

**EIGHTEENTH JUDICIAL CIRCUIT OF FLORIDA
CIRCUIT COURT JUDICIAL APPLICATION**

FOR

**LESLIE J. CASTALDI
JANUARY 29, 2020**



APPLICATION FOR NOMINATION TO THE CIRCUIT COURT

(Please attach additional pages as needed to respond fully to questions.)

DATE: January 29, 2020 Florida Bar No.: 0489581

GENERAL: Social Security No.: [REDACTED]

1. Name Leslie J. Castaldi E-mail: [REDACTED]

Date Admitted to Practice in Florida: June 13, 2001

New Jersey September 19, 1988

Date Admitted to Practice in other States: Pennsylvania November 14, 1988

2. State current employer and title, including professional position and any public or judicial office.

Brevard County Board of County Commissioners, General Magistrate, Eighteenth Judicial Circuit, Brevard County, Florida

3. Business address: Moore Justice Center, 2825 Judge Fran Jamieson Way

City Viera County Brevard State FL ZIP 32940

Telephone (321) 637-5536- FAX () -

4. Residential address: [REDACTED]

City [REDACTED] County Brevard State FL ZIP [REDACTED]

Since September 2000 Telephone [REDACTED]

5. Place of birth: Richmond, Virginia

Date of birth: [REDACTED] Age: 60

6a. Length of residence in State of Florida: 21 years

6b. Are you a registered voter? Yes No

If so, in what county are you registered? Brevard

7. Marital status: Divorced

If married: Spouse's name _____

Date of marriage _____

Spouse's occupation _____

If ever divorced give for each marriage name(s) of spouse(s), current address for each former spouse, date and place of divorce, court and case number for each divorce.

[REDACTED]

Date of divorce: June 11, 1998 in Philadelphia, Pennsylvania; Court of Common Pleas of Philadelphia County, Pennsylvania, Domestic Relations Division, Case no. 009424262

8. Children

<i>Name(s)</i>	<i>Age(s)</i>	<i>Occupation(s)</i>	<i>Residential address(es)</i>
[REDACTED]	27	Restaurant manager and yoga instructor	[REDACTED]

9. Military Service (including Reserves)

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
----------------	---------------	---------------------	--------------

Rank at time of discharge _____ Type of discharge _____

Awards or citations _____

HEALTH:

10. Are you currently addicted to or dependent upon the use of narcotics, drugs, or intoxicating beverages? If yes, state the details, including the date(s).

No

11a. During the last ten years have you been hospitalized or have you consulted a professional or have you received treatment or a diagnosis from a professional for any of the following: Kleptomania, Pathological or Compulsive Gambling, Pedophilia, Exhibitionism or Voyeurism?

Yes No

If your answer is yes, please direct each such professional, hospital and other facility to furnish the Chairperson of the Commission any information the Commission may request with respect to any such hospitalization, consultation, treatment or diagnosis. ["Professional" includes a Physician, Psychiatrist, Psychologist, Psychotherapist or Mental Health Counselor.]

Please describe such treatment or diagnosis.

11b. In the past ten years have any of the following occurred to you which would interfere with your ability to work in a competent and professional manner?

- Experiencing periods of no sleep for 2 or 3 nights
- Experiencing periods of hyperactivity
- Spending money profusely with extremely poor judgment

- Suffered from extreme loss of appetite
- Issuing checks without sufficient funds
- Defaulting on a loan
- Experiencing frequent mood swings
- Uncontrollable tiredness
- Falling asleep without warning in the middle of an activity

Yes No

If yes, please explain.

N/A

- 12a. Do you currently have a physical or mental impairment which in any way limits your ability or fitness to properly exercise your duties as a member of the Judiciary in a competent and professional manner?

Yes No

- 12b. If your answer to the question above is Yes, are the limitations or impairments caused by your physical or mental health impairment reduced or ameliorated because you receive ongoing treatment (with or without medication) or participate in a monitoring or counseling program?

Yes No

Describe such problem and any treatment or program of monitoring or counseling.

N/A

13. During the last ten years, have you ever been declared legally incompetent or have you or your property been placed under any guardianship, conservatorship or committee? If yes, give full details as to court, date and circumstances.

No

14. During the last ten years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal or State laws? If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal law provisions.)

No

15. In the past ten years, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs? If so, please state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No

16. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? If so, please state the date you were requested to submit to such a test, the type of test required, the name of the entity requesting that you submit to the test, the outcome of your refusal and the reason why you refused to submit to such a test.

No

17. In the past ten years, have you suffered memory loss or impaired judgment for any reason? If so, please explain in full.

No

EDUCATION:

18a. Secondary schools, colleges and law schools attended.

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
York College	N/A	Fall 1976 approximately	N/A B.A. French
The Pennsylvania State University	with distinction	8/77-8/81	B.A. International Politics
The University of Strasbourg, France	N/A	Spring 1980	N/A
Villanova Law School n/k/a Charles Widger School of Law	Top 20%	8/85-5/88	J.D.

18b. List and describe academic scholarships earned, honor societies or other awards.
 Phi Eta Sigma Honor Society (Pennsylvania State University)
 Dean's list and graduate with distinction at Pennsylvania State University
 Student Member of Faculty Curriculum Committee at Villanova Law School

NON-LEGAL EMPLOYMENT:

19. List all previous full-time non-legal jobs or positions held since 21 in chronological order and briefly describe them.

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
2/82-6/83	Administrative Assistant	Le Jacquard Francais	200 Lovers Lane Culpeper, VA 22701
9/83-6/84	Server	Manchester Country Club	South River Road Bedford, NH 03102
10/84-8/85	Supervisor/ Fundraiser	Public Interest Communications, Inc.	7700 Leesburg Pike Falls Church, VA 22043
3/99-7/01	Instructor - Paralegal Studies	Keiser College, now Keiser University	900 S. Babcock St. Melbourne, FL 32901

PROFESSIONAL ADMISSIONS:

20. List all courts (including state bar admissions) and administrative bodies having special admission requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have been suspended or resigned.

Court or Administrative Body *Date of Admission*

See Attachment

LAW PRACTICE: (If you are a sitting judge, answer questions 21 through 26 with reference to the years before you became a judge.)

21. State the names, dates and addresses for all firms with which you have been associated in practice, governmental agencies or private business organizations by which you have been employed, periods you have practiced as a sole practitioner, law clerkships and other prior employment:

<i>Position</i>	<i>Name of Firm</i>	<i>Address</i>	<i>Dates</i>
Law Clerk for the Honorable John Kelly	Superior Court of Pennsylvania	Old Federal Courthouse, 8 th and Market Streets, Philadelphia, PA	5/86-5/87
Law Clerk	Galfand, Berger, Lurie & March	1737 Chestnut Street, Philadelphia, PA 19103	5/87-6/88
Attorney	Manta & Welge	37 th Floor, One Commerce Square, 2001 Market Street, Philadelphia, PA 19103	9/88-9/90

See attached for additional employment

22. Describe the general nature of your current practice including any certifications which you possess; additionally, if your practice is substantially different from your prior practice or if you are not now practicing law, give details of prior practice. Describe your typical clients or former clients and the problems for which they sought your services.

I currently serve as a General Magistrate, hearing family law matters, involuntary in-patient placements ("Baker Act") under Chapter 394 and involuntary placements ("Marchman Act") under Chapter 397 of Florida Statutes. Before I was appointed as a General Magistrate, I operated my own law office, practicing in family law, guardianship, commercial litigation, and civil litigation. In family law, I represented spouses, parents, and, occasionally, grandparents. In guardianship matters, I represented private parties, professional guardians, and the public guardian. In civil and commercial litigation, I represented businesses and individuals in commercial disputes and breach of contract matters. Previously, I had practiced in the areas of personal injury and products liability for both plaintiffs and defendants, who were either businesses or insurance companies. After law school, I worked for a law firm that specialized in environmental and toxic tort litigation. I worked in the Superfund department representing businesses; this representation involved complex litigation with many (sometimes hundreds) parties and sophisticated negotiations with the Department of Justice and the Environmental Protection Agency in Pennsylvania and New Jersey as well as toxic tort litigation, including class actions. During the first ten years of my legal career, a significant amount of my practice was in federal court.

