

>> GOOD AFTERNOON.

I'M RICKY POLSTON, THE CHIEF JUSTICE OF THE FLORIDA SUPREME COURT, AND WE'RE HERE TODAY TO HONOR JUSTICE BEN F. OVERTON FOR HIS JUDICIAL SERVICE, FOR THE GREAT WORK HE HAS DONE ON BEHALF OF THE STATE OF FLORIDA, AND TO HONOR HIM AND HIS MEMORY AND THE WORK HE HAS DONE.

WE'RE GOING TO HAVE SOME SPEECHES OR SOME COMMENTS TODAY FROM SANDY D'ALEMBERTE, JUSTICE McDONALD AND GOVERNOR ASKEW, AND I WOULD FIRST LIKE TO RECOGNIZE MEMBERS OF THE FAMILY WHO ARE HERE WITH US TODAY.

WE APPRECIATE THEIR BEING HERE AND DISTINGUISHED GUESTS WHO ARE TOO MANY TO ACTUALLY NAME. STAFF LAWYERS OF JUSTICE OVERTON WHO SERVED IN THIS COURT AND STUDENTS THAT HE HAS TAUGHT IN LAW SCHOOL, PLEASE STAND.

THANK YOU FOR BEING HERE.
YOU MAY BE SEATED.

I HAD THE GREAT PLEASURE OF GETTING TO KNOW JUSTICE OVERTON, ACTUALLY NOT WHEN HE WAS ON THE BENCH BUT AFTERWARDS, AFTER HE RETIRED AND I HAD THE HONOR OF ENTERING AN ADMINISTRATIVE ORDER ON JULY 26 WHICH WAS THE CONTINUATION OF HIS BEING A SENIOR JUSTICE OF THE COURT. IN 1999 WHEN HE RETIRED, EVER SINCE THEN CONTINUOUSLY HE WAS A SENIOR JUSTICE OF THE FLORIDA SUPREME COURT, AND I HAVE HIS LETTER THAT HE SENT BACK EARLIER THIS PAST YEAR, FEBRUARY 23rd, APPLYING FOR THAT AND THE COURT UNANIMOUSLY APPROVED THAT AND ENTERED, I ENTERED THE ADMINISTRATIVE

ORDER ON JULY 26th.

JUSTICE OVERTON REGULARLY
TAUGHT AT THE UNIVERSITY OF
FLORIDA AS MANY OF YOU WELL
KNOW.

HE TAUGHT FLORIDA
CONSTITUTIONAL LAW AND WOULD
BRING HIS CLASS TO THE COURT TO
LISTEN TO ORAL ARGUMENTS EVERY
YEAR.

JUST THREE MONTHS AGO, IN
OCTOBER HE WAS HERE WITH HIS
CLASS LISTENING TO ORAL
ARGUMENTS AND AT THE NOON HOUR
HE WOULD BRING THE CLASS NOT TO
TALK ABOUT THE CASES THAT WERE
ARGUED BUT TO TALK ABOUT THE
PAPERS THAT WERE BEING WRITTEN
BY THEM IN THEIR CLASS AND THEY
WOULD TALK ABOUT THE DIFFERENT
ISSUES THAT THEY WERE
ADDRESSING AND I SAW JUSTICE
OVERTON'S EYES JUST LIGHT UP.
HE WAS SO ENGAGED ABOUT THE
LEGAL ISSUES THEY WERE
DISCUSSING.

HE LOVED TEACHING.

HE LOVED DISCUSSING THE LAW.
HE WOULD PULL ME ASIDE AT THE
DISTRICT COURT OF APPEAL
CONFERENCES AND DIFFERENT
EDUCATIONAL EVENTS AND TALK TO
ME ABOUT THE GOVERNANCE OF THE
BRANCH.

HE WAS VERY ENGAGED INTO TO
WHAT IS GOING ON WITH THE
GOVERNANCE ISSUES THAT WERE
BEFORE THE COURT.

NOT PARTICULAR CASES BUT JUST
LEGAL ISSUES.

HE LOVED THE LAW AND HE LOVED
TALKING ABOUT IT.

SO I HAD GREAT CONVERSATIONS
WITH JUSTICE OVERTON AND I WILL
MISS HIM AND THIS BRAIN MUCH
WILL MISS.

IT IS ONLY FITTING WE HONOR HIM
IN THIS COURT, IN THIS COURT
THAT HE LOVED AND THAT'S WHAT
WE'LL DO TODAY.

WE'LL HAVE SANDY D'ALEMBERTE
ADDRESS US.

HE WAS THE DEAN OF LAW SCHOOL,
PROFESSOR OF FSU UNIVERSITY AND
PRESIDENT OF THE ABA.

>> MR. CHIEF JUSTICE, THANK YOU
SO VERY MUCH.

I BELIEVE THAT OVER THE YEARS
THIS HAS BEEN A VERY
WELL-RESPECTED COURT.

THINK OF JUSTICES WESCOTT,
WHITE FIELD, MORE RECENT TIMES,
ERVING, DREW, FORNELL AND
THOMAS.

IF WE WANT TO TELL THE STORY
ABOUT BEN OVERTON'S IMPACT WE
HAVE TO CONCEDE THERE WAS A
PERIOD OF TIME THAT WAS
DOCUMENTED QUITE WELL IN
NEWSPAPERS AND BOOKS WHEN THIS
COURT WAS NOT HELD IN HIGH
ESTEEM AND IF WE'RE GOING TO
TELL THAT STORY ABOUT AWFUL
CONDUCT THAT TOOK PLACE BY SOME
MEMBERS OF THIS COURT WE HAVE
TO REMEMBER THAT THIS CONDUCT
HAD TO BE ADDRESSED, DEALT WITH
AND THE COURT HAD TO BE BROUGHT
BACK TO THE POSITION IT IS IN
TODAY.

NOW BEN OVERTON CONTRIBUTED
MANY THINGS.

I WILL TALK ABOUT A FEW OF THEM
BUT FOR THE LAWYERS AND JUDGES
IN THIS COURTROOM THE THING
THAT HE DID THAT WAS SO
IMPORTANT TO US WAS HE WAS THE
JUSTICE WHO SAVED THE COURT AND
THAT'S THE THEME OF WHAT I
WOULD LIKE TO SAY TODAY.

MEN CAME TO THE COURT FROM
DISTINGUISHED SERVICE AS A

TRIAL JUDGE IN PINELLAS COUNTY.

A ROLE THAT ONE OF HIS SONS HAS FOLLOWED.

WHEN JANET RENO SERVED AS STAFF DIRECTOR FOR THE HOUSE JUDICIARY COMMITTEE SHE AND THE LEGISLATORS SHE WAS WORKING WITH DECIDED THEY OUGHT TO LOOK AROUND THE STATE AND FIND SOMEPLACE WHERE THE TRIAL COURT SYSTEM REALLY WORKED WELL AND SO SHE LOOKED AT ALL THE OBJECTIVE DATA.

IT WAS THE SIXTH CIRCUIT, PINELLAS COUNTY AND PASCO COUNTY AND THAT WAS INCREDIBLE BECAUSE THAT CIRCUIT HAD JUST BEEN THROUGH A TERRIBLE, TERRIBLE PROBLEM OF ITS OWN. IT HAD HAD A CHIEF JUDGE WHO HAD BEEN ACCUSED OF ABUSIVE CONDUCT TO LAWYERS AND LITIGANTS AND WE HAD AN IMPEACHMENT PROCEEDING OUT OF THE SIXTH CIRCUIT.

