

APPLICATION FOR NOMINATION TO THE EIGHTEENTH JUDICIAL COUNTY COURT

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

DATE: March 19, 2020 Florida Bar No.: 0085422

GENERAL: Social Security No.: [REDACTED]

1. Name Kristen Smith-Rodriguez E-mail: K19Smitty@yahoo.com

Date Admitted to Practice in Florida: 09/27/2010

Date Admitted to Practice in other States: N/A

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

State of Florida - General Magistrate, 18th Judicial Circuit, Brevard County

3. Business address: 2825 Judge Fran Jamieson Way

City Viera County Brevard State FL ZIP 32940

Telephone (321) 637-5305 FAX () -

4. Residential address: [REDACTED]

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

Since May 2012 Telephone [REDACTED]

5. Place of birth: Langhorne, Pennsylvania

Date of birth: [REDACTED] Age: 35

6a. Length of residence in State of Florida: 26 years

6b. Are you a registered voter? Yes No

If so, in what county are you registered? Brevard

7. Marital status: Married

If married: Spouse's name [REDACTED]

Date of marriage [REDACTED]

Spouse's occupation [REDACTED]

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.

N/A

8. Children

<i>Name(s)</i>	<i>Age(s)</i>	<i>Occupation(s)</i>	<i>Residential address(es)</i>
N/A	N/A	N/A	N/A

9. Military Service (including Reserves)

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
N/A	N/A	N/A	N/A
Rank at time of discharge	<u>N/A</u>	Type of discharge	<u>N/A</u>
Awards or citations	<u>N/A</u>		

HEALTH:

10. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

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[Redacted]
[Redacted]
[Redacted]

[Redacted]

15. [REDACTED]

[REDACTED]

[REDACTED]

EDUCATION:

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

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
Winter Springs High School	unknown	08/1999 - 05/2003	Diploma
University of Central Florida	unknown	08/2003 - 12/2006	B.A. - Political Science
Florida Coastal School of Law	unknown	01/2008 - 05/2010	J.D.

18b. List and describe academic scholarships earned, honor societies or other awards.
Family Law Certificate
Book Award for Highest Grade in Family Law Mediation

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>
01/2004 - 01/2008	Key Holder (assistant manager)	The Shoe Dept.	1325 Oviedo Marketplace Blvd.,

05/2008 -
05/2010

Circulation Desk
Attendant

Florida Coastal
School of Law

Oviedo, Florida 32765
8787 Baypine Road,
Jacksonville, Florida
32256

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.

<i>Court or Administrative Body</i>	<i>Date of Admission</i>
Florida Bar	09/27/2010
Middle District of Florida	09/08/2016

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>
Owner/Partner	Kristen Smith-Rodriguez, PLLC	415 S. Palm Avenue, Titusville, Florida 32796	08/2016 - 02/2019
Associate Attorney	Telfer, Faherty, Anderson, & Hawkins	815 S. Washington Avenue, Titusville, Florida 32780	08/2012 - 08/2016
Associate Attorney	Erlenbach Law Offices, PA	2532 Garden Street, Titusville, Florida 32796	08/2011 - 08/2012
Associate Attorney	Owenby Law	6136 Atlantic Blvd., Jacksonville, Florida 32211	01/2011 - 04/2011
Certified Legal Intern	Florida Coastal School of Law - Family Law Clinic	8787 Baypine Road, Jacksonville, Florida 32256	05/2009 - 12/2009

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 am currently serving as a General Magistrate. Prior to this appointment, I primarily represented clients in family law matters, including but not limited to, dissolution of marriage (timesharing, equitable distribution, alimony, child support), paternity, modifications, and child support through the Department of Revenue. I represented clients at the circuit level in the following counties: Brevard, Seminole, Indian River, Volusia, Orange, Osceola, Broward, Hernando, and Pinellas counties.

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	<u>0</u> %	Civil	<u>1</u> %
Federal Trial	<u>0</u> %	Criminal	<u>0</u> %
Federal Other	<u>0</u> %	Family	<u>99</u> %
State Appellate	<u>0</u> %	Probate	<u>0</u> %
State Trial	<u>100</u> %	Other	<u>0</u> %
State Administrative	<u>0</u> %		
State Other	<u>0</u> %		
	%		
TOTAL	<u>100</u> %	TOTAL	<u>100</u> %

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

Jury? 0 Non-jury? 50 (est.)
 Arbitration? 0 Administrative Bodies? 0

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).

