

APPLICATION FOR NOMINATION TO THE FIFTH DISTRICT COURT

Instructions: Respond fully to the questions asked below. Please make all efforts to include your full answer to each question in this document. You may attach additional pages, as necessary, however it is discouraged. In addition to the application, you must provide a recent color photograph to help identify yourself.

Full Name: Keith F. White

Social Security No.: REDACTED

Florida Bar No.: 957259

Date Admitted to Practice in Florida: 9/29/1992

1. Please state your current employer and title, including any professional position and any public or judicial office you hold, your business address and telephone number.

State of Florida, Circuit Judge, Ninth Judicial Circuit, Orange County Courthouse, 425 N. Orange Ave., Orlando, FL 32801, 407-836-0477.

2. Please state your current residential address, including city, county, and zip code. Indicate how long you have resided at this location and how long you have lived in Florida. Additionally, please provide a telephone number where you can be reached (preferably a cell phone number).

XXXXXXXX-REDACTED-XXXXXXXX (Orange County). I have resided at this address since 1998, and I have resided in Florida since 1967. Mobile: REDACTED.

3. State your birthdate and place of birth. REDACTED; Honolulu, Hawaii.
4. Are you a registered voter in Florida (Y/N)? Yes.
5. Please list all courts (including state bar admissions) and administrative bodies having special admissions requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have ever been suspended or resigned. Please explain the reason for any lapse in membership.

The Florida Bar (9-29-92); U.S. District Court, M.D. Fla. (12-17-92); U.S. Court of Appeals, 11th Cir. (3-1-93); U.S. District Court, N.D. Fla. (1-15-99); U.S. District Court, S.D. Fla. (1-15-99).
6. Have you ever been known by any aliases? No. If so, please indicate and when you were known by such alias. N/A.

EDUCATION:

7. List in reverse chronological order each secondary school, college, university, law school or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, the date the degree was received, class standing, and graduating

GPA (if your class standing or graduating GPA is unknown, please request the same from such school).

Florida State Univ.: 1989-92; J.D., High Honors, 1992; 12/171; 89.5/100.0.

Univ. of Central Fla.: 1986-89; B.S.E., Summa Cum Laude, 1989; 41/1267; 3.83/4.00.

Brevard Community College: 1984-86; A.A., 1986; (class standing unavailable); 3.85/4.00.

Rockledge HS: 1980-84; Diploma, 1984; Co-Valedictorian (class size unavailable); 3.74/4.00.

8. List and describe any organizations, clubs, fraternities or sororities, and extracurricular activities you engaged in during your higher education. For each, list any positions or titles you held and the dates of participation.

Florida State University: Law Review, 1990-1992; Moot Court, 1990-1992; Student Gov't Ass'n, 1990-1991 or 1992 (Supreme Court Justice, 1990-1991 or 1992); Student Bar Ass'n, 1989-1992 (Law Student Representative, YLD of The Florida Bar, 1990-1991).

University of Central Florida: Student Gov't Ass'n, 1986-1989 (Senator, 1986-1988 (Chairman of Legislative, Judicial & Rules Committee, 1987-1988), Attorney General, 1988-1989); Lambda Chi Alpha (fraternity), 1986-1989 (Treasurer, 1987-1988); Academic Peer Advisement Team (incoming freshmen assistance organization), 1988-1989; Order of Omega (fraternity & sorority honor & service organization), 1988-1989 (President, 1988-1989); President's Leadership Council (honor & service organization), 1987-1988.

EMPLOYMENT:

9. List in reverse chronological order all full-time jobs or employment (including internships and clerkships) you have held since the age of 21. Include the name and address of the employer, job title(s) and dates of employment. For non-legal employment, please briefly describe the position and provide a business address and telephone number.

See response to 1; Feb. 1, 2011-Present.

President and sole shareholder of Keith F. White, P.A., which was a partner in Broad and Cassel, 390 N. Orange Ave., Ste. 1400, Orlando, FL 32801, 2000-Jan. 31, 2011.

Associate, Broad and Cassel, address above, 1992-1999.

Summer Law Clerk, Carlton, Fields, et al., Orlando, FL, 1991.

Summer Law Clerk, Moore, Williams, et al., Tallahassee, FL, 1990.

10. 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.

During the period from 1998 to January 2011, I focused my practice in the area of labor and employment ("L&E") law, and was lead L&E counsel for the Greater Orlando Aviation Authority from August 2000 to January 2011. My clients and I attempted to identify potential

problems in an effort to avoid future litigation. I assisted employers in navigating through the statutes and regulations that govern the workplace and defending against employment-related claims in administrative and judicial proceedings. Management and I worked together to resolve union-related matters, including collective bargaining, organizing campaigns, and unfair labor practice charges. I also handled a wide variety of complex litigation matters, and assisted my clients with all aspects of such litigation in the trial and appellate courts.

11. What percentage of your appearance in court in the last five years or in the last five years of practice (include the dates: Jan. 2006-Jan. 2011) was:

	Court		Area of Practice
Federal Appellate	<u>0</u> %	Civil	<u>100</u> %
Federal Trial	<u>2</u> %	Criminal	<u>0</u> %
Federal Other	<u>0</u> %	Family	<u>0</u> %
State Appellate	<u>1</u> %	Probate	<u>0</u> %
State Trial	<u>97</u> %	Other	<u>0</u> %
State Administrative	<u>0</u> %		
State Other	<u>0</u> %		
TOTAL	<u>100</u> %	TOTAL	<u>100</u> %

If your appearance in court the last five years is substantially different from your prior practice, please provide a brief explanation: See response to 18 regarding the period from 1993 to 1997.

12. In your lifetime, how many (number) of the cases that you tried to verdict, judgment, or final decision were:

Jury? 3 (in one of those trials a non-jury declaratory judgment claim was tried by the court at the same time) Non-jury? 0 (except as noted)

Arbitration? 0 Administrative Bodies? 0

Appellate? 5

13. Please list every case that you have argued (or substantially participated) in front of the United States Supreme Court, a United States Circuit Court, the Florida Supreme Court, or a Florida District Court of Appeal, providing the case name, jurisdiction, case number, date of argument,

and the name(s), e-mail address(es), and telephone number(s) for opposing appellate counsel. If there is a published opinion, please also include that citation.