SO THE JANET RENO WENT TO PINELLAS COUNTY TO MEET AND THE NEW CHIEF JUDGE NAMED BEN OVERTON AND WHEN SHE CAME BACK FROM THAT TRIP AND SHE GAVE A REPORT SHE SAID, THIS IS A PHENOMENAL SET OF TRIAL JUDGES.

THEY ALL LIKE ONE ANOTHER.

NOW THEY GET ALONG.

THEY'RE PRODUCTIVE.

THEY PLAY TENNIS TOGETHER.

THEY PLAY SOFTBALL.

THEY'RE ENGAGED IN A NUMBER ABOUT OF ACTIVITIES TOGETHER.

IT IS A COLLEGIAL COURT AND IT REALLY OPERATES.

SO JANET SAYS, WHAT SHOULD THE LEDGE YOU'RE DO TO REPLICATE THIS?

JANET SAID QUICKLY, FIND 20
CHIEF JUDGES AS GOOD AS BEN
OVERTON.

SINCE THAT'S NOT POSSIBLE YOU
SHOULD AT LEAST KNOW THAT BEN
OVERTON IS THE CHAIR-ELECT OF
THE CONFERENCE OF CIRCUIT
JUDGES AND HE BELIEVES THAT
THERE OUGHT TO BE JUDICIAL
REFORM AND AT THAT POINT,
SHORTLY AFTER THAT, BEN OVERTON
BECAME AN UNPAID CONSULTANT TO
THE FLORIDA HOUSE JUDICIARY
COMMITTEE.

HE SAW EVERY DRAFT THAT WAS
DONE IN ARTICLE 5.

HE CONSULTED CLOSELY AND THE
ARTICLE 5 WAS REDESIGNED AROUND
WHAT BEN OVERTON THOUGHT WAS
NECESSARY TO MAKE A TRIAL COURT
WORK.

WITH ARTICLE 5 THE COURT GOT A
LOT OF THE TOOLS THAT IT NEEDED
AND STILL USES TO MANAGE THE
COURT SYSTEM.

GOOD RULE-MAKING POWER.

DESIGNATION OF A CHIEF JUSTICE
AS THE PERSON HAD REALLY SPEAKS
FOR THE COURT.

CONTROL FROM THE SUPREME COURT
DOWN TO THE CHIEF JUDGES OF THE
DISTRICT COURTS AND THE TRIAL
COURTS.

IT WAS A GOOD SYSTEM.

CONSOLIDATION OF THE TRIAL
COURTS.

A GOOD SYSTEM.

IT GOT IN PLACE AND EVERYBODY
WAS OPTIMISTIC THAT ALL OF
SUDDEN WE WOULD HAVE REALLY
IMPORTANT CHANGES IN OUR
SYSTEM.

BUT THE QUESTION WAS, IS THE
FLORIDA SUPREME COURT IN A
PLACE WHERE IT CAN PROVIDE THE
LEADERSHIP?

AND JUST THIS TIME, WITH THE PASSAGE OF ARTICLE 5 JUST AFTER THAT A SERIES OF NEWS REPORTS CAME OUT FROM TELEVISION AND NEWSPAPERS ABOUT PROBLEMS ON THE FLORIDA SUPREME COURT.

I DON'T THINK WE HAVE TO REVIEW THOSE PROBLEMS IN DETAIL BUT WE SHOULD SAY IN CONCLUSION THAT THE COURT WAS NO LONGER A HIGHLY-REGARDED COURT AT THIS PERIOD OF TIME OF TIME IN THE MID 1970s.

WHEN THE COURT WENT THROUGH THIS CRISIS IT WAS VERY LUCKY TO HAVE A GOVERNOR WHO CARED ABOUT THE JUDICIAL SYSTEM. REUBEN ASKEW HAD ISSUED AN EXECUTIVE ORDER WHICH ACTUALLY REPLACED HIS OWN UNBRIDLED POWER TO MAKE JUDICIAL APPOINTMENTS AND HE ESTABLISHED A MERIT SELECTION SYSTEM.

WHEN THE RESIGNATIONS COMING OUT OF THIS CRISIS BEGAN TO HIT GOVERNOR ASKEW HAD THE AUTHORITY TO MAKE THE APPOINTMENTS AND DID THEM THROUGH THE MERIT SELECTION PROCESS AND THE FIRST OF THESE CAME AVAILABLE, THERE WAS A UNUSUAL AMOUNT OF INTEREST IN PART OF BECAUSE THE CIVIL ITSELF WAS SO NOVEL AND PARTLY BECAUSE EVERYONE KNEW THAT IT WAS IMPORTANT TO GET NEW LEADERSHIP ON THE SUPREME COURT.

GOVERNOR ASKEW APPOINTED BEN OVERTON AFTER HE HAD BEEN NOMINATED BY THE MERIT SELECTION PROCESS AND HE COULD NOT HAVE BEEN A BETTER CHOICE.

THE IMPORTANCE OF HAVING SOMEONE ON THE COURT WHO IS NOT ASSOCIATED

WITH EARLIER MISCONDUCT SOON BECAME APPARENT. IMPEACHMENT PROCEEDINGS WERE INSTITUTED AGAINST JUSTICE McCAIN, THOSE PROSECUTING McCAIN DECIDED THAT IF THERE WERE TO BE A SENATE TRIAL THE MOST SENIOR JUSTICE WHO COULD PRESIDE AT THAT SENATE IMPEACHMENT TRIAL WAS JUSTICE OVERTON WHO HAD NEVER VOTED WITH JUSTICE McCAIN ON ANY OF CASES THAT WERE THE SUBJECT OF THE IMPEACHMENT CHARGES. NOW JUSTICE OVERTON IS IMPORTANT TO US NOT JUST BECAUSE HE AVOIDED CORRUPTION AND WOULD NOT TOLERATE IT. HE WAS IMPORTANT TO US FOR MANY REASONS AND I'M GOING TO MENTION JUST SEVERAL. LEGAL SERVICES, PRIVACY, DISPUTE RESOLUTION. SOMETHING ABOUT HIS DISSENTS AND SOMETHING ABOUT HIS TEACHING WHICH CHIEF JUSTICE HAS ALREADY ALLUDED TO WHICH MEANT A GREAT DEAL TO HIM. LEGAL SERVICES. FLORIDA'S CONSTITUTION GUARANTIES ACCESS TO JUSTICE BUT ANYBODY WHO IS ACQUAINTED WITH THE SYSTEM KNOWS THAT FOR POOR PEOPLE AND MANY MIDDLE CLASS PEOPLE WE SIMPLY DO NOT HAVE THE ACCESS BECAUSE LEGAL SERVICES ARE NOT AVAILABLE. JUSTICE OVERTON WROTE AN OPINION IN 1980 THAT BEGAN A SERIES OF OPINIONS HE WROTE ON LEGAL SERVICES. THE 1980 OPINION DEALT WITH THE RIGHT TO REPRESENTATION IN JUVENILE DEPENDENCY PROCEEDINGS BUT HE AUTHORED MANY OTHER DECISIONS IN THIS SAME AREA AND

IN A 1990 OPINION HE SET THE
PREDICATE FOR FLORIDA'S
HISTORIC RULE REQUIRING
MANDATORY REPORTING OF PRO BONO
SERVICES.

AND HE SAID, WE HOLD THAT EVERY
LAWYER OF THIS STATE WHO IS A
MEMBER OF THE FLORIDA BAR HAS
AN OBLIGATION TO REPRESENT THE
POOR WHEN CALLED UPON BY THE
COURTS.

AND THAT EACH LAWYER HAS AGREED
TO THAT COMMITMENT WHEN
ADMITTED TO PRACTICE LAW IN
THIS STATE.