05-2015-DR-039957 (Martinez v. Martinez)

Tried 02/06/2019 - opposing party was pro se

05-2017-DR-043895 (Alberts v. Eldrigde)

Tried 01/23/2019 - opposing counsel Vencil Moore, Esq. 321-735-9677

05-2018-DR-019647 (Hoffman v. Hoffman)

Tried 11/21/2018 - opposing counsel Vencil Moore, Esq. 321-735-9677

05-2017-DR-039436 (Lintz v. Lintz)

Tried 11/13/2018 - opposing counsel Erin Morse, Esq. 407-900-7451

05-2016-DR-017416 (Pricher v. Pricher)

Tried 11/2 and 11/09/2018 - opposing counsel Charles Dorfman, Esq. 321-259-0560

05-2017-DR-051734 (Mitchell v. Mitchell)

Tried 11/07/2018 - opposing counsel Andrew Steele, Esq. 321-269-2882

- 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).

05-2017-DR-024676 (Wilson v. Wilson)

Settled 8/30/2018 - opposing counsel Carl Wasileski, Esq. 321-269-4328

05-2018-DR-010744 (Winstead v. Winstead)

Settled 8/20/2018 - opposing counsel Carl Wasileski, Esq. 321-269-4328

05-2009-DR-034942 (Morgan v. Friedl)

Settled 10/18/19 and 2/22/19 -opposing counsel Michelle Studstill, Esq. 321-425-2082

05-1992-DR-007433 (Hessler v. Hessler)

Settled 2/19/2019 - opposing counsel Evan Turk, Esq. 561-665-6570

05-2018-DR-010388 (Mohammed v. Mohammed)

Settled 2/7/2019 - opposing counsel Stephen Brewer, Esq. 321-267-9700

05-2019-DR-018291 (Black v. Black)

Settled 8/1/2019 - opposing counsel Harley Gutin, Esq. 321-633-7337

- 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?
7 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? 0% Defendants? 0%
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.
- None.

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.

None.

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.

Please 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.

Please see attached. I presided over the hearings/trial and personally researched the case law and drafted all reports.

Writing Sample #1 - Report and Recommendation on Motions for Contempt

Writing Sample #2 - Report and Recommendation on Motion for Summary Judgment

Writing Sample #3 - Amended Report and Recommendation on Petition for Paternity

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>
02/25/2019 - Present	State of Florida, 18 th Judicial Circuit, Brevard County	General Magistrate
9/9/2014 - Present	City of Titusville, Board of Adjustment and Appeals	Member (since 07/24/2018); Alternate Member (9/9/2014 - 07/23/2018)

Types of issues heard: As a General Magistrate, I preside over hearings/trials involving litigation pursuant to Fla. Stat. Chapters 61, 88, 742, 751, 57, 39, 394, 397 (specifically: dissolution of marriage, alimony, equitable distribution, child support, contempt, enforcement, modification, parenting plan, paternity, relocation, step-parent adoption, attorney fees, UIFSA/UCCJEA, mental

health, substance abuse).

As a member on the Board of Adjustment and Appeals, I (along with 4 additional members) hear requests for variances from the City of Titusville Code as well as appeals from the decision of the building official.

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.

1. Heather Harris, Esq.

Telephone: 321-452-7055

Address: 650 S. Courtney Pkwy, Ste. 101, Merritt Island, Florida 32952

2. E. Ashley Bonifant, Esq.

Telephone: 321-312-0554

Address: 1275 South Patrick Drive, Ste. A, Satellite Beach, Florida 32937

3. Richard Feinberg, Esq.

Telephone: 321-951-4545

Address: 325 5th Avenue, Ste. 207, Indialantic, Florida 32903

4. Hernan Castro, Esq.

Telephone: 321-690-3315

Address: 1535 Cogswell Street, Ste. A5, Rockledge, Florida 32955

5. Ashley Severance, Esq.

Telephone: 321-574-8688

Address: 2126 Pineapple Avenue, Melbourne, Florida 32935

6. Curtis Flajole, Esq.

Telephone: 321-242-9777

Address: 5430 Village Drive, Ste. 103, Viera, Florida 32955

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

Family law: approximately 645

Child support (as hearing officer): 120

Baker Act: 56

Marchman Act: 7

(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.

Please 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.

None.

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.

No.

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.

None.

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 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 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 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.

Jurisdiction: 18th Judicial Circuit, Brevard County, Florida

Case Number and Style: 05-2015-CA-010329, Deutsche Bank National Trust Company Americas, as Trustee for Mortgage Asset-Backed Pass-Through Certificates, Series 2006-Q07 v. Miguel Angel Rodriguez AKA Miguel A. Rodriguez, et al.