- A. Three Keys, Ltd. v. Kennedy Funding, Inc., 28 So. 3d 894 (Fla. 5th DCA 2009); oral argument date: unknown; opposing appellate counsel: David Simmons, dsimmons@dsklawgroup.com, 407-422-2454; Ken Hazouri, khazouri@dsklawgroup.com, 407-422-2454; Bart Valdes, bvaldes@dsklawgroup.com, 813-251-5825.
 - B. Laborers' Int'l Union v. Greater Orlando Aviation Authority, 869 So. 2d 608 (Fla. 5th DCA 2004); oral argument date: unknown; opposing appellate counsel: Tobe Lev, tlev@eganlev.com, 407-422-1400.
 - C. Corporate Express Office Products, Inc. v. Phillips, 847 So. 2d 406 (Fla. 2003), quashing 800 So. 2d 618 (Fla. 5th DCA 2001); oral argument dates: Nov. 4, 2002 (Fla.), N/A (5th DCA); opposing appellate counsel: Allan Weitzman, aweitzman@weitzmanams.com, 561-221-4437; Joseph Santoro, jsantoro@gunster.com, 561-655-1980; Sarah Mindes, sarah_mindes@yahoo.com, 847-828-2580.
 - D. Hydro Aluminum Automotive, Inc. v. Sorensen, 165 F.3d 40 (11th Cir. 1998) (mem.); oral argument date: Nov. 19, 1998; opposing appellate counsel: Wayne Allen, wallenatty@gmail.com, 321-431-0645; R. Brent Blackburn, rb2112tyc@gmail.com, 321-259-7306.
 - E. RTC v. SLR of Maitland Center Ltd., 22 F.3d 1098 (11th Cir. 1994) (mem.); oral argument date: unknown; opposing appellate counsel: Guy Motzer, guy@guymotzerlaw.com, 561-818-4602.
14. 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? No. 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. N/A.
15. 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? No. If so, please explain full. N/A.
16. For your last six cases, which were tried to verdict or handled on appeal, either before a jury, judge, appellate panel, arbitration panel or any other administrative hearing officer, list the names, e-mail addresses, and telephone numbers of the trial/appellate counsel on all sides and court case numbers (include appellate cases). *This question is optional for sitting judges who have served five years or more.*

17. For your last six cases, which were either 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). *This question is optional for sitting judges who have served five years or more.*
18. During the last five years, on average, how many times per month have you appeared in Court or at administrative hearings? If during any period you have appeared in court with greater frequency than during the last five years, indicate the period during which you appeared with greater frequency and succinctly explain.

During the last five years I was in practice, on average, I appeared in court two times per month. During the period from 1993 to 1997, my practice was almost exclusively devoted to commercial litigation matters in state trial court, including hundreds of collection matters. I had primary responsibility for all but one of the collection matters, and had secondary responsibility for the other commercial litigation matters. I believe that I averaged 4 court appearances per month during that period.

19. If Questions 16, 17, and 18 do not apply to your practice, please list your last six major transactions or other legal matters that were resolved, listing the names, e-mail addresses, and telephone numbers of the other party counsel. N/A.
20. During the last five years, if your practice was greater than 50% personal injury, workers' compensation or professional malpractice, what percentage of your work was in representation of plaintiffs or defendants? N/A.
21. List and describe the five most significant cases which you personally litigated giving the case style, number, court and judge, the date of the case, the names, e-mail addresses, and telephone numbers of the other attorneys involved, 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.

A. Three Keys, Ltd. v. Kennedy Funding, Inc., 28 So. 3d 894 (Fla. 5th DCA 2009), affirming 2002-CA-3552 (Fla. 9th Cir. Ct. 2008).

In the Kennedy Funding case, I represented Kennedy Funding, Inc., KFI, LLC and Anglo-American Financial, LLC. Bob Gatton (unavailable to contact) was lead counsel, and we were assisted by Kimberly Doud (kdoud@littler.com, 407-393-2951). Plaintiffs, Three Keys, Ltd. and Brad Muller, as Successor Trustee of the Corinne R. Muller Trust, were represented by David Simmons, Ken Hazouri and Bart Valdes (see 13.A for contact info for all of them). Shortly before trial, Irwin Gilbert (igilbert@conradscherer.com, 954-462-5500) substituted as counsel for Anglo-American.

Plaintiffs, as participant lenders, and Defendants, as lead lenders, made a loan of more than \$16 million, which was secured by a super-priority mortgage lien on certain collateral, and executed an inter-creditor agreement. After the borrower defaulted, Defendants foreclosed, obtained title and sold the collateral. Plaintiffs claimed that Defendants failed to consult with them and failed to sell the collateral in a proper manner. Plaintiffs alleged numerous causes of action in multiple versions of their complaint, and sought approximately \$12 million in damages and a declaratory judgment regarding the distribution of sales proceeds. My involvement in the case began in fall 2003. Soon thereafter, the case was transferred to Business Court (Judge Roche). I had primary responsibility over the day-to-day aspects of the litigation, including, but not limited to, strategic planning, discovery, and motion practice. I frequently interacted with our clients, and provided direction and guidance to Ms. Doud and the paralegal assigned to the case. I attended the trial of the case in June 2007, and assisted Bob Gatton and Irwin Gilbert. I had primary responsibility over the pre-trial stipulation, motions for directed verdict and jury instructions, and handled the arguments regarding those matters. After the jury's verdict, I was primarily responsible for the renewed motion for directed verdict, and was substantially involved in the preparation of the motion for new trial and the motion for entry of final judgment. I argued the renewed motion for directed verdict before the trial court. I had primary responsibility over the appeal of the Final Judgment, and secondary responsibility over the appeal of the order denying attorneys' fees. Irwin Gilbert and I handled the oral argument before the Fifth DCA regarding Plaintiffs' appeal of the Final Judgment. I was primarily responsible for Defendants' Memorandum in Opposition to Plaintiffs' Motion for Rehearing, Rehearing En Banc, and/or Certification. Plaintiffs' Motion was denied on February 18, 2010. Subsequently, Mr. Gilbert and I handled the settlement negotiations that led to the resolution of the case.

The case is legally significant because the Fifth DCA determined the liability standard applicable to a party who is expressly granted "sole discretion" and is sued for breach of the implied covenant of good faith and fair dealing. The case is personally significant because I was extensively involved in all aspects of this extremely contentious and complex case, including a two-week jury trial and a 90-minute appellate oral argument.

B. Laborers' Int'l Union v. Greater Orlando Aviation Authority, 869 So. 2d 608 (Fla. 5th DCA 2004), affirming CA-2002-037 (Fla. PERC 2002).