23. What percentage of your appearance in courts in the last five years or last five years of practice (include the dates) was in:

Court		Area of Practice	
Federal Appellate	_____ %	Civil	_____ 10 %
Federal Trial	_____ %	Criminal	_____ %
Federal Other	_____ %	Family	_____ 70 %
State Appellate	_____ %	Probate	_____ 20 %
State Trial	_____ 98 %	Other	_____ %
State Administrative	_____ 2 %		
State Other	_____ %		
	_____ %		
TOTAL	_____ 100 %	TOTAL	_____ 100 %

24. In your lifetime, how many (number) of the cases you have tried to verdict or judgment were:

Jury?	<u>approx. 2-3</u>	Non-jury?	<u>approx. 50</u>
Arbitration?	<u>approx. 12</u>	Administrative Bodies?	<u>approx. 3</u>

25. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No

26. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain in full.

No

(Questions 27 through 30 are optional for sitting judges who have served 5 years or more.)

27a. For your last 6 cases, which were tried to verdict before a jury or arbitration panel or tried to judgment before a judge, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

In Re the Marriage of Karen Braynard and Herbert Hayes Braynard, III, case number 05-2008-DR-007629-XXXX-XX, pro se Respondent

In Re the Marriage of Ashley Coble and Jesse Coble, case number 05-2015-DR-037971-XXXX-XX, pro se Respondent

In Re the Interest of A.J.P., case number 05-2015-DR-01778-XXXX-XX, pro se Respondents

In Re the Marriage of Sansanee Scott and Richard E. Scott, III, case number 05-2013-DR-22515-XXXX-XX, opposing counsel: Michele A. Biecker, Esquire, (321) 693-0850

In Re: Faith Cason v. Brevard County Board of Commissioners, case number 05-2014-CC-026218-XXXX-XX, opposing counsel: Becky Behl-Hill, Esquire, (321) 622-1507

In Re the Marriage of Susan Vance and Stephan Vance, case number 05-2012-DR-057495-XXXX-XX, opposing counsel: Tino Gonzalez, Esquire, (321) 751-9675

27b. For your last 6 cases, which were settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

In Re the Marriage of David W. Patterson and Joann Renee Patterson, case no. 05-2016-DR-018338-XXXX-XX, Ric Woodward, Esquire, (321) 254-0006

In Re the Marriage of Michelle Garrett and Andrew R. Garrett, case no. 05-2015-DR-41743-XXXX-XX, pro se Respondent

In Re the Marriage of Maurice Van Vugt and Danielle Elizabeth Denney-Van Vugt, case number 05-2015-DR-041050-XXXX-XX, Kelly McCormack Ingram, Esquire, now The

Honorable Kelly McCormack Ingram, (321) 952-4702

In Re the Former Marriage of Elisa Ulibarri-Yoho and Norman Fontan, case number 05-2007-DR-26543-XXXX-XX, Charles L. Dorfman, Esquire, (321) 259-0560

In Re the Marriage of Danielle Baker and Justin Baker, case number 05-2015-DR-018944-XXXX-XX, pro se Respondent

In Re the Former Marriage of Melanie Anne Schrader and Trevor Marlon Vander, case number 05-2008-DR-51513-XXXX-XX, Melissa Peat, Esquire, (321) 775-3694

In Re the Marriage of Jimmie Riblet and Michelle Riblet, case number 05-2015-DR-34554-XXXX-XX, Billie Jo Hopwood, Esquire, (321) 725-3425

In Re the Marriage of Patricia Greenia and Randall Greenia, case number 05-2015-DR-13278-XXXX-XX, Deana Cooper Bell, Esquire, (321) 952-2522

27c. During the last five years, how frequently have you appeared at administrative hearings?
0 average times per month

27d. During the last five years, how frequently have you appeared in Court?
5 average times per month

27e. During the last five years, if your practice was substantially personal injury, what percentage of your work was in representation of plaintiffs? N/A% Defendants?
N/A%

28. If during any prior period you have appeared in court with greater frequency than during the last five years, indicate the period during which this was so and give for such prior periods a succinct statement of the part you played in the litigation, numbers of cases and whether jury or non-jury.

Not applicable with the exception of my position as a General Magistrate, which requires me to be in court usually five days a week.

29. For the cases you have tried to award in arbitration, during each of the past five years, indicate whether you were sole, associate or chief counsel. Give citations of any reported cases.

N/A

30. List and describe the six most significant cases which you personally litigated giving case style, number and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant. Give the name of the court and judge, the date tried and names of other attorneys involved.

See attached.

31. Attach at least one example of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach writing for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

See attached.

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE:

32a. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved and the dates of service or dates of candidacy.

No.

32b. List any prior quasi-judicial service:

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
5/16-present	Eighteenth Judicial Circuit, Brevard County	General Magistrate
10/06-5/16	City of Satellite Beach, Board of Adjustment	Chairperson

As a General Magistrate, I hear family law matters (dissolution of marriage, paternity, parental responsibility and time-sharing, temporary custody by extended family members, name changes, child support), mental health matters under Chapter 394 and substance abuse matters under Chapter 397, Florida Statutes. On the Board of Adjustment, I heard primarily applications for variances but also occasional appeals from decisions of the City building official.

Types of issues heard:

32c. Have you ever held or been a candidate for any other public office? If so, state the office, location and dates of service or candidacy.

No

32d. If you have had prior judicial or quasi-judicial experience,

(i) List the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.

See attached.

(ii) Describe the approximate number and nature of the cases you have handled during your judicial or quasi-judicial tenure.

As a General Magistrate approximately 2,650 family law hearings, trials, and case management conferences, approximately 297 Chapter 394 ("Baker Act") hearings, and approximately 24 Chapter 397 ("Marchman Act") hearings.

On the Board of Adjustment, approximately 50 cases. The Board of Adjustment hears primarily applications for variances and, less frequently, appeals from decisions of the City building official. The variances typically addressed property line and setback issues involving fences, pools, other structures, docks, and homes being rebuilt on the beach. The cases regarding docks and homes on the beach were the most contentious and usually created more public interest. When the Satellite Beach ordinance was amended to require businesses to have monument signs, we addressed many variances from businesses on Highway A1A due to the setback issue. The ordinary variance requests were most often presented by

homeowners and, sometimes, their contractors, architects, or engineers. The dock and beach home cases more often involved attorneys.

- (iii) List citations of any opinions which have been published.

None.

- (iv) List citations or styles and describe the five most significant cases you have tried or heard. Identify the parties, describe the cases and tell why you believe them to be significant. Give dates tried and names of attorneys involved.

See attached.

- (v) Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give date, describe complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution.

No.

- (vi) Have you ever held an attorney in contempt? If so, for each instance state name of attorney, approximate date and circumstances.

No.

- (vii) If you are a quasi-judicial officer (ALJ, Magistrate, General Master), have you ever been disciplined or reprimanded by a sitting judge? If so, describe.

No.

BUSINESS INVOLVEMENT:

- 33a. If you are now an officer, director or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment or election to judicial office.

N/A

- 33b. Since being admitted to the Bar, have you ever been engaged in any occupation, business or profession other than the practice of law? If so, give details, including dates.

From March 1999 until July 2001, I was the paralegal instructor at Keiser College in Melbourne, Florida. Subsequently, I was an adjunct instructor there from July 2001 through November 2002, during which time I taught business law and certification courses.