Nature and Disposition: I was included as a defendant, identified as the "unknown spouse," in a foreclosure action. A Notice of Voluntary Dismissal was filed on October 19, 2015.

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).

While "misconduct" was not alleged, I opt to disclose the only Florida Bar inquiry received from a client:

An inquiry was filed with the Florida Bar by a former client, Ms. Sharon Sexton-Sweet on January 17, 2017. The complaint did not allege a violation of the Rules of Professional Conduct, but rather complained about equitable distribution and alleged I lacked control in mediation. I responded to the inquiry with documentation that mediation was conducted properly and the distribution of marital assets and liabilities was equitable. The inquiry was unfounded and the Florida Bar took no further action.

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?

For tax year 2018, I paid a minimal tax penalty for failing to properly file quarterly business taxes.

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.

Recognition of 5 years of devoted service on Board of Adjustment and Appeals - 2019

Brevard County Legal Aid Distinguished Pro Bono Service Award - 2018

Vassar B. Carlton American Inn of Court Team Captain Service Award - May 2017

Brevard County Legal Aid Outstanding Pro Bono Service Award - 2015

Brevard County Legal Aid Outstanding Pro Bono Service Award - 2014

Family Law Certificate from Florida Coastal School of Law - 2010

46. List and describe any speeches or lectures you have given.

"What to Expect When Divorcing" seminars hosted by Brevard County in-house mediation department - 2014 and 2015

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 - member since 2010

Brevard County Bar Association - member since 2011

Vassar B. Carlton American Inns of Court - Associate from Fall 2013 to May 2015 and Barrister from Fall 2016 to 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.

Kiwanis Club of Titusville

Member: September 2013 to present

Board Member: October 2014 to present

President Elect: October 2014 - September 2015 and October 2019 to present

Kiwanis Advisor to Andrew Jackson Middle School Builder's Club: 2015-2017

Brevard Business Builders

Member: 2012 - 2016

President: 2013 and 2014

Space Coast Community Law School from 2012 - 2016. This was a program by Brigitta Hawkins, Esq. whereby local attorneys and judges would speak to the community on a legal topic with the goal of educating the public. I would find speakers, assist with research and preparation of outlines, and host the monthly event.

- 48c. List your hobbies or other vocational interests.

Kayaking, billiards, and reading.

- 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.

I volunteered for Brevard County Legal Aid in the Advice Clinic and Pro Se Clinic from 2014 - 2018. I accepted several pro se family law cases through Brevard County Legal Aid from 2012-2018. All such cases were family law matters; the cases received were initial actions completed through final disposition. I also volunteered for the Veteran's

Clinic and conducted intake.

SUPPLEMENTAL INFORMATION:

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

Phase I of Florida Judicial College - January 2020

Family Court Workshop and FLAFCC Conference September 2019

Phase II of Florida Judicial College - March 2019

Marital and Family Law Review Course - January 2019

Family Law Case Law and Statutory Update - July 2019, 2018, 2017, 2016

- 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?

No.

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

I have been a General Magistrate since February 2019 conducting hearings, trials, case law review, and administrative duties, which has prepared me for holding judicial office.

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

A thorough approach to case management and resolution which is efficient and inclusive.

This position requires a level-headed individual whom has the ability to thoroughly listen, understand, and analyze the argument and evidence of both sides and apply the law consistently. I am that individual. I have easily made the transition from zealous advocate to impartial trier of fact by serving as a General Magistrate and working with the circuit judges of the 18th Judicial Circuit.

I frequently read case law to ensure compliance with the law and thoroughly research any issue which is unclear or may contain a nuance. As a General Magistrate, I do not have access to a staff attorney, and therefore I conduct all of my own research. I am well-versed in the rules of procedure and the evidence code which ensures a fair judicial process. I am technology inclined in the courtroom and in my office which allows greater access to the Courts and more efficient resolution of cases. Having the ability to quickly search the electronic docket, case law, rules, and evidence code, ensures an immediate delivery of procedural fairness which allows the court system to run more efficiently, saving the State, Court, attorneys, and litigants, time and money.

Additionally, a large part of any court's docket is dedicated to pro se litigants. Serving as a General Magistrate, I have gained significant experience with pro se litigants. In serving the public it is important to have a judicial temperament whereby those in the courtroom not only are respected, but feel respected. I make sure that all litigants have every opportunity to present their case. Especially with pro se litigants, I take the time to

inform them at a case management conference of the applicable statutes governing the pending matter, and what the burden is, when necessary. I find that this allows the litigants to reflect on the basis for their cause of action and ensures a more thoughtful and inclusive trial.