In the GOAA case, I represented GOAA, and I was assisted by Kimberly Doud (see 21.A for contact info). Tobe Lev (see 13.B for contact info) was opposing counsel.

The Union filed an unfair labor practice charge against my client based on alleged failure to bargain. I was substantially involved with the legal analysis and other preparations for the anticipated PERC proceedings. After PERC's summary dismissal of the charge, I took the lead in preparing the brief filed with the Fifth DCA, and argued the case before that court.

The case is legally significant because the Fifth DCA held that GOAA could unilaterally impose a stricter requirement on its employees' access to secured areas, notwithstanding that an employee was terminated because he did not meet the stricter requirements, which could broadly affect union and management relations regarding security measures implemented by other public transportation

agencies. The case is personally significant because it was the first appeal that I handled for a very important client and against an opposing counsel with a distinguished career representing unions.

C. Corporate Express Office Products, Inc. v. Phillips, 847 So. 2d 406 (Fla. 2003), quashing 800 So. 2d 618 (Fla. 5th DCA 2001), reversing CIO-00-8168 (Fla. 9th Cir. Ct. 2001).

In the Phillips case, I represented Doug Phillips, Lori Farrell, Edward Goff and Commercial Design Services, Inc. Alan Gerlach (deceased) was my co-counsel during the proceedings before the trial court (Judge Sprinkel) and the Fifth DCA, and we were assisted by Keith Kress (kresske@yahoo.com, 407-353-6369). I was assisted by Steve Turner (contact info unknown) and Kimberly Doud (see 21.A for contact info) during the Supreme Court proceedings. Allan Weitzman, Joseph Santoro and Sarah Mindes (see 13.C for contact info for all of them) were opposing counsel.

Plaintiff alleged that my individual clients breached their non-compete agreements and alleged other related claims. I was substantially involved in the trial court proceedings, which included handling depositions and other discovery, preparing a motion to dismiss and attending the preliminary injunction hearing. I was also substantially involved in preparing the briefs filed with the Fifth DCA. I took the lead in preparing the brief filed with the Supreme Court, and argued the case before that Court. I handled the settlement negotiations that led to the resolution of the case.

The case is legally significant because the Supreme Court determined the effect of an asset sale, a stock sale, a merger and a name change on a successor's ability to enforce its predecessor's non-compete agreements. The case is personally significant because it is the only case that I handled through all three levels of our judicial system.

D. Remis v. University of Central Florida Board of Trustees, 6:03-cv-210-Orl-22DAB (M.D. Fla. 2003); Remis v. University of Central Florida Board of Trustees, 2003-CA-1421 (Fla. 9th Cir. 2003).

In the UCF case, I represented UCF and twenty-two employees of UCF who were sued individually, including, the President, the Provost, the Dean of the College of Health and Public Affairs, and the General Counsel. I was assisted by Kimberly Doud (see 21.A for contact info), and Youndy Cook (youndy.cook@ucf.edu, 407-823-2482) and Scott Cole (scott.cole@ucf.edu, 407-823-2482), both in-house counsel for UCF. Plaintiffs, Rob Remis (contact info unknown) and Diane Sudia (contact info unknown) were attorneys and represented themselves.

Plaintiffs were a tenured associate professor (Mr. Remis) and a former assistant professor (Ms. Sudia) who claimed that they had been discriminated against in violation of state and federal law, and alleged various other state law claims. I handled the mediation during the EEOC proceedings. I was lead counsel in the state court (Judge Gridley) and federal court (District Judge Conway, Magistrate Judge Baker) proceedings. I handled the depositions and other discovery, attended hearings in both courts, and prepared and responded to motions in both courts. I had primary responsibility for preparing a motion to dismiss in each court, and argued the motion filed in the state court. I handled the settlement negotiations that led to the resolution of the case.

The case is legally significant because it raised important issues regarding Eleventh Amendment immunity, sovereign immunity, individual liability, the faculty tenure selection process and the faculty contract renewal process. The case is personally significant because it was challenging to represent many highly educated and opinionated individuals and their distinguished university in a very acrimonious dispute, and was satisfying that the success of the motions to dismiss facilitated a settlement that seemed impossible to achieve at the outset.

E. Bared & Co. v. School Board of Orange County, 97-889-CIV-ORL-18 (M.D. Fla. 1997).

In the School Board case, I represented the School Board. Andrew Thomas (abtlaw@mindspring.com, 407-404-0898) was lead counsel and I was associate counsel. After the trial, Arthur England (deceased), Thom Rumberger (deceased) and Chris Hill (chill@hrkmlaw.com, 407-926-7460) joined as co-counsel. Plaintiff was represented by Paul Platte (paul@paulplatte.com, 727-474-1011) and Olga Fernandez (contact info unknown).

Plaintiff was an HVAC subcontractor that claimed that it had been subjected to discrimination in violation of federal law. I prepared a pre-trial motion for summary judgment and assisted in trial preparations. I attended the jury trial in June 1997 and assisted Mr. Thomas. After the adverse jury verdict, I was substantially involved in the preparation of a motion for judgment as a matter of law, a motion for a new trial, and the replies to Plaintiff's responses to the post-trial motions. After the court (Judge Sharp) granted the motion for a new trial and set aside the \$3.5 million verdict, the client retained David King (deceased) and Bruce Blackwell (bruceblackwell46@outlook.com, 407-353-3045) to handle the matter and my involvement ended.

The case is legally significant because it raised important issues regarding respondeat superior liability based on alleged wrongdoing of staff and the use of a disparity study that was commissioned to redress past discrimination. The case is personally significant because I acquired federal court trial experience, had the opportunity to work closely with Arthur England on the post-trial motions, and believe that the success of the motion for a new trial enabled the School Board to settle the case for less than the amount of the verdict that was set aside.

22. Attach at least two, but no more than three, examples of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach a writing sample for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

Please see the attached copy of the Order on Motions for Summary Judgment entered in the Singh case referenced in 26(iv)B. I analyzed the motions, issues and authorities, discussed same with the assigned Staff Attorney, Megan Bittakis, and provided directions for Ms. Bittakis to prepare several drafts of the order. I reviewed all drafts prepared by Ms. Bittakis, modified them as I deemed appropriate, and signed the final version of the order.

