street to have breakfast at the Grille, Clara accosted me and said that I must have had an uncomfortable night as she had heard me tossing and turning during the night. The Riscamms' bedroom was directly below my room and apparently any movement sounded through the thin floor as well as thin walls. I assured her I felt very rested and was not aware of any manifestations of discomfort.

There were many other pleasant experiences in these times. I learned to love the county, its people, and the rich opportunities of observing their charm. The seafood was always a treat and I looked forward to going there. It was not all fun and games. Some of the most difficult and agonizing cases I had to deal with were there and, I spent many anxious hours there from time to time. However, I always felt that whatever the difficulty the people and their officials were prepared and determined to deal with it fairly and firmly.

The 1960s witnessed the completion of a new annex to the courthouse in Tallahassee in which there were three courtrooms on the third floor and one on the second floor. Judges' offices were on both floors with circuit suites on the third floor and county judges on the second. There were many improvements. Prior to that time there was only one courtroom which was shared by circuit and county judges. This was in the old part of the courthouse and after the new part was finished, that courtroom was converted to other uses.

The completion of the new courtrooms brought about some other significant changes. As the dedication of the new courtrooms approached, the Tallahassee Bar proposed to present to each of the trial judges a robe to be worn during trials. Sessions of court were not attended by a ceremonial opening and judges did not wear robes then. When court commenced it consisted of nothing more than the judge walking in, mounting the bench and then directing the bailiff to call order in court. The call "order in court" would be sounded and all would take seats and stop talking, put out cigarettes and cigars and the court would proceed to its business. Supreme Court Justices had only begun wearing robes when the new Supreme Court building was completed and occupied in the early 1950s. The trial judges felt that they should not take the initiative to inaugurate the robing of judges and the formal opening of court with all persons standing when the judge entered the courtroom. It was feared that the public would view such a move on the judge's part as egotistical and self-aggrandizement. However, when the Bar took the initiative it was evident that the public was pleased. Federal judges and state appellate jurists had been robed and attended by ceremonial standing upon entry to the courtroom.

Even after the robes and rising upon entry procedure was established in Leon County, it did not immediately follow in the other counties. However, it wasn't long

before it became evident that the public in all counties did want a clear showing of respect for the courts and in response to this concern, robed judges and ceremonial openings prevailed in each county in both circuit and county courts. The respective other counties purchased robes for their county judges. There was a clear manifestation that both the lawyers and the lay public in all the counties preferred and even demanded that the courts be conducted in a dignified manner with indicia of solemnity. As one person expressed it, the people want the courts to be so conducted that those in attendance realize that important matters are involved and are being addressed with a serious purpose of achieving a just conclusion.

The Sixties were featured in some measure of anxiety with civil rights agitation and demonstrations. Litigation developed in the courts in the form of injunction proceedings to prevent interference with business operations and in criminal charges of trespass and the like in demonstrations at the jail. Violations of injunctions brought on contempt proceedings. Tensions were at times high, but calming influences from responsible partisans on both sides, professional police and sheriffs department activity and significantly, a high standard of journalism in the editorials of Mr. Malcolm Johnson, then editor of the Tallahassee Democrat, served to prevent any serious violence. There was not even a bloody nose that resulted. Recognition of the right to picket within guidelines, which permitted an opportunity to deliver to the public a message but prevented disruption of other activities, seemed to be received by all as a calming influence. The enactment in 1964 of the Civil Rights Bill by Congress led to a resolution of many of the civil rights fields of dispute.

Also in the Sixties and continuing into the Seventies were the filings of many eminent domain proceedings involving the acquiring of much valuable private property for public purposes. Suits were filed in Leon County to widen both East and

West Tennessee Streets, to widen to four lanes U.S. Highway 27 North from Tallahassee to the Gadsden County Line, the establishment of Capital Circle, also referred to as the Truck Route, and the acquisition of right-of-way for Interstate 10 from the Gadsden County line to the Jefferson County line. Also, I-10 involved suits in Gadsden and Jefferson Counties. I tried a great many of these cases, but Judges Taylor, Walker and McCord also tried a number of them.

AMENDMENTS TO ARTICLE V, EFFECTIVE IN 1973

The really extensive change came about as a result of the adoption of amendments to Article V of the State Constitution by which the entire structure of the trial court system was vastly changed. Prior to the amendments going into effect in January, 1973, there had been a number of courts other than the circuit and county, or county judge's courts. There was even a difference in the county court level in the various counties. A "county court" was a court of record which had jurisdiction in civil cases up to \$500 and the same other jurisdictions as "county judge's courts," which had civil jurisdiction of \$100. These courts had jurisdiction over misdemeanors, forcible entry and unlawful detention of lands, and probate and guardianship matters. Also, these courts acted as juvenile courts, unless a separate juvenile court was created by law. In Gadsden and Jefferson Counties there were county courts, but in the others, including Leon, county judge's courts were in effect. In 1971 (Chapter

71-475, Laws of Florida, 1971) there was created for Leon County a Felony Court of Record which had jurisdiction of all non-capital felonies. Judge James Joanos was appointed to this judgeship. Justice of the Peace Courts had also been authorized since 1885 and even before then, and in all counties except Leon exercised some degree of activity. However, in Leon abuses inherent in the fee system resulted in the election in the 1940s of a Justice of the Peace and Constable who promised, if elected, to be utterly inactive.

There had been a movement for a number of years to restructure the trial court system. It was indeed a hodge-podge with the Constitution being frequently amended to accommodate some local real or fancied need. There were criminal courts of record, felony courts of record, civil courts of record, court of record of Escambia County, justice of the peace courts, juvenile courts, and, in the various incorporated cities and towns, municipal courts. In many of them it was from the collection of fees and fines that the expenses of the court, including compensation for judges and other officers, were drawn. There were many abuses arising from this system. This generated from the press and public generally an active indignation and demand for reforms. The term "cash register justice" was frequently employed in oratory and editorial as a stigma which must be removed.

Also, many thought that there was a misallocation of responsibility in the conferring on juvenile courts such

a broad authority over juveniles, while in cases where adults were involved in the same type of misconduct, only the circuit court could act. It was also perceived that probate and guardianship matters were of such complexity and importance that jurisdiction in those areas should be vested in the circuit court. Governor Askew took an interest and urged the changes and the Legislature submitted the proposed amendments which were voted on in the general election in 1972. It was then ratified and became a part of the Constitution effective at 11:59 a.m., Eastern Standard Time, January 1, 1973.

The changes primarily created a two-tier trial court system with jurisdiction vested in a circuit court and in a county court in each county. All other courts were abolished and their jurisdiction vested in the surviving courts.

The Article V amendments also effected a massive restructure of the trial court system. It affected not only the trial judges, but all of the support personnel. There were significant changes in the duties of the offices of state attorney and public defender. The state attorney became responsible for prosecutions of misdemeanors and juvenile court charges. The public defender became responsible for representing indigents in all courts. Previously, both of those offices had only been involved in felony cases in the circuit court.

Duties of reporting cases in juvenile court, and more frequently than previously in county courts, increased the