I am always interested in improving the judicial process and access to courts. I volunteered to review the pro se family law packets provided by the Clerk's office and am currently determining the accuracy of the forms, whether more or less information needs to be provided, and developing additional forms/information to help streamline the process. Additionally, I am currently serving on 3 of 4 committees for the Florida Association of Family and Conciliation Courts (FLAFCC) to improve Florida Court Intake Systems. The committees (case management, triage, and self-help) will provide written recommendations to the Task Force for a presentation at the 2020 FLAFCC Conference. By serving on these committees, I will be working at the ground level of our court system and have a detailed understanding of litigants' path to the courtroom. This makes me a more informed General Magistrate and allows me to better resolve procedural issues within the cases as well as moving the cases through to final disposition.

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.

The 18th JNC - March 2016

The 18th JNC - January 30, 2020

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

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.

Hon. Jennifer Taylor

Address: 2825 Judge Fran Jamieson Way, Viera, Florida 32940

Telephone: [REDACTED]

Hon. Robert Segal

Address: 2825 Judge Fran Jamieson Way, Viera, Florida 32940

Telephone: [REDACTED]

Hon. Charles Roberts

Address: 2825 Judge Fran Jamieson Way, Viera, Florida 32940

Telephone: [REDACTED]

Hon. George Paulk

Address: 506 S. Palm Avenue, Titusville, Florida 32796

Telephone: [REDACTED]

Hon. Charles Crawford

Address: 2825 Judge Fran Jamieson Way, Viera, Florida 32940

Telephone: [REDACTED]

Hon. Michelle Naberhaus

Address: 2825 Judge Fran Jamieson Way, Viera, Florida 32940

Telephone: [REDACTED]

Hon. Dean Moxley

Telephone: [REDACTED]

Joel Wilson, Esq.

Address: 1275 South Patrick Drive, Ste. I, Satellite Beach, Florida 32937

Telephone: 321-777-2227

Michelle Studstill, Esq.

Address: 1361 Bedford Drive, Ste. 103, Melbourne, Florida 32940

Telephone: 321-425-2082

Rachel Bachand, Esq.

Address: 959 N. Cocoa Blvd., Ste. 1, Cocoa, Florida 32922

Telephone: 321-634-5256

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 19th day of March, 2020.

Kristen Smith-Rodriguez

Printed Name

KS

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.

30. List and describe the six most significant cases personally litigated:

1. Michael Bonhomme v. Amy Bonhomme 05-2009-DR-035166
 - a. Client: Amy Bonhomme
 - b. Significance: Amy was a mentally impaired woman whom sought timesharing with her children in a post final judgment modification. Despite Amy's significant mental impairment and lack of support at the time of her dissolution of marriage, Amy signed a Marital Settlement Agreement which was accepted by the Court. Amy worked hard for several years mastering basic life skills in an effort to get timesharing with her children. I received this case from Brevard County Legal Aid as a pro bono case. This case required multiple temporary relief hearings for Amy to build her timesharing and show the Court that she was a skilled and safe parent for the children; hours interviewing Amy's aids, and giving them guidance to allow Amy more leeway (including failures) to truly show her what she needs to accomplish to succeed in Court. Amy's testimony was crucial at these hearings, and ultimately trial; I spent hours with Amy trying to make her feel comfortable with the questions, the court setting, and the accusations that would come her way. Amy prevailed and we obtained overnight timesharing and additional time during the week. After an attorney allowed her to sign a Marital Settlement Agreement with her significant deficiencies, an uphill legal battle of two years, the commitment by this client, and the incredible patience, understanding, and morality of the Judge, this was by far the most meaningful and significant case I had the privilege of working on.
 - c. Court and Judge: 18th Judicial Circuit, Hon. Jeffrey Mahl
 - d. Date tried: August 18, 2014 and October 27, 2014
 - e. Attorneys: James Haggard, Esq. and Erica Wooley, Esq.