- 33c. State whether during the past five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind. If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved and the dates such compensation was paid and the amounts.

No.

POSSIBLE BIAS OR PREJUDICE:

34. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you as a general proposition believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself.

None.

MISCELLANEOUS:

35a. Have you ever been convicted of a felony or a first degree misdemeanor?

Yes _____ No x If "Yes" what charges? _____

Where convicted? _____ Date of Conviction: _____

35b. Have you pled nolo contendere or pled guilty to a crime which is a felony or a first degree misdemeanor?

Yes _____ No x If "Yes" what charges? _____

Where convicted? _____ Date of Conviction: _____

35c. Have you ever had the adjudication of guilt withheld for a crime which is a felony or a first degree misdemeanor?

Yes _____ No x If "Yes" what charges? _____

Where convicted? _____ Date of Conviction: _____

36a. Have you ever been sued by a client? If so, give particulars including name of client, date suit filed, court, case number and disposition.

No

36b. Has any lawsuit to your knowledge been filed alleging malpractice as a result of action or inaction on your part?

No

36c. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the amounts involved.

No

37a. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you?

No

37b. Have you ever owned more than 25% of the issued and outstanding shares or acted as an officer or director of any corporation by which or against which a petition in bankruptcy has been filed? If so, give name of corporation, your relationship to it and date and caption of petition.

No

38. Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If so, please supply the jurisdiction/county in which the lawsuit was filed, style, case number, nature of the lawsuit, whether you were Plaintiff or Defendant and its disposition.

Yes. See attached.

39. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, give the particulars.

No

40. To your knowledge within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a formal complaint or formal accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such formal complaint or formal accusation(s), the specific formal complaint or formal accusation(s) made, and the background and resolution of such action(s). (Any complaint filed with JQC, refer to 32d(v).

No

41. Are you currently the subject of an investigation which could result in civil, administrative or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation and the expected completion date of the investigation.

No

42. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain.

No

43a. Have you filed all past tax returns as required by federal, state, local and other government authorities?

Yes No If no, please explain. _____

43b. Have you ever paid a tax penalty?

Yes No If yes, please explain what and why. _____

43c. Has a tax lien ever been filed against you? If so, by whom, when, where and why?

No

HONORS AND PUBLICATIONS:

44. If you have published any books or articles, list them, giving citations and dates.
No.
45. List any honors, prizes or awards you have received. Give dates.
See attached.
46. List and describe any speeches or lectures you have given.
ABA Women Rainmakers panel member, October 2015, Melbourne, FL
Voluntary Bar Leaders Conference, panel member on bar association communications and newsletters, July 2017, Orlando, FL
47. Do you have a Martindale-Hubbell rating? Yes If so, what is it? ___ No

PROFESSIONAL AND OTHER ACTIVITIES:

- 48a. List all bar associations and professional societies of which you are a member and give the titles and dates of any office which you may have held in such groups and committees to which you belonged.
Florida Bar 2001-present
Florida Bar, Family Law Section since 2009
Brevard County Bar Association, Member, 2006 - present
Brevard County Bar Association, Board Member 2011 through 2016, Secretary 2012-2013, Treasurer 2013-2014, President-Elect 2014-2015, President 2015-2016
Florida Association for Women Lawyers, 2002, 2013-2016
Brevard County Association for Women Lawyers 2003-2016
Brevard County Bar Foundation, Lifetime Member
Vassar B. Carlton American Inn of Court, 2013 - present (Master)
Brevard County Legal Aid, Board Member from 2006 to 2016 and Lifetime Partner
Association of Florida Magistrates and Hearing Officers, 2019-present
- 48b. List, in a fully identifiable fashion, all organizations, other than those identified in response to question No. 48(a), of which you have been a member since graduating from law school, including the titles and dates of any offices which you have held in each such organization.
Penn State Alumni Association
Space Coast Chapter, Penn State Alumni Association, Board member and Secretary, 2010 - 2016
- 48c. List your hobbies or other vocational interests.

Sailing, swimming, bicycling, reading, attending the theater and concerts, solving crossword puzzles, travel

- 48d. Do you now or have you ever belonged to any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench.

No

- 48e. Describe any pro bono legal work you have done. Give dates.

Between 2006 and 2016, I performed over 400 hundred of hours of pro bono work for Brevard County Legal Aid, including representing clients in family law, guardianship, and guardian advocacy matters and volunteering at advice clinics.

SUPPLEMENTAL INFORMATION:

- 49a. Have you attended any continuing legal education programs during the past five years? If so, in what substantive areas?

Yes. Family law, training for guardians ad litem in family law, guardianship and guardian advocacy. Also, Judicial College Phases I and II in January and March 2017, Advanced Judicial Studies in 2017 (Parenting Plans, Guardian Ad Litem) and 2018 (Social Media in Family Law, Civil Evidence). I also have attended the Association of Family and Conciliation Court, Florida Chapter, conferences, which include multiple courses and workshops relating to families, family law, mental health issues, and evidentiary issues, in 2016, 2018, and 2019.

- 49b. Have you taught any courses on law or lectured at bar association conferences, law school forums, or continuing legal education programs? If so, in what substantive areas?

Voluntary Bar Leaders Conference, July 2017, panel member

Vassar B. Carlton American Inn of Court, 2013 - 2019. Ethics and Mentor Moments on Florida Lawyers Assistance programs and preparing witnesses and team presentations, including the interaction of family law and criminal, foreclosure, and bankruptcy issues; judicial ethics; trial practices/cross-examination of witnesses; and social media issues.

50. Describe any additional education or other experience you have which could assist you in holding judicial office.

In the early part of my career, I served as an arbitrator in the mandatory arbitration program in the Philadelphia County (Pennsylvania) court system; this program required most civil cases involving amounts in controversy less than \$50,000 to submit non-binding arbitration before a panel of three attorneys.

As an instructor at Keiser College, I taught contracts, property, torts, business law, criminal law, family law, civil procedure, and research and writing. I created the curriculum and incorporated substantive law with practical application. The students were primarily adults who were returning to school to better their lives, most of whom had no experience with college-level courses, had diverse backgrounds, and needed confidence-building. I required the students to draft documents, do oral presentations, perform legal research, and prepare regular written assignments. I developed an

excellent rapport with the students and they respected me and were enthusiastic about learning.

During my legal career, I have handled a wide variety of civil cases: complex environmental litigation that involved administrative law, statutory interpretation, and scientific issues; insurance litigation, including first party and civil arson cases; commercial litigation; personal injury and products liability on both sides, and, later in my career, family law and guardianship. I have represented individuals of various socio-economic backgrounds and businesses. Consequently, I have a solid understanding of procedural and substantive issues and have the ability to build on that foundation.

My experience as the Chairperson on the City of Satellite Beach Board of Adjustment was invaluable in preparing me for my current position as a General Magistrate. The issues impacted my community and it was crucial that I remain neutral and objective in applying the legal standards to the facts presented to me, despite any interest I may have had as a member of the community in a particular outcome. Most of the cases were presented by pro se parties and I developed an ability to listen to evidence and, at times, public outcry, while maintaining an environment of decorum and impartiality. I was well-respected by the other members of the Board and other city employees and volunteers, including the City Council and Mayor, and was honored at a brief ceremony when I resigned upon accepting the General Magistrate position.