Please see the attached copy of the Order Denying Defendant's Successive Motion for Postconviction Relief: to Vacate, Set Aside, or Correct Sentence on Count Two Upon Remand entered in the Ortiz case referenced in 28. I analyzed the motion, issues and authorities, discussed same with the assigned Staff Attorney, Michael Andriano, and provided directions for Mr.

Andriano to prepare a draft of the order. After I reviewed the draft prepared by Mr. Andriano, I made substantial modifications to the draft and signed the final version of the order.

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE

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

Yes. On Jan. 3, 2011, I was appointed as Circuit Judge, Circuit 9, Group 27. I commenced my term on Feb. 1, 2011, for a term ending in Jan. 2013. On Aug. 14, 2012, I won the election for that position for a term that commenced in Jan. 2013. In 2018, I was elected (unopposed) for that position for a term that commenced in Jan. 2019. I served as an Associate Judge of the Fifth District Court of Appeal on March 22 & 24, 2016, July 25, 2019, and Oct. 8, 2020. I served as a Referee from Dec. 17, 2019 to July 9, 2020 in The Florida Bar v. Gabaldon, SC19-1963 (Fla.).

- 24.** If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name(s) of the commission, the approximate date(s) of each submission, and indicate if your name was certified to the Governor's Office for consideration.

Fifth District Court JNC: Mar. 2006, Feb. 2017, May 2018, Dec. 2018, Aug. 2019 & Oct. 2020; Ninth Judicial Circuit Court JNC: Feb. 2010, Sep. 2010 & Oct. 2010; Florida Federal JNC: Aug. 2013. My name was certified to the Governor's Office regarding my applications submitted in Oct. 2020, May 2018, Oct. 2010, Sep. 2010 & Feb. 2010.

- 25.** List any prior quasi-judicial service, including the agency or entity, dates of service, position(s) held, and a brief description of the issues you heard. None.

- 26.** If you have prior judicial or quasi-judicial experience, please list the following information:

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

Deneen N. Carrier, Esq., Law Offices of Robert D. Tetreault, 100 S. Ashley Dr., Ste. 550, Tampa, FL 33602, 813-301-3600.

Thomas E. Dukes, III, Esq., McEwan, Martinez, Dukes & Hall, P.A., 108 E. Central Blvd., Orlando, FL 32801, 407-423-8571.

Walter A. Ketcham, Jr., Esq., Grower Ketcham, 901 N. Lake Destiny Rd., Ste. 450, Maitland, FL 32751, 407-423-9545.

Robert L. McLeod, II, Esq., The McLeod Firm, 1200 Plantation Island Dr. S., Ste. 140, St. Augustine, FL 32080, 904-471-5007.

Keith R. Mitnik, Esq., Morgan & Morgan, P.A., 20 N. Orange Ave., Ste. 1600, Orlando, FL 32801, 407-420-1414.

Justin C. Patrou, Esq., Public Defender's Office, 9th Judicial Cir., 2 Courthouse Square, Kissimmee, FL 34741, 407-742-7024.

- (ii) the approximate number and nature of the cases you handled during your tenure;

In the Domestic Violence Division, from Feb. 1, 2011 to Dec. 31, 2012, I handled more than 2,000 cases, and presided over more than 1,000 court proceedings, including final injunction hearings and multi-day bench trials for family cases.

In the Criminal Division, from Jan. 1, 2013 to Dec. 31, 2014, and from Jan. 1, 2018 to Mar. 2020, I presided over numerous jury trials, several violation of probation hearings, and a multitude of other proceedings, including bond hearings, competency hearings, pleas, sentencing hearings and suppression hearings. I estimate that I handled thousands of cases because I had approximately 450 cases pending on a daily basis. From Mar. 2020 to Dec. 31, 2020, I did not conduct any jury trials until late Oct. 2020, and conducted a limited number of other proceedings because of pandemic-related restrictions. As a result, approximately 686 cases were pending on Dec. 31, 2020.

In the Civil Division, from Jan. 1, 2015 to Dec. 31, 2017, I presided over numerous jury and non-jury trials, and a panoply of evidentiary and non-evidentiary hearings on the multitude of motions filed in civil cases. I estimate that I handled thousands of cases because I had approximately 2500 cases pending on a daily basis.

In the Domestic Relations Division, from Jan. 1, 2021 to present, I presided over various proceedings for family cases. Approximately 1918 cases were pending on Jan. 1, 2021.

- (iii) the citations of any published opinions; and

Titusville Constr., LLC v. Wendy C. Butcher Revocable Living Trust Dated Jan. 19, 2000, 304 So. 3d 414 (Fla. 5th DCA 2020).

- (iv) descriptions of the five most significant cases you have tried or heard, identifying the citation or style, attorneys involved, dates of the case, and the reason you believe these cases to be significant.

- A. State v. Nelson, 2017-CF-15684 (Fla. 9th Cir. Ct. 2019), aff'd, 298 So. 3d 1162 (Fla. 5th DCA 2020).

In this case, Defendant, Scott Nelson, was charged with First Degree Murder with a Weapon (Capital felony), Burglary of a Dwelling with an Assault or a Battery with a Weapon (Life felony), Kidnapping with Intent to Inflict Bodily Harm or Terrorize with a Weapon (Life felony), Carjacking with a Deadly Weapon (1st degree felony punishable by life), and Robbery with a Deadly Weapon (1st degree felony punishable by life) by the State of Florida. The State sought the death penalty on the First Degree Murder count. State's

counsel: Asst. State Attorneys, Linda Burdick, Kelly Hicks & Kenneth Nunnelley. Defendant's counsel: Asst. Public Defenders, Robert Larr, Chelsea Simmons & Sarah Moore.

Jury selection was conducted on June 10-14, 2019 and June 17-21, 2019. The guilt phase was tried on June 24-28, 2019. During the guilt phase, twenty-eight witnesses testified, including Defendant, and one hundred ninety-four exhibits were admitted in evidence. I granted Defendant's motion for judgment of acquittal on the Burglary count because the State conceded that it failed to prove that count, but the remaining counts were submitted to the jury. After several hours of deliberations, the jury found Defendant guilty as charged on all counts. The penalty phase on the First Degree Murder count was tried on July 1-3, 2019 and July 8-11, 2019. During the penalty phase, nineteen witnesses testified, including Defendant, and sixteen exhibits were admitted in evidence. After two days of deliberations, the jury returned a verdict for life imprisonment. I sentenced Defendant to life imprisonment on the First Degree Murder count, followed by three concurrent life imprisonment sentences on the other three counts.