PRO BONO IS A PART OF A
LAWYER'S PUBLIC RESPONSIBILITY
AS AN OFFICER OF THE COURT.

AND IN MY OPINION, NO OTHER
JUSTICE HAS CONTRIBUTED MORE TO
THE PIONEERING WORK THAT THIS
COURT HAS DONE TO ENHANCE LEGAL
SERVICES FOR THE POOR.

PRIVACY, I THINK MOST OF YOU
LOOK AT THE FLORIDA
CONSTITUTION AND SEE THINGS
THERE THAT ARE NOVEL, THAT ARE
NOT IN THE FEDERAL CONSTITUTION
AND THE RIGHT OF PRIVACY,
FREESTANDING RIGHT OF PRIVACY
IS ONE OF THOSE THINGS.

SEVERAL PEOPLE IN THE AUDIENCE
SERVED WITH JUSTICE OVERTON IN
1977-78 CONSTITUTION REVISION
PROCESS AND THEY REMEMBER
JUSTICE OVERTON SPOKE AT THE
ORGANIZATION OF THAT SESSION,
OF THAT COMMISSION AND
SUGGESTED A FREE-STANDING RIGHT
OF PRIVACY BE INCORPORATED IN
THE FLORIDA CONSTITUTION.

IT WAS DONE.

IT WAS OFFERED.

THE WHOLE PACKAGE WAS REJECT
BUT THE PROVISION ON RIGHT OF
PRIVACY WAS PICKED UP AND

OFFERED BY THE SENATE.

SENATOR DEMPSEY BARON AND
PROFESSOR PAT DOERR REVIVED
THIS PROPOSAL AND GOT IT,
CONSIDERED IT AT THE 1980
ELECTION.

IT WAS ADOPTED IN THE 1980
ELECTION BY AN OVERWHELMING
VOTE AND THEN FOLLOWING THAT
THERE WAS A SERIES OF CASES
TESTING THE RIGHT OF PRIVACY.
ONE OF THOSE CASES WAS BROUGHT
BY SENATOR DEMPSEY BARON WHO
JUSTICE OVERTON REALLY ADMIRERD
IN MANY WAYS, APPRECIATED WHAT
DEMPSEY HAD DONE TO RESURRECT
THE RIGHT OF PRIVACY AND SO
DEMPSEY SOON WAS INVOLVED IN A
DIVORCE ACTION AND HE ASSERTED
THE CONSTITUTIONAL RIGHT OF
PRIVACY TO AVOID DISCOVERY IN
HIS DIVORCE ACTION.

WELL THIS COURT REJECTED THAT
IDEA AND WHO DO YOU THINK WROTE
THE OPINION?

JUSTICE OVERTON.

AS YOU LOOK AT JUSTICE OVERTON,
YOU SAW A JUDGE WHO CARED ABOUT
THE PRINCIPLES OF LAW THAT HE
WAS DEALING WITH.

IT WAS NOT RELATING TO PERSONAL
RELATIONSHIPS IN ANY WAY AT
ALL.

A WORD ABOUT DISPUTE
RESOLUTION.

WHEN THE MODERN MOVEMENT FOR
DISPUTE RESOLUTION BEGAN
FLORIDA TOOK AN EARLY LEAD
AMONG ALL STATES AND THIS CAME
ABOUT BECAUSE IT WAS JUSTICE
OVERTON WHO SAW THE POSSIBILITY
OF ALTERNATIVE DISPUTE
RESOLUTION AND HE SPONSORED
RULES FOR THE FLORIDA BAR THAT
ALLOWED DISPUTE RESOLUTION TO
BLOOM IN FLORIDA.

HIS WORK WAS RECOGNIZED
NATIONALLY AND HE WAS ELECTED
AS THE CHAIR OF THE AMERICAN
BAR ASSOCIATION -- BAR
ASSOCIATION SECTION ON DISPUTE
RESOLUTION.

NOW JUSTICE OVERTON DID NOT
DISSENT ALL THAT OFTEN.
HE WAS NOT KNOWN AS A GREAT
DISSENTER OF THE COURT.
THAT TITLE PROBABLY BELONGS TO
PARKER LEE McDONALD OR TO
JUSTICE ERVIN.

I'M NOT SURE WHICH WON ONE THAT
COMPETITION BUT JUSTICE
OVERTON USUALLY AGREED WITH HIS
COLLEAGUES BUT WHEN HE
DISAGREED THEY WERE INTERESTING
OPINIONS.

HE RENDERED AN OPINION IN THE
TERM LIMITS CASE POINTING OUT
THAT THE TERM LIMITS PROPOSAL
WAS FLAWED.

HE CALLED FOR TERM LIMITS FOR
BOTH STATE OFFICIALS AND
FEDERAL OFFICIALS AND FEDERAL
OFFICIALS COULD NOT BE LIMITED
BY THE STATE CONSTITUTION BUT
ALTHOUGH HE WAS LATER
VINDICATED BY SUBSEQUENT UNITED
STATES COURT, SUPREME COURT
DECISION THAT WE ARE STUCK WITH
TERM LIMITS.

ANOTHER AREA WHERE THEN
DISSENTED WAS PRETTY
INTERESTING BECAUSE YOU
REMEMBER THAT, THAT DURING HIS
PRACTICE HE HAD BEEN, HE HAD
REPRESENTED WHAT WAS, IN THOSE
QUAINT AND DISTANT TIMES CALLED
THE "ST. PETERSBURG TIMES".
YOU WOULD THINK THAT JUSTICE
OVERTON WOULD BE AN EASY VOTE
FOR FIRST AMENDMENT ISSUES BUT
IF YOU LOOK AT THE RECORD YOU
FIND THAT WHEN A CIRCUIT JUDGE

FROM ORLANDO WAS ACCUSED OF
SPEAKING OUT AND QUESTIONING
THE MANY ALLOCATION OF THE
DEATH PENALTY IN FLORIDA SIX
JUSTICES OF THE FLORIDA SUPREME
COURT SAID THAT JUDGE GRIDLEY
HAD THE RIGHT TO DO THIS.
ONE JUDGE DISSENTED, JUSTICE
OVERTON.

JUSTICE OVERTON SAID IT WAS THE
JUDICIAL SYSTEM THAT MADE THE
MOST DIFFERENCE.

THAT ALWAYS TRUMPED EVERYTHING
IN THINKS MIND.

HE ALSO HAD AN INTERESTING CASE
THAT CAME BEFORE THE COURT
RELATING TO A YOUNG LADY WHO IS
IN THIS COURTROOM AND SHE HAD
BEEN CONVICTED OF CONTEMPT OF
COURT FOR REVEALING GRAND JURY
SECRETS.

WHEN HER CASE CAME BEFORE THE
COURT AGAIN THERE WERE SIX
VOTES TO OVERTURN THAT
CONVICTION AND ONE DISSENT, BEN
OVERTON.

"ST. PETERSBURG TIMES" REPORTER
DID NOT MAKE ANY DIFFERENCE TO
HIM.

THERE WAS A JUSTICE SYSTEM
THAT MADE ALL THE DIFFERENCE TO
HIM.

I WANT TO SAY A WORD ABOUT
TEACHING BECAUSE CHIEF JUSTICE
IS ABSOLUTELY RIGHT.

JUSTICE OVERTON JUST BEAMED
WHEN HE WAS WITH STUDENTS AND
DEALT WITH STUDENTS AND THEY
LIKED HIM AS WELL.

HE HAD, HE WAS BE JUSTLY MADE A
GREAT REPUTATION FOR HIMSELF AS
A JUDGE BUT ALSO AS A TEACHER.