As an officer of the Brevard County Bar Association, I was extremely productive and dedicated to providing the local legal community with opportunities to learn and improve their practices, socialize, and give back to the larger community of Brevard County. While I was President-Elect, I worked with the Clerk of Court staff to provide training for e-filing; over 200 people, including attorneys, paralegals, legal secretaries, and Clerk personnel, attended this training. In addition, as President, now-retired Judge Tonya Rainwater and I developed the guardian ad litem program for family law in Brevard County; she and I worked with the Honorable Jack Helinger from the Sixth Judicial Circuit to offer a free training session with continuing education credit, through the Bar Association, to attorneys. As a result, we now are able to appoint qualified guardians ad litem in high conflict family law cases. During my tenure as President, with the help of local attorneys, the Bar Association hosted a dinner honoring our local military members and veterans; officers from Patrick Air Force Base, veterans organizations, and attorneys involved in the Veterans' Court attended as well as vendors who provide resources for veterans. I have continued to provide continuing education opportunities to our local family attorneys by organizing quarterly Family Law Network luncheons with speakers on topics pertinent to the practice of family law.

As a General Magistrate hearing family matters, I interact daily with pro se litigants and attorneys. The pro se litigants, in particular, are often scared and emotional, and sometimes skeptical, when they enter my courtroom. I try to make the parties feel at ease, while also explaining the rules of the courtroom and demanding civility and respect between the parties and toward the court. I carefully consider the parties' circumstances and am able to be neutral and objective when I weigh the evidence in making my recommendations. These family law hearings can become explosive and I maintain patience and a calm demeanor in the wake of the parties' emotions. I am always prepared; I review the court file before every hearing and case management conference. I try to anticipate problems or other procedural issues that might cause delay or confusion to the process. When dealing with attorneys, I am mindful of their desire to

control the pace of a case, which must be balanced with the court's need for judicial efficiency and prevention of unnecessary delay.

Mental health and substance abuse cases involve a unique set of circumstances and legal issues, including issues of due process. The mental health (Chapter 394) hearings are held at psychiatric facilities and I ensure that the hearings proceed in a formal, appropriate manner. The substance abuse hearings under Chapter 397 ("Marchman Act") present difficult procedural and practical obstacles; the families look to the General Magistrate as the answer to what, surely, has been a long nightmare for them. There are distinct limitations to the ability of the courts to address the families' problems, but I am able to develop a discourse with the families and the respondent as to an appropriate and realistic course of action.

I also have participated in the OSCA Family Court Workshop in 2016, 2018, and 2019, which focuses on the concept of One Family, One Court. During these one-day workshops, the participants exchange ideas about successes and obstacles in achieving the goal of One Family, One Court.

51. Explain the particular potential contribution you believe your selection would bring to this position.

My current position as a General Magistrate should ensure a smooth transition to being a judge. I have very good relationships and work well with the clerks, deputies, and other court staff. Since I have had this position for the past almost four years, I have worked with the Clerk, judges, magistrates, and other personnel in developing and improving procedures. I have a fountain of legal and life experience that allows me to be objective and fair to all participants in the process. My experience enables me to understand and assess a wide spectrum of legal matters and procedures; I am able to be flexible and continue to learn when I am assigned to an unfamiliar area of law. I understand the needs and challenges of attorneys as they represent their clients and I interact well with pro se litigants. I am extremely hard-working and conscientious and care about how the legal system impacts our society.

52. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission.

N/A.

53. Give any other information you feel would be helpful to the Commission in evaluating your application.

I am comfortable engaging with judges and other magistrates to obtain various viewpoints on novel issues. My relationship with sitting judges is excellent, which will enable me to seek their advice when I encounter issues with which I do not have experience, for example, criminal jury trials, juvenile delinquency, drug court, etc.

REFERENCES:

54. List the names, addresses and telephone numbers of ten persons who are in a position to comment on your qualifications for judicial position and of whom inquiry may be made by the Commission.

See attached.

Leslie J. Castaldi
Circuit Court – Brevard
Question 20

20. List all courts (including state bar admissions) and administrative bodies having special admission requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have been suspended or resigned.

New Jersey, admitted 9/19/88 (voluntarily inactive)

Pennsylvania, admitted 11/14/88

U.S. District Court, New Jersey, admitted 12/19/88 (voluntarily inactive)

U.S. District Court, Eastern District of Pennsylvania, admitted 2/22/89 (voluntarily inactive)

Florida, admitted 6/13/01

U.S District Court, Middle District of Florida, admitted 2002-2004, 2009- 8/31/17

Leslie J. Castaldi
Circuit Court – Brevard
Question 21 - Supplement

<u>Position</u>	<u>Name of Firm</u>	<u>Address</u>	<u>Dates</u>
Attorney/ Partner	Ochroch & Blum/ Ochroch & Castaldi	318 S. 16 th Street Philadelphia, PA 19102	9/91- 7/96
Attorney	McCandless & Associates	121 S. Broad St., Suite 310 Philadelphia, PA 19107	7/96- 5/99
Attorney	Scott R. Dwyer, P.A.	4241 N. Harbor City Blvd. Melbourne, FL 32935	7/01- 5/02
Attorney	Douglas W. Tuttle, P.A.	3617 20 th Street Vero Beach, FL 32960	5/02- 5/06
Attorney	Leslie J. Castaldi, P.A.	2401 W. Eau Gallie Blvd. Melbourne, FL 32935	6/06- 5/16

Leslie J. Castaldi
Circuit Court – Brevard
Question 30

30. List and describe the six most significant cases which you personally litigated giving case style, number and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant. Give the name of the court and judge, the date tried and names of other attorneys involved.

- (1) John B. MacNeill v. James A. Yates and Amy B. Van Fossen, n/k/a Amy B. Jackson
 - a. United States District Court, Middle District Court of Florida, Orlando Division
 - b. Case number 6:09-cv-706-Orl-31DAB
 - c. Judge: The Honorable Gregory A. Presnell
 - d. Dates of litigation: 4/2009 – 1/2011
 - e. Opposing Counsel: Joel Rosenblatt, Esquire, and Douglas Marks, Esquire, for Plaintiff; Francis H. Sheppard, Esquire, and Timothy N. Bench, Esquire, for Defendant Van Fossen

This case involved copyright issues as well as business issues. My co-counsel and I represented the defendant Mr. Yates. The plaintiff alleged that he and Mr. Yates had formed a joint venture with the intent of rewriting a software program in an updated language. The plaintiff asserted multiple counts, including: copyright infringement; declaratory judgment that a joint venture had been formed; fraudulent inducement; breach of contract; breach of implied contract, unjust enrichment; and breach of fiduciary duty. Mr. Yates filed multiple counterclaims, alleging that he had created a new source code for an old program, that Mr. Yates was the sole owner of that source code, and that he was entitled to damages and recovery of fees and costs for prevailing on a copyright action. The Court entered judgment on the pleadings on several counts in the plaintiff's complaint. Much of the litigation focused on discovery issues and depositions. In addition, the Court granted summary judgment against the plaintiff in our client's favor on the plaintiff's counts for declaratory judgment, fraudulent inducement, breach of contract, breach of contract implied by law, unjust enrichment, and breach of fiduciary duty. I prepared much of the discovery, took the plaintiff's deposition, argued discovery motions before the Magistrate, and wrote a substantial portion of the motion for summary judgment. Ultimately, the case was settled. However, this case is significant, because we were able to protect our client, who spent hundreds of hours and his resources developing the source code and protecting his ownership interest in it. It also demonstrates my ability to litigate complex issues, including copyright issues that were rather new to me.