This case is legally significant because it presents the following issues: 1) whether Defendant may raise on appeal alleged errors during jury selection after he instructed his attorneys to not take any action to prevent a jury from being sworn on June 21, 2019; and 2) whether Defendant was entitled to the Insanity Instruction based on testimony at trial, even though he did not comply with Rule 3.216.

This case is personally significant because it was my first trial of a capital case, it had extensive publicity before and during trial, it required a complicated three-phase jury selection with 424 potential jurors, it involved a challenging defendant, and it was the most emotionally and intellectually demanding case that I have ever handled. It was both humbling and motivating to handle such a case. In addition, handling the case filled me with gratitude for all the support I received from so many people, and with pride for the jurors and others whose service was essential in bringing this case to conclusion.

- B. Singh v. Orange County, 2014-CA-10858 (Fla. 9th Cir. Ct. 2016), aff'd, 230 So. 3d 639 (Fla. 5th DCA 2017), approved, 268 So. 3d 668 (Fla. 2019).

In this case, Plaintiffs, Sheriff Jerry Demings, Property Appraiser Rick Singh and Tax Collector Scott Randolph, in their official capacities, filed suit against Defendants, Orange County, Florida, Supervisor of Elections Bill Cowles and Orange County Canvassing Board ("OCCB"). Subsequently, OCCB was dropped as Defendant, and Rick Singh and Scott Randolph, in their individual capacities, were added as Plaintiffs. Plaintiffs' counsel: Eric Dunlap (Sheriff Demings); Michael Marder (Mr. Singh, in both capacities); Gigi Rollini (Mr. Randolph, official capacity); Scott Randolph (pro se). Defendants' counsel: William Turner (Orange County); Edward Chew (OCCB); Nicholas Shannin (Mr. Cowles).

Plaintiffs alleged that an amendment to the Orange County Charter, proposed by the County Commission, and ratified by the voters in 2014, was invalid under various provisions of the Florida Constitution, Florida Statutes and the Charter. Essentially, the amendment established non-partisan elections and term limits for county constitutional officers, including Sheriff, Property Appraiser and Tax Collector. Plaintiffs sought declaratory and supplemental relief. Orange County denied Plaintiffs' allegations and challenged Plaintiffs' standing to assert the claims in their official capacities. The parties filed motions for summary judgment, and presented extensive written arguments to the court. Hearings on the motions were held on December 2, 2015, April 18, 2016 and May 26, 2016. On March 28, 2016, I announced my decision and rationale regarding the motion for summary judgment as to standing, which is set forth in the transcript filed on April 12, 2016. A Final Judgment in that regard was entered on June 16, 2016. As to the other motions for summary judgment, I entered an order on June 16, 2016 and a Final Judgment on July 12, 2016. On August 25, 2016, I entered a corrected order granting Plaintiffs' emergency motion to vacate automatic stay.

This case is legally significant because I believe it presented the following issues of first impression: 1) whether county constitutional officers have standing to challenge a charter amendment that establishes non-partisan elections and term limits for the offices they hold; 2) whether such a charter amendment, if proposed by ordinance, is governed by, and complies with, the single-subject statute; and 3) whether such a charter amendment conflicts with the constitutional and statutory provisions regarding the Legislature's authority to regulate elections. This case is personally significant because I had no prior experience with an elections case, and it thoroughly prepared me to perform the duties of an appellate judge. I read voluminous filings, conducted extensive research, analyzed a vast array of authorities, listened to sophisticated arguments and pondered complex issues. After Ms. Bittakis was assigned to assist me, I worked with her as an appellate judge works with a law clerk. I believe my oral and written rulings are clear and understandable, and reflect my dedication to judicial restraint, stare decisis and textualism, which are essential to upholding the rule of law.

- C. U.S. Bank v. Village Square, 2014-CA-7727 (Fla. 9th Cir. Ct. 2015), aff'd, 206 So. 3d 806 (Fla. 5th DCA 2016).

In this case, Plaintiff, U.S. Bank Nat'l Ass'n, filed suit against Defendant, Village Square Condo. Plaintiff's counsel: Avri Ben-Hamo. Defendant's counsel: Jacob Brainard.

Plaintiff asserted claims to compel compliance with section 718.116(1)(b), Fla. Stat., for declaratory relief and for damages. Defendant disputed those claims and asserted that Plaintiff did not qualify for safe harbor under the statute, which limits a first mortgagee's liability for past-due condominium association assessments. Each party filed a motion for summary judgment. On June 25, 2015, both motions were heard, and I entered a Final Judgment in favor of Plaintiff.

This case is legally significant because it resulted in the holding that a party who is the holder, but not the owner, of the note and mortgage is entitled to the protections of section 718.116(1)(b). The case raised a very important issue that needed to be resolved because foreclosure actions are often filed by non-owner holders. Two other district courts are in accord with the Fifth DCA. See Brittany's Place Condo. Ass'n v. U.S. Bank, 205 So. 3d 794 (Fla 2d DCA 2016); San Matera the Gardens Condo. Ass'n v. Fed. Home Loan Mortgage Corp., 207 So. 3d 1017 (Fla. 4th DCA 2017). This case is personally significant because, without the benefit of any appellate decision, I analyzed the authorities, considered the arguments and utilized a textualist approach to reach a conclusion that has been approved by every appellate court that has addressed the issue.

- D. State v. Paolercio, 2012-CF-793 (Fla. 9th Cir. Ct. 2013), pet. granted, 129 So. 3d 1174 (Fla. 5th DCA 2014).

In this case, Defendant, Alfonso Paolercio, was charged with Possession of Cocaine (3d degree felony) and two misdemeanors by the State of Florida. State's counsel: An Asst. State Attorney, but I cannot recall his or her name. Defendant's counsel: Asst. Public Defender, Justin Patrou.

My predecessor had released Defendant on his own recognizance after he was found incompetent to proceed because of a traumatic brain injury that occurred several years prior to his arrest. Subsequently, Defendant was arrested on new charges: burglary of dwelling (2d degree felony); grand theft (3d degree felony); and criminal mischief (misdemeanor). The Initial Appearance Judge revoked his pretrial release and detained him without bond pursuant to section 903.0471, Fla. Stat., which authorizes such detention when the court find probable cause to believe the defendant committed a new crime while on pretrial release. Defendant filed a motion for release on his own recognizance. I held hearings on September 10, 12 and 19, 2013, October 24, 2013 and November 22, 2013. I concluded that: 1) Defendant remained incompetent to proceed; 2) Defendant could not be restored to competency through treatment; 3) section 916.17, Fla. Stat., was inapplicable; 4) there was probable cause that Defendant committed new crimes while on pretrial release; 5) section 903.0471 was applicable; and 6) the totality of the circumstances, including burglary of dwelling being defined as a "dangerous crime" under section 907.041, Fla. Stat. (regulating pretrial detention and release), authorized the court to detain Defendant without bond.