HE TAUGHT AT STETSON BEFORE HE
CAME ON THE COURT.

WHEN HE CAME ON THE COURT HE

TAUGHT AT FLORIDA STATE
UNIVERSITY LAW SCHOOL AND THEN
FINALLY AT HIS BELOVED
UNIVERSITY OF FLORIDA.
HE ALSO COLLABORATED WITH
PROFESSOR CHUCK EAR HEART AND
SUPREME COURT JUSTICE JOHN PAUL
STEVENS TO OFFER AN PROGRAM FOR
TRIAL JUDGES A PROGRAM
COSPONSORED BY THE NATIONAL
JUDICIAL COLLEGE WHERE BEN WAS
VERY ACTIVE.
WHEN I HEARD THAT BEN HAD MADE
SURE THAT HIS PAPERS WERE
GRADED BEFORE HE WENT INTO
SERVICE, INTO SURGERY I WAS
VERY AMUSED.
MANY LAW PROFESSORS I KNOW
WOULD SAY, IF THEY'RE GOING
INTO SURGERY, IF SOMETHING GOES
WRONG AT LEAST I DON'T HAVE TO
GUIDE THOSE DAMN PAPERS.
BUT BEN, DID THIS NOT OUT OF A
SENSE OF DUTY.
IT WAS OUT OF A SENSE THAT THE
CHIEF JUSTICE DESCRIBED.
HE CARED ABOUT THE STUDENTS.
HE WANTED TO READ THOSE PAPERS.

HE WOULD OFTEN TAKE THE PAPERS,
STUDENTS WOULD PROVIDE TO HIM
AND SEND THEM AROUND TO OTHER
LAWYERS IN THE STATE AND JUMPS
IN THE STATE BECAUSE HE WANTED
THEM TO SEE WHAT HIS STUDENTS
WERE DOING.
HE REALLY CARED ABOUT THE
STUDENTS AND IT IS NOT, NOT
SURPRISING AT ALL THAT HE TOOK
THAT POSITION.
AFTER BEN'S APPOINTMENT THIS
COURT WHICH HAD BEEN KNOWN AS A
COURT OF ROBERTS AND McCAIN,
BECAME THE COURT OF OVERTON AND
THOSE WHO SERVED WITH HIM.
THE COURT OF OVERTON, ENGLAND

AND SUNDBERG AND HATCHET.
THE COURT OF CARL, ALDERMAN,
McDONALD, ERLICK, SHAW AND
BARKETT.
GRIMES, ANSTEAD AND PARIENTE.
THOSE WHO SERVED WITH HIM AND
ALL OF THOSE WHO FOLLOWED HIM.

WE KNOW THIS MAGNIFICENT CHANGE
TO GOVERNOR ASKEW WHO CHANGED
THE SYSTEM OF SELECTION AND
APPOINTED BEN OVERTON WHO THEN
REDEEMED THE PROMISE OF A JUST
SYSTEM, CHANGED THE CULTURE OF
THE COURT AND RE-ESTABLISHED
THE FLORIDA SUPREME COURT AS
ONE OF THE MOST DISTINGUISHED
IN THE NATION.

BEN OVERTON IS A JUSTICE WHO
SAVED THE COURT.

IT IS MY GREAT PLEASURE NOW TO
INTRODUCE A GREAT COLLEAGUE OF
HIS, A PERSON WHO FOLLOWED HIM
AS CHAIR OF THE CONFERENCE OF
CIRCUIT JUDGES AND LATER
FOLLOWED HIM ON THE COURT,
PARKER LEE McDONALD.

AGAIN, MAY NOT HOLD THE RECORD
FOR THE MOST DISSENTS, I'M NOT
SURE OF THAT BUT FOR LAWYERS
WHO PRACTICED BEFORE HIM HE WAS
ALWAYS A JUSTICE VERY MUCH LIKE
JUSTICE OVERTON WHO HAD COME UP
FROM A TRIAL COURT AND WHO KNEW
THE RECORD SO VERY WELL THAT
LAWYERS WHO APPEARED BEFORE HIM
HAD BETTER BE VERY CAREFUL NOT
TO MAKE A MISSTATEMENT BECAUSE
THEY WOULD FIND THAT JUSTICE
McDONALD WAS CORRECTING THEM
GIVING THEM PAGE NUMBERS IN
CASES THAT HAD VERY COMPLEX
RECORDS.

DISTINGUISHED JUDGE, PARKER LEE
McDONALD.

>> THANK YOU, SANDY.

FRIENDS AND FAMILY MEMBERS.
THESE ARE ALPHA AND OMEGA.
THEY'RE GREAT SO MANY FRIEND
GET TOGETHER, ONCE AGAIN, AND
RECALL SO MANY HAPPY MEMORIES
AND EVENTS THAT ARE POSITIVE IN
THEIR LIFE.
THUS WE ARE HERE TODAY.
SANDY IS FULL AND DESCRIPTIVE
COMMENTS ABOUT MY FRIEND, BEN
OVERTON.
BEN AND I GO BACK A LONG WAY.
I WILL SPEAK BRIEFLY IN JUST A
MOMENT.
PEOPLE OF FLORIDA NEED TO AND
DESERVE A JUDICIARY IN ALL
LEVELS WHICH THEY HAVE
CONFIDENCE.
BEN OVERTON ACHIEVED THAT GOAL.

I FIRST KNEW BEN WHEN WE WERE
CIRCUIT JUDGES.
A JUDGE IN ORLANDO.
I STARTED IN 1961.
HE CAME OVER IN ST. PETERSBURG
IN 1964.
WE MET AT THE FIRST JUDICIAL
CONFERENCE.
UNIVERSITY OF FLORIDA, WHERE
BEN TOYED WITH THE IDEA OF
PLAYING BASKETBALL.
HE LOVED THAT GAME.
IT WAS COINCIDENTAL THAT WE
WERE BOTH OF A POINTED BY BEAR
BRYANT.
BEN LIKED TO STEP INTO THE
SPOTLIGHT, BUT ONCE HE GOT HE
SHOWED THAT.
BECOME A JUDGE.
HE STEPPED INTO THE SPOTLIGHT
IN FLORIDA JUDICIAL CONFERENCE.

AND HE BECAME EDUCATION
CHAIRMAN.
WE HAD BEEN FIDDLING AROUND
WITH JUDICIAL EDUCATION IN THE

AND NOT NEARLY AS COMPLETELY AS
IT SHOULD BE.

IMMEDIATELY, THE CONFERENCE HAD
MORE, HAD A LARGER AGENDA, DID
MORE THINGS.

LEARNED MORE THINGS, EXCHANGED
MORE IDEAS.

HE WAS ONE OF THE FIRST TO
ATTEND THE NATIONAL.

FIRST TO ATTEND NATIONAL
JUDICIAL COLLEGE IN RENO AND
CHAIRMAN OF THE JUDICIAL
CONFERENCE OF OUR CONFERENCE.
HE BROUGHT MANY IDEAS AND WE,
IMPLICATING, ADDING TO THOSE
ADDING TO THOSE UNDER FLORIDA.

BEN WAS A LEADER.

HE LIKED BEING A LEADER AND
RESPECTED HIS LEADERSHIP.

SO, WE BECAME FRIENDS.

CLOSE FRIENDS.

HIS FAMILY, AND OUR FAMILY WERE
GOOD CLOSE FRIENDS.

WE'RE IN RENO TOGETHER FOR FOUR
WEEKS I REMEMBER ONCE AND HAD A
WONDERFUL TIME TOGETHER.