- (2) John Trahan v. Lou Exline and Orion Technology Services, LLC
 - a. Originally filed in the United States District Court, Middle District of Florida as Orion Technology Services, LLC v. John Trahan, case number 6-09-CV-219-ORL-19GJK)
 - b. Arbitration through JAMS: JAMS Reference number 1310017984
 - c. Arbitrator: The Honorable Mark Whittington
 - d. Dates of Arbitration: 8/3 and 8/4/10
 - e. Opposing Counsel: Gregory L. Griffith, Dallas, TX

I represented Mr. Exline and Orion Technology Services, Inc., in this case, which we initiated in Brevard County as a breach of contract action regarding personal guarantees on a promissory note. The case was removed to federal court and Mr. Trahan invoked the arbitration clause in the promissory note. The case grew from a simple breach of contract case to a complicated commercial case. In arbitration, Mr. Trahan raised many issues relating to the business relationship between him and Mr. Exline and, thus, the case became quite complex. In addition to breach of contract, the legal issues and claims included: breach of fiduciary duties owed by officers and directors of a corporation; piercing the corporate veil; breach of a non-solicitation provision; conversion; demands for accountings; and damages. On behalf of Mr. Exline and Orion, I prepared and filed a Motion for Summary Judgment. The Arbitrator denied the Motion; however, in his Arbitration Award, the Arbitrator adopted much of the language and reasoning in the Motion. The arbitration hearing took place over two days and, ultimately, the Arbitrator found in favor of my clients on the original breach of contract issue based upon the promissory note, but denied their claim for breach of fiduciary duty and other claims for which they sought damages. In addition, the Arbitrator granted our request for attorney's fees.

This case was significant as it presented complex issues involving the relationship of business owners, the financing of a business, and sophisticated accounting principles. The case was significant to me, as I had to devote a substantial amount of time and resources to discovery, including multiple depositions, reviewing voluminous documents, and motion practice as well as the preparation for two days of arbitration. My client was an extremely intelligent businessman and I learned a lot about business accounting matters during this litigation.

- (3) In Re the Marriage of Karen Braynard and Herbert Hayes Braynard, III
 - a. Eighteenth Judicial Circuit in and for Brevard County, Case number 05-2008-DR-007629-XXXX-XX
 - b. Honorable Charles Crawford; The Honorable Morgan Reinman
 - c. Dates of Final Trial: 12/16 and 12/17/14 and 1/8/15
 - d. Opposing Counsel: none. Respondent was pro se

This dissolution of marriage case involved a related criminal case and, for a brief time, a related dependency case. I represented the Wife in the dissolution of marriage case. The husband was arrested, ultimately convicted for sexual assault [REDACTED], and sentenced to 27 life sentences. While his criminal trial was pending and he was incarcerated in the local jail, the Wife began the dissolution of marriage. She had been granted sole custody of the four children in the related dependency case. The Husband made every effort to have contact with the Wife and the children in violation of no-contact orders in the criminal case. The first phase of the dissolution of marriage trial could not be completed, so the trial judge bifurcated the case and granted the dissolution of marriage. The Husband filed an appeal, but the District Court of Appeal affirmed the entry of the Bifurcated Final Judgment. The trial judge abated the dissolution of marriage case until the resolution of the criminal case, which took several years. Throughout this time, I received countless telephone calls and written correspondence from the Husband, threatening to implicate the Wife and to have the children placed in foster care. I notified the State Attorney's office of these threats and cooperated with the investigation of his conduct. The criminal case eventually was tried before a jury and the defendant convicted on 27

counts. I was present at the Husband's sentencing, during which [REDACTED] made a brave, moving statement. At the trial on the remaining issues in the family law case, the Husband represented himself from prison, continuously asserting his parental rights and demanding that he be permitted to communicate with the two remaining children. The trial took two and a half days. The Judge awarded my client sole parental responsibility, child support (the Husband was receiving military retirement), and attorney's fees, among other relief. This case was significant to me, because I saw the judicial system work and help this family pick up its shattered pieces, heal, and grow; finally, they were whole again and the client was grateful for my support and representation of her and the family throughout this tragic case.

- (4) In Re: the Marriage of Brian Geib and Cynthia Geib
- a. Eighteenth Judicial Circuit in and for Brevard County, Case number: 05-2007-DR-024609-XXXX-XX consolidated with 05-2007-DR-030131
 - b. Trial date: 2/24/10
 - c. Opposing counsel: Phil Fougousse for a portion of the case; otherwise, the Husband was pro se

I represented the Wife pro bono through Brevard County Legal Aid. She was the victim of domestic violence and had obtained a domestic violence injunction against the Husband. The parties had three young children. In addition to the dissolution of the marriage, the case involved parenting issues and child support. We had multiple hearings regarding child support and, on several occasions, the Judge found the Husband to be in contempt of the child support order. The case proceeded to trial, where the case was ultimately resolved.

This case was significant to me, because, when I met the Wife, she was extremely traumatized by the abuse that she had endured, she lacked confidence, and she was not sure how she would take care of her family. As the case progressed, she grew stronger, more confident, and became gainfully employed so she was able to provide for her family. She also became a more capable parent as she was able to focus on the needs of her children rather than feeling like a victim.

- (5) In Re: Guardianship of Mary Jane Reynolds
- a. Eighteenth Judicial Circuit in and for Brevard County, Case number 05-2012-GA-72057-XXXX-XX
 - b. Hearing date: 3/12/13
 - c. Counsel for the Ward: Tino Gonzalez, Esquire

In this case, I represented a professional guardian, who ultimately was appointed as the plenary guardian for the Ward, Ms. Reynolds. Law enforcement officers had found Ms. Reynolds in a car in a rest area in Brevard County. Ms. Reynolds did not know where she was or how she had arrived there. We later learned that Ms. Reynolds owned a home in Lake County, Florida. However, the home was in such a state of disrepair that it was condemned as a hazardous waste site. All of Ms. Reynolds children had died and she had no immediate family. She was diagnosed with dementia and the Court determined her to be incapacitated. Through the guardianship proceeding, we were able to place Ms. Reynolds in a safe living environment where

she was well cared for and not alone. Her assets were protected and used for her care.

(6) Caruso, et al. v. The Coleman Company

- a. United States District Court, Eastern District of Pennsylvania, case numbers 93-CV-6733, 94-CV-2779
- b. United States Magistrate Judge: Edwin Naythons
- c. Litigation dates: 1993-1994
- d. Opposing Counsel: Edward Joseph, Esquire, Philadelphia, PA

In this case, my law partner and I represented the widow and three young sons of Mr. Caruso, who died of carbon monoxide poisoning while he was sleeping in a camping trailer during a hunting trip. In the trailer were a Turner propane heater and a Coleman propane lantern, both using Coleman propane cylinders and both turned on when Mr. Caruso was found. The Turner heater had been sold in the 1960s and had a known defect that caused excessive carbon monoxide to be produced. Therefore, we settled early in the case with Turner. The case against Coleman Company was based upon an inadequate warning theory. This case involved extensive discovery, including some interesting issues. For example, we obtained a court order that required the in-house counsel to testify, as he had knowledge of pertinent facts that were not protected by attorney-client privilege. In addition, we learned through depositions that there was a "smoking gun" memorandum drafted by an engineer at Coleman, who believed the warning to be inadequate. We obtained an order compelling the production of documents (this issue was the subject of published decision at 157 F.R.D. 344 (E.D. Pa. 1994)) for which we had to travel to Wichita, Kansas and review voluminous documents in a roomful of boxes brought by a U-Haul truck. We found the memorandum and were able to settle the case for a substantial sum of money (seven figures). In addition, subsequently, the warning labels on Coleman propane cylinders were changed to provide a more specific warning about the dangers of using the propane-powered equipment in enclosed spaces.

Leslie J. Castaldi
Circuit Court – Brevard
Question 31: Writing sample attached

2. On November 21, 2007, the Court entered a Final Judgment on Report and Recommendation of Hearing Officer (docket no. 20), adjudicating Mr. Klinnert's paternity of [REDACTED] and establishing Mr. Klinnert's child support obligation of \$800 per month.

3. On July 8, 2008, the parties entered into a Memorandum of Agreement (Parenting Plan) (docket no. 32), which provided for shared parental responsibility and established a long-distance time-sharing schedule. Among other time-sharing, Mr. Klinnert would have time-sharing for one week during the Christmas break, every spring break, and two three-week periods during the summer. On July 22, 2008, the Court entered an Order approving the Parenting Plan (docket no. 33).