2. Vito Novia v. April Novia 05-2014-DR-040871
 - a. Client: Vito Novia
 - b. Significance: This case had an interesting procedural component as the Wife secretly relocated to North Florida immediately prior to the filing of the dissolution of marriage and there was not a clear indication as to whether the relocation statute of 61.13001 applied. Additionally, despite Mr. Vito's desire to have the child returned to Brevard County (and there was a great likelihood that it would occur), the Court is required to consider the best interests of the child in the moment I needed to be mindful of the timing of the motions and hearings for temporary relief and trial so as not to disrupt the child's schooling and her relationship with the parties. I also had to obtain significant discovery to support a violation of the relocation statute if the Court found that it applied.
 - c. Court and Judge: 18th Judicial Circuit, Hon. Tonya Rainwater, followed by General Magistrate (now Judge) Robert Segal
 - d. Date tried: March 24, 2015
 - e. Attorneys: Billy Thomas, Esq. and Kelleen Duncan-Neisler, Esq.

3. The Prudential Insurance Company of America v. Michelle K. Dinkins, et al.
5:16-CV-506-OC-30PRL
 - a. Client: Brenda Michelle Rucker-Penland
 - b. Significance: This case involved insurance proceeds after the death of Ms. Rucker-Penland's former husband. My client was receiving alimony and a life insurance policy was ordered to protect that payment. The former husband was shot and killed by his then current wife, the recipient of hundreds of thousands of dollars in life insurance proceeds. When my client discovered that the former husband changed beneficiaries, and after significant correspondence with the insurance company, the company filed a complaint for interpleader. I conducted significant research on the differences between Servicemembers Group Life Insurance and Veterans Group Life Insurance, their applications in federal court, and the legality of an electronic change to a beneficiary under the policies. The research concluded that the facts of this case were likely to result with my long-time client receiving nothing. I requested mediation and ultimately obtained over \$100,000.00 for the client.
 - c. Court and Judge: Middle District of Florida, Hon. James S. Moody, Jr.
 - d. Date tried/Disposition: An Order on Dismissal Pursuant to Settlement was entered February 8, 2017.
 - e. Attorneys: Russell LaPeer, Esq. and Sheena M. Murray, Esq.
4. Ruben Leon Whitworth v. Alison Marie Whitworth, FMCE 13-012079 (36/90)
 - a. Client: Ruben Leon Whitworth
 - b. Significance: The significance in this case has nothing to do with the facts or the outcome. This client was by far my most challenging client. He had several types of cases, often overlapping each other. This particular client was a wealthy businessman whom often controlled the course of action and outcome. The post judgment family law case was highly contentious. Not only would my client be disagreeable to all courses of action that did not result in an immediate desired outcome, but his adult son would attempt to influence the process by contacting all attorneys and courts involved in an aggressive manner. I found it challenging to maintain client control and protect the integrity of the Court system from the son. I applied several techniques to calm and redirect my client and son throughout the litigation. It will likely continue to be an ongoing matter, but I left my representation on good terms with the client and son.
 - c. Court and Judge: 17th Judicial Circuit, Hon. Renee Goldenberg and General Magistrate Beilly
 - d. Date tried: Representation from 2016 - 2019
 - e. Attorneys: Jonathan Root, Esq., Christopher Tiso, Esq.
5. [REDACTED] v. Haleigh Marie Mounger 05-2009-DR-006777
 - a. Client: [REDACTED]

- b. Significance: This case had an interesting fact pattern that continued to develop during my representation; including multiple arrests, disappearances, and a standoff with police. Much of the developments occurred due to my client's mental health. This case was my first significant exposure to the mental health component of a family law case. I spent hours researching mental illnesses, psychiatric facilities, assisting with insurance, speaking with mental health professionals, and otherwise trying to assist my client in a way that was safe for my client, the opposing party and counsel, and the minor child. My client had access to me 24/7 so I would be available in case of any emergency. He used this access once and it was the most sobering moment of my career. Since my representation I continued to learn about the mental health component in family law cases and approached certain cases a bit differently.
 - c. Court and Judge: 18th Judicial Circuit, Hon. Christina Serrano
 - d. Date tried: Representation from 2017 - 2019
 - e. Attorneys: Timi Tucker, Esq.
6. Timothy Griffin v. Brooke Gray 05-2014-DR-050291
- a. Client Timothy Griffin
 - b. Significance: This case involved creative procedural and discovery battles. My client believed he was the father of twins after having intercourse with a sex worker. However, he was the father of only one of the twins. Aside from a mother, father, and an unknown father, the mother was also still married to her estranged husband. Attorney James Haggard represented his client incredibly well throwing up as many procedural roadblocks as possible as Fla. Stat. 742.18 was still developing in its interpretation. I appreciated the procedural difficulties in this case, and it made me a better attorney as I delved into alternative and creative outcomes to reach my client's goals and the best interests of the children while the law was still emerging.
 - c. Court and Judge: 18th Judicial Circuit, Hon. George Paulk
 - d. Date tried/disposition: Settlement reached on August 7, 2015
 - e. Attorneys: James Haggard, Esq.