LATER ON MY SON WAS MARRIED IN
DALLAS AND HIS FAMILY JUST SO
HAPPENS, COINCIDED WITH THE
AMERICAN BAR ASSOCIATION
MEETING WITH HIS FULL FAMILY
THERE.

BILL WAS AT MY SON'S WEDDING.

WE HAD A CLOSE FAMILY
RELATIONSHIP.

OWE PLAYED A ROLE IN APPOINTING
THE AS SPECIFIC JUSTICE IN THE
JUDICIAL QUALIFICATIONS CASE
BROUGHT AGAINST JUSTICE BOYD
AND DIKEL.

THAT WASN'T A LOT OF FUN THAT
CASE WASN'T.

BEN HAD CONFIDENCE IN ME AND
THOSE APPOINTED TO THE COURT.

WE DID THE BEST WE COULD ON

THAT ONE.

HE POINTED ME AT PRESIDING
JUDGE FOR THE STATEWIDE GRAND
JURY WHICH WAS ONE OF THE MOST
EFFECTIVE GRAND JURIES THE
STATE HAD UNDER THE ABLE
LEADERSHIP OF HE HAD AUSTIN IN
JACKSONVILLE.

WE'RE, WE WERE INVESTIGATING
ORGANIZED, ORGANIZED CRIME IN
FLORIDA THAT LED TO SOME OTHER
ACTIVITIES.

AND THAT SCOURGE THAT ALWAYS
EXISTS, ORGANIZED CRIME.

ONCE I GOT TO THE COURT.

ONCE I GOT TO THE COURT I HAD A
FRIEND WAITING FOR ME WE ALWAYS
ENJOYED EACH OTHER.

BEN ALWAYS HAD A STRONG,
EFFICIENT AND CLOSE STAFF.

THOSE FOLKS HERE, YOU HAD A
GREAT GUY TO WORK WITH.

YOU RETAINED IT TOGETHER, YOUR
COMPANIONSHIP AND FRIENDSHIP
WITH EACH OTHER.

YOU HELPED MAKE BEN LOOK GOOD.

A GOOD STAFF WILL DO THAT.

BEN DIDN'T NEED TOO MUCH HELP
BECAUSE HE COULDN'T DO IT
HIMSELF.

BUT IT ALWAYS HELP TO HAVE
SOMEBODY TO LEAN ON AND TALK
THINGS TO.

ONCE I FOUND OUT, ONE THING I
CAN PROMISE YOU THOUGH, THAT
ALTHOUGH WE WERE CLOSE FRIENDS,
JUSTICE, JUSTICE, MY
PREDECESSOR SPEAKER SAID,
INFLUENCE ON LIKES OR CLOSEST
NEVER AFFECTED THE JUDGMENT OF
BEN OVERTON.

NOR ME, I DON'T THINK.

IT SO HAPPENS THAT MESS OF THE
TIME, BEN AND I AGREED ON
CASES.

BUT THERE WERE TIMES WHEN HE
WOULD SEND SOMETHING AROUND AND
I PUT ON A BIG FROWNING FACE
WHICH I USED TO DO ON MY VOTE
SHEET.

BEN WAS SORT OF WOULD LOOK AT
ME AND SAY NOTHING ABOUT IT.
HE DIDN'T USE A FROWNY ON MY
VOTE BUT ONCE IN A
WHILE I SEE AN O ON HIS ABOUT
TWICE THE SIZE AS IT USUALLY
WAS.

I ASSURE YOU OUR PERSONAL
FRIENDSHIP HAD NOTHING TO DO
WITH OUR CASES.

WE JUST SEEMED TO LOOK AT MOST
OF THEM IN A SIMILAR MANNER.
BEN NEVER USED, USED HIS, I
DON'T KNOW HOW TO SAY THIS.
LET ME START ALL OVER AGAIN.
HE WAS PLEASANT TO WORK WITH.
BEN DID NOT REACH A CONCLUSION
QUICKLY THOUGH.

HE LIKED MULL THINGS OVER AND
MUTTER THEM AND STUDY THEM AND
LOOK THEM OVER.

SOMETIMES EVEN IN CONFERENCE WE
THOUGHT WE HAD FINISHED THE
CASE AND ALL THE VOTES WERE
CAST AND WE DECIDED WHAT WE
WERE GOING TO DO.

WE FIND BEN OVER THERE ALL OF A
SUDDEN WE WERE TALKING ABOUT
ANOTHER CASE.

HE WOULD START MUTTERING ABOUT
ONE OF THE CASES WE THOUGHT WAS
OVER WITH.

HE WANTED TO BE SURE HE GOT IT
RIGHT IN HIS OWN MIND EVEN WHEN
HE WAS IN THE MAJORITY OR NOT.

BEN FOLLOWED PRECEDENT MORE
CLOSELY THAN DID MANY OF THE
OTHERS.

BEN RECOGNIZED THE THERE IS A
GREAT DESIRE AND NEED IN

BUSINESS.

THERE IS A CERTAIN STABILITY OF
LAW THAT CERTAIN EXISTS IN THE
LAW.

SO THE PEOPLE THAT KNOW THEIR
RIGHTS AND KNOW THEIR
OBLIGATIONS.

HE WAS A LITTLE SLOW TO
OVERTURN PRECEDENT.

AND I THINK HE SAID HE WAS
PROPER ON THAT.

HE WROTE A FINE DECISION ON THE
RULE OF STARE DECISIS WHICH I
HEARTILY CONCURRED.

NO UNFRIENDLY FACE THERE.

BEN ALSO REMEMBERS THE
DIFFICULTY OF A TRIAL JUDGE IN
MAKING FINDINGS OF FACT.

HE DIDN'T LIKE THE IDEA OF
APPELLATE COURTS REVIEWING AND
OVERTURNING HIS FINDING OF
FACTS.

IN A DIVORCE CASE AND ONE OF
THE MOST PROMINENT DIVORCE
CASES WRITTEN ON THE SUPREME
COURT HE REMINDED THE APPELLATE
COURT THAT IS THE FINDING WAS
THE -- FACT FINDING WAS THE
TRIAL JUDGES AND NOT THE
APPELLATE JUDGES.

THAT WAS GREAT RELIEF TO THE
JUDGES AND MADE THEIR LIFE MUCH
EASIER.

I'VE OFTEN TOLD FRIENDS THAT
BEN SORT OF REMINDED ME OF A
BIG OL' ST. BERNARD DOG.

HE IS HELPING OTHERS.

WAGGING HIS TAIL, EAGER TO LEAD
THE WAY AND HE WAS ALWAYS BY
YOUR SIDE TO RENDER HELP.

SO WHETHER YOU'RE PLAYING,
STUDYING, HE WAS ALWAYS THERE
WITH YOU, AND YOU ALWAYS FELT
COMFORTABLE.

HE IS THE PERSON YOU FELT
COMFORTABLE WITH BEING AROUND.

GOSH, WHAT A GREAT TIME I HAD
THOSE 15 YEARS I SERVED WITH
HIM.

HE WAS THERE FIVE YEARS BEFORE
I GOT THERE AND FIVE YEARS
AFTERWARDS.

I GET HIS BEST 15 YEARS WAS
WHEN I WAS HERE WITH HIM.

INCIDENTALLY JUDGE ANSTEAD
WROTE A FINE ARTICLE, IT WAS
PUBLISHED IN THE PAPER TWO OR
THREE DAYS AGO, ABOUT BEN'S
CONTRIBUTION TO THE MERIT
RETENTION SYSTEM.

IF YOU HAVEN'T READ IT, GET
AHOLD OF IT AND READ IT.