4. In July 2017, during Mr. Klinnert's summer time-sharing, Ms. Hamilton contacted Mr. Klinnert, advising him that her husband, Linwood Hamilton, had physically abused her and that DCF was involved; she also told Mr. Klinnert that she had separated from Mr. Hamilton and would be moving into a home owned by her parents. The parties agreed that it would be in [REDACTED]'s best interests to spend the upcoming school year with Mr. Klinnert and attend school in Minnesota. Ms. Hamilton also told DCF that she and Mr. Hamilton had separated; based upon that representation, DCF closed its investigation. Unbeknownst to Mr. Klinnert and DCF, Ms. Hamilton reconciled with Mr. Hamilton within weeks.

On November 8, 2017, the Court entered a Stipulated Modification of Final Judgment (docket no. 44), pursuant to which [REDACTED] was to reside with Mr. Klinnert in Minnesota for the 2017-2018 school year and be registered for school there. In addition, Ms. Hamilton would have time-sharing during the Thanksgiving 2017 break, one week during the Christmas break, and for spring break and was entitled to visitation in Minnesota for up to forty-eight hours upon

providing seven days' notice. Ms. Hamilton was responsible for all transportation costs for the child. The Stipulated Modification provides that all terms of the Final Judgment not modified shall remain in full force and effect. Mr. Kinnert testified that his then-attorney signed the Stipulated Order in August or September, but they had difficulty sending the Stipulated Order to Ms. Hamilton, who was then unrepresented.

5. On November 7, 2017, Mr. Kinnert filed a Supplemental Petition for Relocation (docket no. 37), requesting relocation of the child to Mr. Kinnert's home in Sauk Centre, Minnesota due to Ms. Hamilton's home environment, which, Mr. Klinnert alleges, includes domestic violence and alleged drug possession and dealing, and physical and verbal abuse to [REDACTED] by Mr. Hamilton. He filed an Amended Supplemental Petition on November 21, 2017 (docket no. 46), which is pending. Ms. Hamilton filed an Answer (filed on December 5, 2017, docket no. 52), objecting to the relocation request.¹

6. On December 13, 2017, the Court denied Mr. Klinnert's Emergency Motion to Suspend Timesharing, but set rules about telephone contact with the child, including requiring Mr. Klinnert to provide [REDACTED] with a cell phone and charger, permitting Mr. Klinnert to have private, unmonitored telephone contact the child once a day between 6:00 p.m. and 7:00 p.m. when the child is with Ms. Hamilton, and permitting the child to call either parent whenever he wishes.

7. On April 19, 2018, Ms. Hamilton filed an Amended Motion to Enforce Parties' Memorandum of Agreement (docket no. 73), asking the Court to order Mr. Klinnert to return the child to her at the end of the school year and enforce the terms of the parties' Parenting Plan dated July 8, 2008.

¹ Ms. Hamilton's Supplemental Counterpetition to modify child support (filed on May 3, 2018, docket no. 77) also is pending.

8. On May 2, 2018, the Court appointed Laurie Mack-Wagner as Guardian Ad Litem (“GAL”) (docket no. 76). See also Order dated March 9, 2018 (docket no. 66), which outlines the duties and authority of the GAL.

9. On May 9, 2018, Mr. Klinnert filed his Motion to Extend Timesharing (docket no. 79), requesting that the Court temporarily extend the child’s timesharing in Minnesota until trial.

10. At the hearing on the parties’ respective Motions, the GAL, Ms. Hamilton, and Mr. Klinnert testified. The GAL has submitted a detailed 68-page report.

11. The GAL testified at length, providing an in-depth summary of her investigation, which included talking to the parties, their spouses, the child, the child’s maternal grandparents, the child’s three therapists, the child’s teachers in Florida and in Minnesota, and other witnesses identified by the parties. The GAL also has reviewed voluminous documentation, including therapy records, police reports, DCF reports, school records, e-mail communications, and deposition transcripts.

Among other recommendations, the GAL has recommended that: ██████ remain with Mr. Klinnert and continue to attend school in Minnesota with Mr. Klinnert; Ms. Hamilton have time-sharing in Minnesota for one week in August 2018 and one weekend per month; Mr. Hamilton should not be present during her time-sharing; both parties should have reasonable phone access with ██████; the parties should communicate through Our Family Wizard; the parties shall not discuss the litigation with ██████; ██████ should continue counseling with his current therapist in Minnesota; and Ms. Hamilton should begin individual therapy.

12. [REDACTED] is 12 years old. Until the summer of 2017, he had lived primarily with Ms. Hamilton and, since he was about two years old, has had time-sharing with Mr. Klinnert. Until the summer of 2017, the parents had been able to co-parent successfully.

13. Ms. Hamilton has been married to Linwood Hamilton for two years, but they have been in a relationship since 2010. They have a daughter together ([REDACTED]'s younger sister) and Ms. Hamilton and Mr. Hamilton each have a son from other relationships. The Hamiltons reside in a three-bedroom rental home in Palm Bay, Florida. [REDACTED] shares a bedroom with his half-brother and step-brother. Before attending school in Minnesota this past year, [REDACTED] attended a local elementary school. If he were to stay in Florida for the upcoming school year, he would attend Stone Middle School, which feeds from various elementary schools. Ms. Hamilton works at Target thirty to forty hours a week. Mr. Hamilton runs a lawn care business.

14. Mr. Klinnert resides with his wife, Rachel, their daughter and son, who are younger than [REDACTED], in a five-bedroom home in Sauk Centre, Minnesota, a rural setting. [REDACTED] has his own bedroom. [REDACTED] attended an elementary school there for the 2017-2018 year and, if he were to stay in Minnesota for the upcoming school year, he would attend the junior high school, which is on the same campus as the elementary and high schools. Thus, [REDACTED] would be going to school with the same students with whom he attended elementary school. [REDACTED]'s relationship with his step-mother, Rachel, is complex; he has pushed her away at times, but he also confided in her about Mr. Hamilton hitting him with a belt.

15. The evidence demonstrates that both parties love [REDACTED], that [REDACTED] has a very close relationship with Ms. Hamilton and Ms. Hamilton has been an attentive mother, and that his relationship with Mr. Klinnert, while still developing, is becoming very close. Moreover, Ms.

Hamilton has taken appropriate steps in obtaining counseling for [REDACTED] and in responding to incidents involving [REDACTED] and incidents in the past.

However, the Court has serious concerns about the well-being of the child while living in Ms. Hamilton's home and Ms. Hamilton's ability to protect [REDACTED]. There was substantial evidence, including the conclusions of three separate therapists, that [REDACTED] has been emotionally damaged due to his home life in Florida; indeed, Dr. Kimberly Christenson diagnosed the child with Post-Traumatic Stress Disorder. The evidence demonstrates that the child has been exposed to domestic violence between his mother and stepfather and he himself has been subjected to physical and verbal abuse by his stepfather as well as possible physical abuse by his mother. The home has been described as an "oppressive environment." Two different therapists have reported abuse to Florida Child Protection Services. Ms. Hamilton has placed her relationship with Mr. Hamilton before [REDACTED]'s well-being. The child has been involved in several incidents exhibiting [REDACTED] and [REDACTED]. Moreover, Ms. Hamilton has repeatedly discussed this litigation with [REDACTED] and placed him squarely in the middle of this dispute, causing him additional emotional distress; she has told [REDACTED] not to talk to therapists and not to believe what people are telling him. [REDACTED] has told the GAL that he does not want to express a preference as to where he lives.