32(d)(iv). List five most significant cases as a General Magistrate:

- 1. Andrew Propst v. Ashley Moore 05-2013-DR-068542
 - a. Significance: This was my first trial as a General Magistrate. The case presented at trial as a paternity case with an initial establishment of timesharing. Previously, the Petitioner filed a Petition for Relocation which was granted nearly four years earlier, without an evidentiary hearing and on the statutory presumption of best interest for the Respondent's failure to file a timely objection. Despite the relocation, the parties moved multiple times and changed timesharing schedules for years. Only after my Report and Recommendation addressed the relocation and the lack of objection at trial to proceeding on the Petition for Paternity (without regard

to the previously awarded relocation, as circumstances had clearly changed) did the Petitioner make the objection and filed exceptions. The exceptions were denied, and the Petitioner filed a Motion to Reopen the Evidence, which was granted, but did not result in a change of outcome. There were several procedural issues present in this case both during the trial, and through exceptions and motions post-trial. What was most significant in the end, is that the Petitioner voluntarily dismissed his case during the exceptions period after the final Report and Recommendation was filed, in an effort to forum shop, as he subsequently filed in Orange County.

- b. Date tried: 03/7/2019, 08/06/2019 and 08/07/2019
 - c. Attorneys: Vencil Moore, Esq. and Oscar Housting, Esq.
2. Adam Robertson v. Yu Liu 05-2014-DR-042686
- a. Significance: This case involved the enforcement of a final parenting plan which permitted international travel to China. The Court needed to consider whether it could restrict the movement of the child despite an agreement permitting travel. The Court reviewed case law to confirm limited exceptions within the scope of the facts presented. The Court also needed to determine creative remedies to comply with the final judgment while addressing the present circumstance of the parties when a modification was not pending.
 - b. Date tried: 07/01/2019
 - c. Attorneys: Ashley Severance, Esq. and Kimberli Trader, Esq.
3. Samantha Jean Coon v. William S. Coon 05-2017-DR-039350
- a. Significance: This case was a simple relocation case. One factor to consider under 61.13001 is whether the non-relocating parent has fulfilled a child support obligation. This was the only factor that encouraged relocation under the facts presented; the father failed to honor his obligation and did not convince the Court that he would comply in the future. The Court had to consider whether this one factor significantly outweighed all other factors.
 - b. Date tried: 01/02/2020
 - c. Attorneys: None, the parties were pro se.
4. Joshua Giles v. Amber Leigh Calhoun, intervenor Tammy Calhoun-Kelley 05-2015-DR-013510 and 05-2019-DR-053090
- a. Significance: This case started as a paternity action and ended as a temporary custody by extended family in the related case. The Court needed to effectively manage this case as at no point since February 2019 were the three parties in attendance at a hearing at the same time. The parties' requests kept changing and the attorney of record for one party became the attorney of record for another party. To protect the integrity of the system and all parties' due process and to ensure compliance with the rules of procedure, the statutes, and notice to the parties, the Court held multiple case management conferences and required several changes to the proposed settlements.
 - b. Date tried: 10/07/2019 and 11/21/2019
 - c. Attorneys: Taylor Hughes, Esq.

5. In Re: Daniel Maldonado 05-2019-MH-031616 and 05-2019-MH-035423
 - a. Significance: These Baker Act proceedings involved an 18 year old young man. In the first case, I asked the public defender to take additional time to explain the effect of an adjudication in this proceeding so the patient could evaluate the likely effect on his college and athletic goals. The patient was actively involved in his proceeding with a significant support system and it was important for the Court to explore the option of the patient voluntarily staying in the mental health facility in order to stabilize, rather than enter an order that may have larger consequences than this young man could appreciate. In the second case (3 weeks later), the Court determined that the criteria for involuntary placement was not met. In making the decisions, the patient articulated that he “beat the system” and that he “was untouchable.” The Court took the time to appeal to the patient and his awareness of his illness in order to encourage him to comply with the doctor’s suggestions, despite the statutory criteria not being met.
 - b. Date tried: 06/12/2019 and 07/03/2019
 - c. Attorneys: Mike Hill, Esq., Randy Moore, Esq., Susan Barger, Esq., and MaryLu Tombleson-Harvey, Esq.