This case is legally significant because it raised an issue of first impression: whether a defendant who is unable to be restored to competency, able to survive alone or with assistance, and unlikely to cause serious bodily harm to himself or others, may be detained pursuant to section 903.0471. This issue arises frequently in criminal cases and needed to be addressed. The appellate court stated that I "may [have been] correct" in finding that section 916.17 did not apply and recognized that "[t]his case presents a troubling set of circumstances." It concluded, however, that section 903.0471 does not permit detention of such a defendant who commits new crimes while on pretrial release. This case is personally significant because it was the first time that an appellate court overruled a decision I made.

This was an important lesson because the judicial oath requires me to submit to a higher court, even if I disagree with that court's decision. Without humility, a judge cannot uphold the rule of law.

E. Colaneri v. Romans, 2011-DR-16408 (Fla. 9th Cir. Ct. 2011).

In this case, Petitioner, Judy Colaneri, filed an action seeking an injunction for protection against domestic violence against Respondent, Christopher Romans. Petitioner's counsel: Calvin Horvath. Respondent was pro se.

Petitioner alleged that Respondent had brutally attacked her with a brick and caused significant injuries. In his pending criminal case, Respondent was charged with Attempted 1st Degree Murder with a Weapon. I conducted a hearing on October 4, 2011. Petitioner and Respondent testified. It was undisputed that the parties did not have children together. It was also undisputed that the parties were homeless and had lived together on the street, but had never lived together in a building, house, room or even a tent. Based on the undisputed facts and applicable statute, I dismissed the petition without prejudice.

This case is legally significant because it presented an important question regarding the meaning of section 741.28, Fla. Stat. Under that statute, if the parties do not have a child in common, then the petitioner cannot obtain a domestic violence injunction unless the parties are currently residing or previously resided together "in the same single dwelling unit." I concluded that the plain language of the statute precluded Petitioner's claim. Although the allegations of violence were horrific, I declined Petitioner's counsel's invitation to essentially rewrite the statute to cover the homeless. The Legislature has not amended the statute after my ruling. This case is personally significant because it was the first case where my decision was publicly criticized. In addition, my opponent used media reports about that decision during the 2012 election campaign. I value that experience because it strengthened my resolve to do what is right despite the consequences.

27. Provide citations and a brief summary of all of your orders or opinions where your decision was reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, attach copies of the opinions.

State v. Burton, 2009-CF-11033 (Fla. 9th Cir. Ct. 2020) (denying motion for postconviction relief), rev'd, 304 So. 3d 1288 (Fla. 5th DCA 2020); State v. Wright, 2012-CF-7033 (Fla. 9th Cir. Ct. 2018) (denying motion for postconviction relief), aff'd in part, rev'd in part, 304 So. 3d 402 (Fla. 5th DCA 2020); State v. Jones, 2017-CF-9370 (Fla. 9th Cir. Ct. 2018) (denying motion to suppress), aff'd on other grounds, 279 So. 3d 342 (Fla. 5th DCA 2019), rev'd sub nom. Jones v. State, 2020 WL 391319 (Fla. 5th DCA Jan. 24, 2020); State v. Ortiz, 1999-CF-11367 (Fla. 9th Cir. Ct. 2019) (denying motion for postconviction relief), rev'd, 287 So. 3d 678 (Fla. 5th DCA 2019); State v. Cuyler, 1997-CF-9833 (Fla. 9th Cir. Ct. 2019) (dismissing motion for postconviction relief), rev'd, 278 So. 3d 314 (Fla. 5th DCA 2019); Newman v. Hirst, 2015-CA-7389 (Fla. 9th Cir. Ct. 2017) (finding waiver of all privileges to interrogatories), pet. granted, 236

So. 3d 506 (Fla. 5th DCA 2018); Milord v. State, 2016-CA-7847 (Fla. 9th Cir. Ct. 2016) (dismissing petition for writ of habeas corpus), aff'd on other grounds, 225 So. 3d 305 (Fla. 5th DCA 2017); Copeland v. Varnedore, 2012-CA-17372 (Fla. 9th Cir. Ct. 2016) (granting motion to amend to add punitive damages claims), quashed, 210 So. 3d 741 (Fla. 5th DCA 2017); U.S. Bank Trust, N.A. v. Ashe, 2014-CA-3987 (Fla. 9th Cir. Ct. 2016) (denying motion to vacate final judgment), rev'd, 204 So. 3d 597 (Fla. 5th DCA 2016); Gray v. Dep't of Corrections, 2016-CA-4697 (Fla. 9th Cir. Ct. 2016) (denying petition for writ of habeas corpus), aff'd on other grounds, 204 So. 3d 975 (Fla. 5th DCA 2016); Whitfield v. State, 2016-CA-4568 (Fla. 9th Cir. Ct. 2016) (denying petition for writ of habeas corpus), aff'd on other grounds, 202 So. 3d 116 (Fla. 5th DCA 2016); Nelson v. State, 2015-CA-9205 (Fla. 9th Cir. Ct. 2016) (dismissing petition for writ of habeas corpus), rev'd, 200 So. 3d 1300 (Fla. 5th DCA 2016); State v. Mora, 2013-CF-4544 (Fla. 9th Cir. Ct. 2014) (convicting and sentencing after jury trial), rev'd, 188 So. 3d 111 (Fla. 5th DCA 2016); Paolercio (see 26(iv)D). Copies of my orders (without attachments) entered in the aforesaid cases are attached.

28. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, attach copies of the opinions.

Singh (see 26(iv)B); Watkins v. State, 278 So. 3d 314 (Fla. 5th DCA 2019) (I joined, but did not write, opinion); State v. Ortiz, 1999-CF-11367 (Fla. 9th Cir. Ct. 2020), aff'd, 303 So. 3d 1291 (Fla. 5th DCA 2020). Copies of my orders entered in Singh and Ortiz are attached (see 22).