Ms. Hamilton's denial of the allegations of domestic violence is not credible. In regard to the July 2017 incident that gave rise to these proceedings, Ms. Hamilton now denies that Mr. Hamilton physically abused her; she has provided three distinctly different stories to the police, DCF, the GAL, and the Court and testified that she lied to the police and DCF because she was mad at her husband. Nevertheless, during this hearing, she admitted that there had been at least

two incidents of domestic violence and maybe others that she could not specifically recall. The fact of her agreement to [REDACTED] living in Minnesota for the 2017-2018 school year supports the conclusion that she was concerned for him. Ms. Hamilton similarly denies that her husband calls [REDACTED] names, including “mental” for undergoing therapy.

Although [REDACTED] struggled somewhat with the transition to living with Mr. Klinnert, he has adapted well and seems happy in Minnesota. He made friends easily and is performing well in school. Mr. Klinnert and his wife have engaged a parenting coach to help them develop communication and tools to address [REDACTED]’s behavioral issues.

According to the GAL, [REDACTED] has low self-esteem and, as a result of the abuse that he has endured, he tries to dominate others, including his siblings. The GAL’s testimony about her primary concern was compelling, that is, that [REDACTED]’s history of [REDACTED] coupled with the oppressive environment in Ms. Hamilton’s home could damage [REDACTED] even more. Under these circumstances, the best interests of the child would be served by maintaining the status quo.

RECOMMENDATIONS

1. The Court has jurisdiction over the parties and the subject matter.
2. Mr. Klinnert’s Motion is granted and Ms. Hamilton’s Motion is denied.
3. Therefore:
 - a. The parties shall have temporary shared parental responsibility;
 - b. For the 2018-2019 school year, [REDACTED] shall reside with Mr. Klinnert in Sauk Centre, Minnesota;
 - c. Ms. Hamilton may have time-sharing for one-week in August in Minnesota;

- d. Ms. Hamilton may have time-sharing one weekend per month in Minnesota. She shall provide Mr. Klinnert with 14 days' notice of the particular weekend each month;
- e. Linwood Hamilton shall not be present during any of Ms. Hamilton's time-sharing;
- f. Ms. Hamilton may have time-sharing for one-week during the winter break with the child either in Minnesota or supervised in Florida. Time-sharing in Florida shall be conditioned upon Linwood Hamilton not being present and the parties agreeing on a particular adult to supervise the time-sharing;
- g. ██████ shall have access to his phone, which shall be charged and turned on, at all times during Ms. Hamilton's time-sharing;
- h. Both parents shall have reasonable access and telephone contact with the child. The non-time-sharing parent may contact the child once a day between 6:00 p.m. and 7:00 p.m. (Eastern Time) for a private phone call. The parent with time-sharing shall encourage the child to talk to the other parent. Neither parent shall take away the child's phone as a form of discipline during waking hours. The child may contact either parent by telephone call, text, or other means at any time;
- i. Neither parent shall use the child to obtain information about the other parent or use the child as a messenger to the other parent;
- j. Neither parent shall discuss with the child any matters related to this litigation and shall ensure that he does not overhear conversations concerning this litigation.

Neither parent shall blame the child for the litigation or tell him or imply that his words or actions control it;

- k. Neither party shall discuss the GAL report with the child;
- l. Neither party shall use corporal punishment on the child;
- m. The parties shall communicate through Our Family Wizard and use the calendaring function;
- n. The child shall continue therapy with Dr. Catherine Palmer; and
- o. Ms. Hamilton is strongly encouraged to commence individual therapy.

4. Child Support and Travel Expenses Related to Time-Sharing: Mr. Klinnert's child support obligation of \$800 is abated temporarily until further order of the Court. However, Mr. Klinnert shall contribute \$800 towards Ms. Hamilton's monthly time-sharing expenses, including air fare, lodging, and rental car. Any expenses in excess of \$800 shall be her sole responsibility; if the expenses are less than \$800, Mr. Klinner shall be responsible for only the actual cost. Travel expenses for the child, if any, shall be shared equally by the parties. Ms. Hamilton will make a reasonable effort to plan and schedule her travel to minimize the cost.

5. This Court retains jurisdiction for all lawful purposes.

6. It is further recommended that the Court enter its order confirming this recommendation.

Reported and Recommended this _____ day of August, 2018, at Viera, Brevard County, Florida.

LESLIE J. CASTALDI
General Magistrate

This Report and Recommendation has been furnished by e-mail to Ric Woodward, Esquire, Laurie Sweet, Esquire, and Laurie Mack-Wagner, Esquire, this _____ day of August, 2018.

Administrative Assistant

Leslie J. Castaldi
Circuit Court – Brevard
Question 32(d)(i)

32(d)(i). If you have had prior judicial or quasi-judicial experience, list the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.

John Albert, Esquire
Albert & Donnelly, LLC
6032 Farcenda Place, Suite 101
Melbourne, FL 32940
(321) 777-1110

Tiffani Cole, Esquire
Platt, Hopwood, Russell & Cole, PLLC
175 E. Nasa Boulevard, Suite 300
Melbourne, FL 32901
(321) 725-3425

Richard Feinberg, Esquire
Law Office of Richard J. Feinberg
325 5th Avenue, Suite 207
Indialantic, FL 32903
(321) 951-4545

Curtis N. Flajole, Esquire
Curtis N. Flajole, P.A.
5430 Village Drive, Suite 103
Viera, FL 32955
(321) 242-9777

Daniel J. Freyberg, Esquire
Daniel J. Freyberg, P.A.
P.O. Box 542048
Merritt Island, FL 32954
(321) 459-2994

Ric Woodward, Esquire
Law Office of Ric Woodward
2627 W. Eau Gallie Boulevard, Suite 101
Melbourne, FL 32953
(321) 254-0006

Leslie J. Castaldi
Circuit Court – Brevard
Question 32(d)(iv)

32(d)(iv). List citations or styles and describe the five most significant cases you have tried or heard. Identify the parties, describe the cases and tell why you believe them to be significant. Give dates tried and names of attorneys involved.

- (1) In Re: the Former Marriage of Henry J. Pearson and Sonara Souza Pearson, case number 05-2015-DR-38892-XXXX-XX
 - a. Dates tried: 2/19, 2/20, 3/5, and 3/29/18
 - b. Attorneys: Richard Feinberg, Esquire, for Petitioner, and Valerie Weaver, Esquire, for Respondent
 - c. Nature of Action: Modification of Parental Responsibility and Time-sharing
 - d. Significance: This case involved a minor child with special needs and the parents' inability to co-parent in an effective way and, in fact, in a way that was not detrimental to the child. In the original Final Judgment, the Court had awarded the parents shared parental responsibility and an equal time-sharing schedule. Unfortunately, the parties could not agree on any significant issue involving the child, including necessary medical treatment, schools, and special therapies. Moreover, the mother repeatedly unilaterally removed the child from schools, programs, and therapies and she was confrontational with teachers, doctors, and therapists. Consequently, the child was not progressing and, in many ways, regressing. Although, generally, the fact that parents do not get along does not constitute a substantial change of circumstances necessary to justify modifying parental responsibility and time-sharing, in this case, the parties inability to co-parent rose to such a level that a modification was necessary to serve the best interests of the child.

- (2) In Re: the Marriage of Mel Whitson and Stephanie Whitson, case number 05-2017-DR-023390-XXXX-XX
 - a. Dates tried: 4/30 and 5/1/18
 - b. Attorneys: Ric Woodward, Esquire, for Petitioner, Lindsey Sharp, Esquire, for Respondent, and Daniel Freyberg, Esquire, Guardian Ad Litem
 - c. Nature of Action: Dissolution of Marriage with children
 - d. Significance: The issues of parental responsibility and time-sharing were hotly contested in this case. Before the breakdown of the marriage, both parties had been very involved with the children, but the Wife was a stay-at-home mother. After the parties separated, their roles switched, with the children living with the Husband and seeing the Wife only occasionally, which was curious to me. Therefore, a Guardian Ad Litem was appointed, performed a detailed investigation, and made recommendations to me. Without the Guardian Ad Litem, it would have been difficult to determine what really was happening with this family.