HARRY, A GREAT JOB AND A GOOD
JOB AND I ENDORSE IT AND WOULD
PUT A GOOD HAPPY FACE ON THAT
ONE TOO.

SO, BEN, IF YOU'RE LISTENING,
THANKS FOR BEING MY FRIEND AND
COLLEAGUE.

YOU'VE BEEN A BIG PART OF MY
LIFE AND I AM PRIVILEGED TO
WALK DOWN THE JUDICIAL ROAD
WITH YOU.

TO YOU BILL, KATHY, AND ROBBIE,
THANKS FOR LETTING ME SAY SO.

YOU'RE RIGHTFULLY PROUD OF YOUR
DADDY AS ALL OF THE PEOPLE OF
FLORIDA, AND PARTICULARLY THE
JUDICIARY AND LAWYERS OF THIS
STATE SHOULD BE PROUD.

HE FILLED HIS ROLE.

HE CARRIED THE MANTLE WELL.

HE LIKED BEING THERE BUT BY
GOLLY, HE PRODUCED.

THAT IS MY GREAT PRIVILEGE TO
INTRODUCE GOVERNOR REUBEN
ASKEW, THE FELLOW THAT HAD THE
FORESIGHT AND LOGIC OF
APPOINTING BEN TO THIS COURT.

HE TOO RECOGNIZED THE VITAL
NECESSITY OF A COMPETENT COURT

AND WANTED FREE-THINKING ONE OF
THE INDEPENDENT, INTEGRITY
FOLKS TO RUN IT.

MY GOOD FRIEND AND
ACQUAINTANCE, REUBEN ASKEW.

>> WELL, MR. CHIEF JUSTICE, I
JUST SOON NOT BE HERE.

WE SHOULD NOT HAVE THE OCCASION
TO BUT WE WERE, WE'RE TALKING
ABOUT AN EXTREMELY GOOD MAN AND
I THINK ABOUT, I TEACH, I'M
SORRY ASTOUNDING THAT I THINK
I'M NOW FINISHING UP,
MR. PRESIDENT, 22 YEARS
TEACHING AND ONE OF THE THINGS
THAT I SAW ABOUT FLORIDA
GOVERNMENT, BUT, IT IS ALSO
ABOUT FEDERALISM, IT'S ABOUT,
WHAT DOES IT TAKE TO MAKE THE
SYSTEM WORK?

I'M NOT GOING TO GIVE YOU A
FULL LECTURE ON THIS RIGHT NOW
BECAUSE WE'RE HERE TO TALK
ABOUT BEN.

I WAS PRIVILEGED DURING THIS
PERIOD OF TIME TO GET TO KNOW
TWO GREAT AMERICANS.

MR. CHESSER FIELD SMITH, WHO I
THINK HAS PROBABLY NO PIER IN
FLORIDA.

I MEAN HE WAS JUST, HE HAS BEEN
MISSED YOU KNOW, AND TO THINK
ABOUT THE OUTSTANDING
LEADERSHIP OF THE PRESIDENTS OF
THE ABA INCLUDING SANDY AND I'M
PROUD OF THE JOB THAT SANDY'S
DONE BECAUSE I HAPPEN IT KNOW
WHAT WAS INVOLVED IN PRODUCING
A PRODUCT OF GOVERNMENT AND
THAT IMPROVES THE WHOLE SYSTEM
AND I REMEMBER THE DAY WHEN HE
CAME IN TO ME WITH TEARS IN HIS
EYES AND SAID, WE'RE GOING TO,
WE MAY LOSE ARTICLE 5.

AND I ASKED HIM WHY IS THAT THE
CASE?

HE SAID, WELL DEMPSEY HAS GOT
DISINTERESTED IN IT.

AND I SAID, WELL I WILL, I WILL
TALK TO EMDIDSY.

MOST PEOPLE ASSOCIATE DEMPSEY
AND ME WITH TWO ROOSTERS
FIGHTING ALL THE TIME.

IT REALLY WASN'T THE CASE BUT I
FORGAVE HIM BECAUSE I KNEW HE
COULDN'T BE RIGHT ALL THE TIME
LIKE ME.

[LAUGHING]

SO I INVITED DEMPSEY OUT TO THE
GOVERNOR'S MANSION, DEMPSEY AND
LAVERNE, HIS THEN WIFE, TO THE
GOVERNOR'S MANSION AND WE WERE
ENJOYING OURSELVES AND SOMEONE,
AND SO I PUT IT TO HIM BECAUSE
DEMPSEY AND I WERE GOOD
FRIENDS.

IT WOULD SHOCK PEOPLE TO KNOW
HOW MUCH I LOVED DEMPSEY.

SOMETIMES IT WAS UNFORGIVABLE,
YOU KNOW BUT, DEMPSEY WAS A GUY
THAT LIKED TO BE CONTROVERSIAL.

AT THE SAME TIME HE WASN'T
ALWAYS WRONG.

JUST OCCASIONALLY AND I WOULD
REMIND HIM OF IT TO BRING HIM
BACK.

BUT I CAME IN AND WITH THE
INFLUENCE OF STEVE O'CONNELL
AND CHESTERFIELD SMITH.

THINK ABOUT A YOUNG GUY COMING
OVER HERE, 29, 30, JUST TURNED
30 AND YOU GET REALLY CLOSE TO
THE PEOPLE LIKE THAT.

AND THEN, TO GET IN MY PRESENT
POSITION OF TEACHING AND TO
HAVE SOMEBODY LIKE SANDY.

SANDY DOESN'T HAVE ANY PIER
EITHER TO TELL YOU THE TRUTH.
HE IS ONE OF THE MOST MARVELOUS
PEOPLE I HAVE EVERY KNOWN.

BUT WE'RE LIKE A FAMILY.

AND FRANKLY THINGS JUST WENT
WRONG.

AND ENOUGH RESPECT WASN'T SHOWN
TO THE ABSOLUTE CRITICAL NATURE
OF THE INDEPENDENCE OF THE
JUDICIARY.

YOU KNOW BECAUSE IF WE DON'T
HAVE AN INDEPENDENT JUDICIARY,
WE'RE IN TROUBLE AND WHEN YOU
START NOT FOLLOWING YOUR OWN
INSTINCTS, YOUR INNER SELF
WHICH LAWTON USED TO TALK, HIS
VOICES, I CAN'T REMEMBER HAVING
ANY VOICES EXCEPT A LOT OF
PEOPLE SOMETIMES LOUDLY BUT I
STARTED REALIZING, YOU KNOW,
THAT THE SYSTEM JUST CAN'T WORK
IF YOU DON'T REALLY HAVE
COMPETENT, AND PARTICULARLY A
COURT KNOWN FOR INTEGRITY.

AND WE HAD COURT.

THIS COURT FOR YEARS AND YEARS
AND YEARS WAS THOUGHT OF AS ONE
OF THE FINEST COURTS IN THE
UNITED STATES.

AND IT WAS INTEGRITY.

THANK GOODNESS.

IT IS BACK ON THE ROW WHERE IT
SHOULD BE THE PRESENT
ACCOMPLISHMENTS OF THE COURT
AND I WISH I WISH THEM WELL.
I PARTICULARLY APPRECIATE THOSE
WHO SPOKE OUT IN TERMS OF THE
WHOLE ISSUE.

RETENTION ELECTIONS.

THERE IS NO PERFECT WAY TO
SELECT JUDGES.

I'M NOT HAPPY WITH IT.

WE HAVEN'T ARRIVED.

WE TOOK A LOT OF STEPS FORWARD
AND ALL OF SUDDEN WE WERE
TAKING STEPS BACKWARDS.