29. Has a complaint about you ever been made to the Judicial Qualifications Commission? I do not know of any such complaint. If so, give the date, describe the complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution. N/A.
30. Have you ever held an attorney in contempt? No. If so, for each instance state the name of the attorney, case style for the matter in question, approximate date and describe the circumstances. N/A.
31. Have you ever held or been a candidate for any other public office? If so, state the office, location, dates of service or candidacy, and any election results.

Yes. I was elected Councilman for the City of Maitland in 1996 and 1999, and served in that position from 1996 to 2001. In 2000, I was elected as Vice Mayor by the City Council, and served in that position until 2001. No earlier than 1994, I was appointed by the City Council to the Board of Zoning Adjustment, and served in that position until my term as Councilman commenced.

NON-LEGAL BUSINESS INVOLVEMENT

32. 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.
33. Since being admitted to the Bar, have you ever engaged in any occupation, business or profession other than the practice of law? No. If so, explain and provide dates. N/A. If you received any compensation of any kind outside the practice of law during this time, please list the amount of compensation received. N/A.

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, other than: 1) cases involving my former law firm or former clients for whom I performed substantial services; 2) cases that I handled as a circuit judge; and 3) as permitted or required by applicable law. As a circuit judge, I have recused myself approximately 19 times for reasons 1) and 3).

PROFESSIONAL ACCOMPLISHMENTS AND OTHER ACTIVITIES

35. List the titles, publishers, and dates of any books, articles, reports, letters to the editor, editorial pieces, or other published materials you have written or edited, including materials published only on the Internet. None. Attach a copy of each listed or provide a URL at which a copy can be accessed. N/A.
36. List any reports, memoranda or policy statements you prepared or contributed to the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. None. Provide the name of the entity, the date published, and a summary of the document. N/A. To the extent you have the document, please attach a copy or provide a URL at which a copy can be accessed. N/A.
37. List any speeches or talks you have delivered, including commencement speeches, remarks, interviews, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place they were delivered, the sponsor of the presentation, and a summary of the presentation. If there are any readily available press reports, a transcript or recording, please attach a copy or provide a URL at which a copy can be accessed.

I spoke on "Mental Health and Emotional Issues in the Workplace" and "Protecting Business Interests" at a seminar sponsored by Sterling Education Services, LLC in Orlando, FL on May 8, 2003. I spoke on "Strategies for Downsizing-What You Need to Know" at a meeting of the HR Peer Group of Associated Builders & Contractors, Inc. in Orlando, FL on Nov. 18, 2008. I spoke to students enrolled in Professor Kinyel Ragland's U.S. Gov't course at Valencia Community College in Kissimmee, FL on Mar. 28, 2014. I spoke at the "What Civil Judges Want You to Know" Judicial Forum sponsored by National Business Institute, Inc. in Orlando, FL on Nov. 13, 2015. I spoke on "Courtroom Etiquette" at a New Lawyer Training Program sponsored by the Orange County Bar Ass'n, presented in person in Orlando, FL on Aug. 3, 2018 and Aug. 16, 2019, and presented virtually on Sep. 11, 2020. I moderated a panel discussion on "Staying Ahead of the COVID Curve: Employment Law Do's and Don'ts" at a Bench Bar Conference sponsored by the Orange County Bar Ass'n, presented virtually on Oct. 2, 2020. I do not have copies of, or URLs for, press reports, transcripts or recordings of any of those.

- 38.** Have you ever taught a course at an institution of higher education or a bar association? If so, provide the course title, a description of the course subject matter, the institution at which you taught, and the dates of teaching. If you have a syllabus for each course, please provide.

Yes. See response to 37. I do not have a syllabus for any of those.

- 39.** List any fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement. Include the date received and the presenting entity or organization.

See response to 8. Dean's List (UCF, 1986-1989); Greek Scholar of the Year (Inter-Fraternity Council, 1989); Honor Societies at UCF-Phi Kappa Phi (date unknown), Omicron Delta Kappa (date unknown); Graduate Scholarships (Lambda Chi Alpha, 1989-1992); Book Award for Legal Research & Writing II (FSU, 1990); Order of the Coif (FSU, 1992). I was named in the Florida Labor & Employment section of "Chambers USA 2010." In June 2010, I received a Certificate of Appreciation from the Legal Aid Society of the OCBA for service as a guardian ad litem.

- 40.** Do you have a Martindale-Hubbell rating? No. If so, what is it and when was it earned? N/A.

- 41.** List all bar associations, legal, and judicial-related committees of which you are or have been a member. For each, please provide dates of membership or participation. Also, for each indicate any office you have held and the dates of office.

The Florida Bar (1992-present (Federal Court Practice Committee, 2004-2010)); Orange County Bar Association (1992-present); Central Florida Association for Women Lawyers (2018-present); Hispanic Bar Association of Central Florida (2011-present); Paul C. Perkins Bar Association (2015-present).

42. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in the previous question to which you belong, or to which you have belonged since graduating law school. For each, please provide dates of membership or participation and indicate any office you have held and the dates of office.

Grace Church (2019-present); First United Methodist Church of Winter Park (1995-2019 (Co-Chair, Student Ministry Leadership Committee, 2016-2017; Board of Trustees, 2012-2014)); Bible Study Fellowship (2017-present); George C. Young American Inn of Court (2011-present); The Federalist Society (2019-present); Osceola County Bar Association (2013-2014); Central Florida Family Law American Inn of Court (2011-2012); UCF Alumni Association (1992-present (Board of Directors, 2002-2011; Chair, Legislative Relations Committee, 2004-2008; Vice Chair, 2007-2008; Chair-Elect, 2008-2009; Chairman, 2009-2010; Past Chair, 2010-2011)); UCF Golden Knights Club (1992-present); Lambda Chi Alpha Educational Foundation (2009-2011 (Board of Directors, 2009-2011; Chair, Board Development Committee, 2010-2011)); Lambda Chi Alpha Fraternity (1986-present (Former Director, UCF Chapter Housing Corporation)); Society for Human Resource Management (1998-2011); Central Florida Human Resource Association (1998-2011); Orange County Young Republicans (no earlier than 1993-no later than 2001); Maitland Rotary Club (no earlier than 1994-no later than 2001).

43. Do you now or have you ever belonged to a 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 (other than a church, synagogue, mosque or other religious institution), national origin, or sex (other than an educational institution, fraternity or sorority)? If so, state 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.