- (3) In Re: the Matter of Jeremy Lycke and Candace Neale, case number 05-2016-DR-028964-XXXX-XX

- a. Dates tried: 6/13, 6/22, 7/10, and 7/23/18
- b. Attorneys: None. Both parties were pro se.
- c. Nature of Action: Paternity and custody
- d. Significance: This case probably is the most vitriolic case that I have heard. The parties had a long-term relationship, at one time intimate and then as friends. The child, who was 12 years old at the time of trial, had lived primarily with the Mother for most of his life. However, about a year and a half before the trial, after a hearing for temporary relief at which the Mother did not appear, the Father was awarded temporary majority time-sharing. The Father was withholding the child from the Mother and was trying to turn the child against the Mother, which, unfortunately, was happening. The Mother was extremely emotional throughout the proceedings and the Father was manipulative and extremely disrespectful towards the Mother and, at times, towards me. Both parties presented evidence as well as their own testimony. The trial was an exercise in balancing the rights of the parties against maintaining control of the courtroom and the process. It was an excellent lesson on dealing with highly-charged pro se litigants.

(4) In Re: the Former Marriage of Rolando Gomez, Jr. and Yesenia Gomez, case number 05-2011-DR-034230-XXXX-XX

- a. Dates tried: 10/21 and 10/22/19
- b. Attorneys: Daniel Freyberg, Esquire, for Petitioner; Respondent was pro se
- c. Nature of Action: Modification and Relocation, Child Support
- d. Significance: In this case, the Father was forced to relocate for employment due to unusual circumstances. He wanted to maintain his current level of time-sharing, which was about 45% of overnights annually, even though he lived 4 to 5 hours away. The parties have a very hostile relationship; therefore, it was difficult to ascertain whether one party was interfering with the other party's relationship with the children, the other party was not exercising his time-sharing for valid reasons, or a little of both. Three of the children were teenagers with very active school and extra-curricular lives. Therefore, I interviewed each of those children. They all were mature, respectful, and accomplished and wanted to spend time with both parents, but also had lives of their own. Those interviews, while not controlling of the outcome, were extremely helpful to my ability to fashion a parenting plan that was in their best interests and feasible. This case also presented some complicated child support issues.

(5) In Re: the Matter of Melissa Jane Wild and Angiela K. Wright, case number 05-2018-DR-05077-XXXX-XX

- a. Date tried: 1/6/20
- b. Attorneys: Sean Harnage, Esquire, for Petitioner; Respondent, pro se.
- c. Nature of Action: Dissolution of a civil union and parenting rights
- d. Significance: Initially, both parties were pro se. In 2006, they had entered a civil union in Vermont, which has a civil union statute that provides that members of a civil union have the same parental rights as married persons. They moved to Florida and decided to have a child; the biological mother was inseminated pursuant to a donor contract. The parties raised the child together for a few years

and then separated. The non-biological mother moved to another state for about five years, but maintained contact with the biological mother and the child. The parties were unable to seek a dissolution of their civil union due to residency requirements. Upon returning to Florida, the non-biological mother filed a dissolution of marriage action, asserting her parental rights to the child. The biological mother filed a counterpetition and alleged that she was the only legal parent. As a preliminary matter, based upon an analysis of the Full Faith and Credit Clause, case law in Vermont, and case law in Florida, I concluded that a Florida court could dissolve the civil union and that the non-biological mother had standing to assert her parental rights. I believe that this case presented an issue of first impression; Florida cases have held that unmarried non-biological women in a same-sex relationship do not have parental rights, because there is no legal relationship between them. The trial centered on parental responsibility and time-sharing.

Leslie J. Castaldi
Circuit Court – Brevard
Question 38

38. Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If so, please supply the jurisdiction/county in which the lawsuit was filed, style, case number, nature of the lawsuit, whether you were Plaintiff or Defendant and its disposition.

Yes.

Datacom Security Systems v. Leslie Castaldi and Raymond Samide
Philadelphia (Pennsylvania) Municipal Court
Case no. SC 91-08-29-02848
Breach of contract
Disposition: Partial judgment for Plaintiff (1991)

Earl Watson v. Leslie Castaldi
Philadelphia (Pennsylvania) Municipal Court
Case no. SC 91-02-01-00120
Automobile negligence
Disposition: judgment for Plaintiff

Leslie Castaldi v. Raymond Samide
Court of Common Pleas of Philadelphia County, Domestic Relations Division
Case no. 009424262
Dissolution of Marriage
Disposition: divorce decree entered

Leslie J. Castaldi
Circuit Court – Brevard
Question 45

45. List any honors, prizes or awards you have received. Give dates.

- 2004 Brevard County Legal Aid, Supreme Court of Florida, and Florida Pro Bono Coordinators
Association recognition for pro bono service
- 2005 Supreme Court of Florida, Young Lawyers Division of Florida Bar, and Florida Pro Bono Coordinators Association recognition for pro bono service
- 2008 Supreme Court of Florida, Young Lawyers Division of Florida Bar, and Florida Pro Bono Coordinators Association recognition for pro bono service
- 2009 Brevard County Legal Aid Outstanding Pro Bono Service Award
- 2010 Brevard County Legal Aid Outstanding Pro Bono Service Award
- 2011 Brevard County Legal Aid Outstanding Pro Bono Service Award
- 2011-2012 Brevard County Bar Association Board Member of the Year
- 2014 Vassar B. Carlton American Inn of Court Barrister of the Year Award
- 2015 Vassar B. Carlton American Inn of Court Best Presentation Award, “Once Upon a Time: Paternity, Foreclosure, and Bankruptcy”, Team Captain

Leslie J. Castaldi
Circuit Court – Brevard
Question 54

54. References

The Honorable Lisa Davidson, Chief Judge
Eighteenth Judicial Circuit, Brevard County
Moore Justice Center
2825 Judge Fran Jamieson Way
Viera, FL 32940
(321) 617-7281

The Honorable Tesha Ballou
Eighteenth Judicial Circuit, Brevard County
Titusville Courthouse
506 S. Palm Avenue
Titusville, FL 32796
(321) 264-6756

The Honorable Jennifer Taylor
Eighteenth Judicial Circuit, Brevard County
Moore Justice Center
2825 Judge Fran Jamieson Way
Viera, FL 32940
(321) 617-7287

The Honorable Robert Segal
Eighteenth Judicial Circuit, Brevard County
Moore Justice Center
2825 Judge Fran Jamieson Way
Viera, FL 32940
(321) 637-5641

The Honorable George T. Paulk
Eighteenth Judicial Circuit, Brevard County
Titusville Courthouse
506 S. Palm Avenue
Titusville, FL 32796
(321) 264-6759

The Honorable John Dean Moxley, Jr., Retired
Titusville, FL
(321) 747-7535

The Honorable Tonya Rainwater, Retired
Melbourne, FL
(321) 213-2121

Robert L. Johnson, Jr.
Executive Director
Brevard County Legal Aid, Inc.
1038 Harvin Way, Suite 100
Rockledge, FL 32955
(321) 631-2500

Dominick Montanaro
City of Satellite Beach, Council Member
465 Glenwood Avenue
Satellite Beach, FL 32937
(321) 501-4316

Michelle Pruitt Studstill, Esquire
1361 Bedford Drive, Suite 103
Melbourne, FL 32940
(321) 213-1682

CERTIFICATE

I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(l), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Further, I stipulate I have read, and understand the requirements of the Florida Code of Judicial Conduct.

Dated this 29th day of JANUARY, 2020.

Leslie J. Castaldi
Printed Name


Signature

(Pursuant to Section 119.071(4)(d)(1), F.S.), . . . The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1), dealing with public records.