VERY THINK YOU HAVE A JUSTICE
OF THIS COURT AS A FUGITIVE
FROM JUSTICE.

THINK ABOUT THAT WHILE HE WAS

REALLY A MEMBER, A MEMBER OF
THIS COURT.
BECAUSE GOD HAS NOT GIFTED US
WITH THE ABSOLUTE TRUTH.
YOU DO THE BEST YOU CAN AND ONE
OF THE GREAT THINGS ABOUT BEN
OVERTON, HE WAS JUST A PLAIN
OLD ORDINARY MAN WHO HAD A
PASSION FOR DOING THE RIGHT
THING.
AND GIVE ME, GIVE ME PEOPLE
WHO, I DON'T WORRY SO MUCH
ABOUT ADMINISTRATORS AS I WORRY
ABOUT INTEGRITY OF THE PEOPLE
WHO HOLD THE OFFICE BECAUSE
PEOPLE CAN HOPE FOR COMPETENCE.

THEY HAVE GOT A RIGHT TO DEMAND
HONESTY.
THAT IS NOT TOO MUCH, IS IT?
BUT WHO IS TO JUDGE WHETHER IT
IS OR IT ISN'T?
AND YOU HAVE A MAN LIKE BEN
OVERTON THAT COMES ALONG WITH A
LOT OF PREDECESSORS
OUTSTANDING.
I LOOK AT THE FRONT ROW HERE.
I THINK ABOUT REALLY PEOPLE WHO
GIVE THEIR LIFE TO IT.
SOME OF THEM I APPOINTED.
SOME I REMEMBER I DIDN'T
APPOINT THEM.
YOU KNOW, BUT THAT IS JUST THE
WAY THE BALL GOES.
I NEVER SAID I WAS PERFECT.
I KNEW IT WAS TOO MUCH OF A
BURDEN TO CARRY.
BUT, I'M PROUD OF THE COURT AND
IT'S REBUILDING STAGE.
CHIEF JUSTICE, AND YOU HAVE A
ROLE TO PLAY LIKE WE ALL,
REALLY TO DO THE RIGHT THING.
AND, IT JUST, I THINK ABOUT BEN
AND I FRANKLY I HAVE I'M A
LITTLE EMOTIONAL ABOUT BEN
BECAUSE HE WAS SO GOOD.

AND HE AND MARILYN AND I
SPENT SOME TIME TOGETHER.
OF COURSE I REALLY, PROBABLY,
WAS A STICKLER A LITTLE BIT
MORE THAN I SHOULD BE WITH SOME
OF MY FRIEND, YOU KNOW, ABOUT
IT BUT THE SEPARATION OF POWERS
IS IMPORTANT TO ME.
IT'S EXTREMELY IMPORTANT.
OUR SYSTEM CAN'T WORK WITHOUT
IT.
THE SEPARATION OF POWERS IS
MEANINGLESS IF YOU DON'T HAVE
AN INDEPENDENT, COMPETENT,
JUDICIARY.
BECAUSE I SPENT MORE ON THAT
ISSUE IN ALL THE TIME THAT I
HAVE BEEN IN STATE GOVERNMENT
BECAUSE IT DIDN'T ALWAYS HAVE
MANY CHAMPIONS IN THE LEDGE
YOU'RE.
BUT YOU OFTEN GOT WAS AN AWFUL
LOT OF CRITICISM BUT YOU HAD
GOOD PEOPLE POP UP IN BOTH
PARTIES.
GOOD PEOPLE THAT WANTED TO SEE
THE SYSTEM WORK.
CHARLES AND MARY BEARD IN THEIR
CLASSIC HISTORY OF THE UNITED
STATES SAID THE REASON THAT WE
WERE SUCCESSFUL AS A NEWLY
INDEPENDENT STATES AT 13 WAS
THAT ENGLAND HAD LEFT US ALONE.

MY STUDENTS ARE AWFULLY
SURPRISED WHEN I SAY WE OWE A
DEBT OF GRATITUDE TO ENGLAND.
WHY?
BECAUSE THEY LET US ALONE.
WE ELECTED ALMOST ALL OF THE
COLONIAL AS
ASSEMBLIES.
AND THEN WE LEARNED THE ART OF
SELF-GOVERNMENT.
YOU KNOW AND THAT'S, OUR
SYSTEM, WE ARE GIFTED WITH OUR

SYSTEM.

SANDY'S DONE A LOT OF TRAVELING
AND I TRAVEL THROUGHOUT THE
UNITED STATES AND THE BEST KEPT
SECRET OF 1984, I WAS RUNNING
FOR PRESIDENT, PEOPLE USED TO
ALWAYS SAY, WHY DIDN'T YOU RUN?

I SAID THANK YOU VERY MUCH.
BUT I DEALT WITH MOST NOW AND I
WAS PRIVILEGED TO DEAL MOSTLY,
YOU KNOW, WITH, WITH
GOVERNMENTS ALL OVER THE WORLD
AND SOME CLOSE TO US AND WE
BORROWED FROM ENGLAND BUT WE
INHERITED A SYSTEM OF FREE
INSTITUTIONS AND WHEN PEOPLE
SOMETIMES THINK I'M, I'M BEING
TOO KIND TO THE PRESS, YOU
KNOW, WHEN I SAY THAT, THAT THE
GREATEST FREEDOM IN OUR
CONSTITUTION IS FREEDOM OF THE
PRESS.

YOU WILL NOT HOLD TRUE TO ALL
THE OTHER CRITICAL ONES IF YOU
DON'T HAVE THE FREEDOM IT
SPEAK.

THAT IS WHY THE INDEPENDENCE OF
THE COURT IS SO IMPORTANT AND
SO MANY OF THESE PEOPLE HAVE
TAUGHT MY CLASS.

I FEEL LIKE, I SHOULD SAY THANK
YOU VERY MUCH.

YOU KNOW, BUT I THINK ABOUT ALL
OF THE PROBLEMS SOME STATES
HAVE HAD.

WE WERE SPARED THEM.

UNTIL THE EPISODES WHICH WE
ALL REMEMBER AND FRANKLY,
FRANKLY REGRET.

BUT WHAT THE POINT HAS BEEN, I
SAID YOUR JOB IS SIMPLE.

YOU'VE GOT TO BRING THE COURT
THAT WAS IN DISARRAY, YOU'VE
GOT TO BRING THE COURT INTO THE
STANDING THAT IS OTHERWISE

ENJOYED FOR YEARS AND YEARS AND YEARS.

YOU KNOW, AND IN THE CONVERSATION I HAD WITH DICK EARL, I THOUGHT THE JUDICIAL QUALIFICATIONS COULD DO BECAUSE I SOMETIMES BORDERED NOT TOTALLY APPRECIATING THE SEPARATION OF POWERS.

I WOULD JUST LIKE PEOPLE TO REMEMBER THAT WE ALL HAVE TO WORK TOGETHER TO PRODUCE A PRODUCT OF GOVERNMENT.

AND A GUY THAT COMES ALONG LIKE BEN OVERTON AND AS I SAY, THE GUY WAS SO GOOD, HE REALLY, IT IS EASY TO SAY THINGS ABOUT GOOD PEOPLE AND HE WAS A GOOD PERSON.

AND HAD A WONDERFUL FAMILY AND ALL OF YOU BECAUSE I TALKED TO SOME OF HIS CHILDREN, HOW LUCKY I THOUGHT THEY WERE TO HAVE PARENTS LIKE BERN AND MERRILL OVERTON.

AND SO, WE'RE ALL IN A MAZE TRYING TO FIGURE OUT WHAT IS THE BEST THING TO DO.

NO EASY ANSWERS.

THE BEST THING TO DO IS TO GO BACK AND UNDO THE A LAW THAT SHOULD HAVE NEVER BEEN PASSED GIVING GOVERNORS COMPLETE CONTROL OF THE APPOINTMENT OF THE JUDICIAL NOMINATING COMMISSIONS.

IF I HAD KNOWN THERE WAS ANY POSSIBILITY FOR THAT TO HAPPEN, BELIEVE ME, AND THE BATTLE ISN'T OVER.

I'VE GOT, GOT A LITTLE BIT OF ENERGY STILL IN ME.

THIS WONDERFUL REPORTER SITTING RIGHT OVER HERE WRITE VIGOROUSLY FOR THE "TAMPA BAY TIMES", I REALLY DON'T LIKE

THAT.

I LIKE THE "ST. PETE TIMES".
YOU KNOW.

BUT IT IS JUST, I JUST CAN'T
TELL YOU HOW IMPORTANT IT IS
AND I WILL STOP RAMBLING,
FRANKLY TO SAY THAT WE HAD A
GOOD MAN IN BEN OVERTON.
THE AND BEST WAY TO DO IT IS IN
THE QUIETNESS OF YOUR SOUL IN
THE CORNER WITH SOMEBODY THAT
WORKED FOR HIM AND THEY WILL
TELL YOU JUST HOW GOOD HE WAS.

DEMANDING, YOU KNOW, BUT GOOD.

IT'S HARD TO LOSE SOMEBODY LIKE
BEN.

BUT, WE'VE GOT OTHERS, AND, THE
STATE DOESN'T PRODUCE 4-A BA
PRESIDENTS, THAT IS GOING BACK
TO SOME OF THE EARLIER ONES BY
ACCIDENT.

OUR COURT NOW IS DIVERSE COURT.

JOSEPH HATCHET, WE, APPEAR IN A
PROGRAM WITH LEADERSHIP FLORIDA
AND WE STARTED CALL ITS THE JOE
AND REUBEN SHOW, YOU KNOW.

BUT, TO THINK HERE'S AN
EXAMPLE, IF YOU HAVE ANY
QUESTIONS NOW OF WHETHER OR NOT
WE'RE MAKING PROGRESS METING
OUT JUSTICE.

HERE'S A GUY THAT COULDN'T EVEN
EAT IN THE SAME HOTEL HE TOOK
THE BAR EXAMINATION WITH.

AND YOU KNOW THAT STRUGGLING
GETTING STARTED WITH A LAW
PRACTICE, WHEN PEOPLE JUST
WANTED TO WET THEIR FEET AND IN
ST. AUGUSTINE AND SOME DIDN'T
LIKE IT.

AND, IT WAS A PRIVILEGE TO
APPOINT HIM AND THAT WAS A
PRIVILEGE AND, WHEN THE PRESS

ASKED ME, DID RACE HAVE
EVERYTHING TO DO WITH IT.
I SAID YEAH, WHAT I DIDN'T SAY
AND SHOULD HAVE SAID IT WOULD
HAVE OCCURRED TO ME, SEVEN
BLACK PEOPLE ON THE COURT TO
PUT ON A WHITE ONE.
BUT TO REAL NICE NOW WE'VE GOT
DIVERSITY LIKE WE HADN'T HEARD
OF, WE HAVE TWO
AFRICAN-AMERICANS ON THE COURT,
HONORABLE PEOPLE LIKE THE
OTHERS.
TWO WOMEN SOME YOU GET TWO-FERS
WE CALL THEM APPOINT THEM FOR
TWO REASONS ARE BETTER THAN
NONE.
AND WE'VE GOT A LOT TO BE PROUD
OF BUT, DON'T THINK THAT WE'RE
THROUGH.
BECAUSE WE'RE NOT.
UNTIL SUCH TIME AS YOU HAVE A
COURT THAT YOU KNOW FIRST AND
FOREMOST WITH IMPARTIALITY AND
FAIRNESS.
CAN YOU IMAGINE GOING TO COURT
AND THINKING THAT YOU'VE GOT
JUDGE THAT IS MAYBE ALREADY
TALKED TO THE OTHER SIDE?
IT'S LIKE THE GUY IN THE WEST
WHEN HE IS TALKING ABOUT MONEY
AND HE HAMMERED, AND ONE OF THE
FEW CIVIL TRIBES BACK THEN,
MOST OF THEM WERE CRIMINAL.
AND SAID, I'VE GOT A CONFESSION
TO MAKE BEFORE WE START THIS
TRIAL, I'VE TAKEN \$15,000 FOR
THE PLAINTIFF TO RULE THIS WAY
AND I'VE TAKEN \$10,000 TO THE
DEFENDANT.
I'M GOING TO GIVE THE PLAINTIFF
\$5,000 BACK AND THIS WILL BE A
FAIR TRIAL.
[LAUGHTER]
IT SHOULDN'T BE THAT WAY AND
THE FIRST TIME I APPEARED IN A

DISTRICT COURT OF APPEALS WITH
A CASE AND I LOOKED UP THERE
AND THERE WAS DEWEY JOHNSON WHO
WAS PORK CHOP OF ALL PORK
CHOPPERS BUT MADE A VERY FOOD
JUDGE.

YOU KNOW AND, THEN YOU, WHAT
WAS YOUR FRIEND, SANDY?
I CAN'T THINK OF HIM, BUT HE
WAS A BRAINS OF THEM.

FROM MARIANNA.

AT ANY RATE, I SAW HIM SITTING
UP THERE AND I THOUGHT TO
MYSELF, BOY THIS IS GOING TO BE
INTERESTING.

IT, TO HAVE TWO OUT OF THREE
PEOPLE THAT I HELPED RETIRE AT
LEAST FROM THE LEGISLATIVE
BRANCH.

BUT HE WILL WE'RE ALL FAMILY.
WE'VE GOT A LOT TO DO BUT THE
THING I WANT TO LEAVE YOU WITH
AS WE PAY TRIBUTE TO AN MA, THE
BEST WAY TO PAY TRIBUTE TO BEN
OVERTON, AND HE TAUGHT MY CLASS
SEVERAL TIMES, HE WAS SO GOOD,
AS DO MOST OF THEM HERE HAVE
TAUGHT IT, BUT, IT WAS SO
INTERESTING TO REALLY SEE HOW
HE PORTRAYED THE INDEPENDENCE
OF THE JUDICIARY.

AND THEY HAVE BEEN SO GOOD THAT
FRANKLY I, I KEEP INVITING HIM,
INVITING THEM BACK.

FRED LEWIS HAS TALKED TO THE
CLASS SEVERAL TIMES AND BARBARA
PARIENTE.

LISTEN, THANK YOU FOR INVITING
ME.

I'M USING THIS NOT, BUT WHAT
LEROY COLLINS SAID, A CAIN, A
WALKING STICK.

IT WAS HIS.

HIS FAMILY GAVE IT TO ME AND I
WILL BE MOVING SLOWER BUT I'M
STILL MOVING AND WE'RE GOING TO

MISS BEN.

>> ON BEHALF OF THE FLORIDA
SUPREME COURT, THE JUDICIAL
BRANCH OF FLORIDA, WE THANK
JUSTICE BEN OVERTON AND HIS
FAMILY FOR JUSTICE OVERTON'S
SERVICE, HIS DEDICATED WORK AND
EXCELLENT JOB WELL-DONE.
MAY GOD BLESS YOU AND MAY HIS
GRACE REST UPON US ALL.
WE'RE ADJOURNED.