I was a member of the Maitland Rotary Club ("the MRC"), a community service and networking organization. It is my understanding that the MRC had a policy or practice of restricting its membership to males. During the time of my membership in the MRC, that policy or practice was changed and females were accepted for membership. I joined the MRC no earlier than 1994 and resigned from the MRC no later than 2001.

44. Please describe any significant pro bono legal work you have done in the past 10 years, giving dates of service.

I served as a guardian ad litem in several cases over several years prior to February 1, 2011.

45. Please describe any hobbies or other vocational interests.

Working out, watching movies, reading, listening to classical music, dining out and traveling.

46. Please state whether you have served or currently serve in the military, including your dates of service, branch, highest rank, and type of discharge.

I do not currently serve, and I have not served, in the military.

47. Please provide links to all social media and blog accounts you currently maintain, including, but not limited to, Facebook, Twitter, LinkedIn, and Instagram. N/A.

FAMILY BACKGROUND

48. Please state your current marital status. If you are currently married, please list your spouse's name, current occupation, including employer, and the date of the marriage. If you have ever been divorced, please state for each former spouse their name, current address, current telephone number, the date and place of the divorce and court and case number information.

I am married to X-REDACTED-X, who is employed in a sales position by Georgia-Pacific Consumer Products LP. We have been married since Aug. 12, 1995. I have never been divorced.

49. If you have children, please list their names and ages. N/A. If your children are over 18 years of age, please list their current occupation, residential address, and a current telephone number. N/A.

CRIMINAL AND MISCELLANEOUS ACTIONS

50. Have you ever been convicted of a felony or misdemeanor, including adjudications of guilt withheld? No. If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms. N/A.
51. Have you ever pled nolo contendere or guilty to a crime which is a felony or misdemeanor, including adjudications of guilt withheld? No. If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms. N/A.
52. Have you ever been arrested, regardless of whether charges were filed? No. If so, please list and provide sufficient details surrounding the arrest, the approximate date and jurisdiction. N/A.
53. Have you ever been a party to a lawsuit, either as the plaintiff, defendant, petitioner, or respondent? If so, please supply the case style, jurisdiction/county in which the lawsuit was filed, case number, your status in the case, and describe the nature and disposition of the matter.

Yes.

I believe that the first suit was filed and tried in 1986. I was the defendant and State Farm or its insured (Ms. Kidd) was the plaintiff. The suit sought recovery of the costs to repair the damage that Ms. Kidd's automobile sustained in a collision between her automobile and my automobile.

The court in Brevard County entered a judgment against me and I paid the judgment pursuant to a payment plan.

The second suit was filed in May 2011. My wife and I filed a petition against Commissioner of Internal Revenue (Docket No. 10703-11S, U.S. Tax Ct.) disputing a Notice of Deficiency for tax year 2008. In July 2011, the court entered a Decision, pursuant to the agreement of the parties, finding that there was no deficiency or penalty due from, and no overpayment due to, my wife and me for tax year 2008.

The third suit was filed in Oct. 2015. John Henry Frederick filed a "Motion for Damages" against "The Honorable Judge Keith F. White" which was docketed by the Clerk as a civil action (2015-CA-9732, Fla. 9th Cir. Ct.), but was never served on me. I became aware of this case on Feb. 13, 2017 when I received a copy of the Notice of Lack of Prosecution entered on that date. On May 17, 2017, an Order of Dismissal was entered. The motion does not contain any specific factual allegations against me, so I am unable to respond to the motion. The caption of the motion refers to 2013-CF-12364, a case assigned to Criminal Division 17. I was not assigned to that division until Jan. 1, 2018.

54. To your knowledge, has there ever been a complaint made or filed alleging malpractice as a result of action or inaction on your part? No.
55. To the extent you are aware, have you or your professional liability carrier ever settled a claim against you for professional malpractice? No. If so, give particulars, including the name of the client(s), approximate dates, nature of the claims, the disposition and any amounts involved. N/A.
56. 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? No. If so, provide the particulars of each finding or investigation. N/A.
57. To your knowledge, within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers, clients, or the like, ever filed a formal complaint or accusation of misconduct including, but not limited to, any allegations involving sexual harassment, creating a hostile work environment or conditions, or discriminatory behavior against you with any regulatory or investigatory agency or with your employer? No. If so, please state the date of complaint or accusation, specifics surrounding the complaint or accusation, and the resolution or disposition. N/A.
58. Are you currently the subject of an investigation which could result in civil, administrative, or criminal action against you? No. If yes, please state the nature of the investigation, the agency conducting the investigation, and the expected completion date of the investigation. N/A.

59. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you, this includes any corporation or business entity that you were involved with? No. If so, please provide the case style, case number, approximate date of disposition, and any relevant details surrounding the bankruptcy. N/A.

60. In the past ten years, have you been subject to or threatened with eviction proceedings? No. If yes, please explain. N/A.

61. Please explain whether you have complied with all legally required tax return filings. To the extent you have ever had to pay a tax penalty or a tax lien was filed against you, please explain giving the date, the amounts, disposition, and current status.

I have complied with all legally required tax return filings. A tax lien has never been filed against me. I paid a tax penalty in the amount of \$114 in 2007 because an insufficient amount of federal income tax was withheld during 2006.

HEALTH

62. Are you currently addicted to or dependent upon the use of narcotics, drugs, or alcohol? No.

63. 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? 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.] N/A. Please describe such treatment or diagnosis. N/A.

64. 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 two or three nights, experiencing periods of hyperactivity, spending money profusely with extremely poor judgment, suffering 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? No. If yes, please explain. N/A.

65. 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? No. If yes please explain the limitation or impairment and any treatment, program or counseling sought or prescribed. N/A.

66. 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? No. If yes, provide full details as to court, date, and circumstances. N/A.

67. During the last ten years, have you unlawfully used controlled substances, narcotic drugs, or dangerous drugs as defined by Federal or State laws? No. 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 or State law provisions.) N/A.
68. 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 drugs? No. 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. N/A.
69. 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? No. 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. N/A.
70. In the past ten years, have you suffered memory loss or impaired judgment for any reason? No. If so, please explain in full. N/A.

SUPPLEMENTAL INFORMATION

71. Describe any additional education or experiences you have which could assist you in holding judicial office.

I earned 188.25 credit hours of CJE from Feb. 1, 2011 to Jan. 31, 2020, which is more than twice the amount of CJE required during that period. Those courses were in the substantive areas of civil, ethics, family, criminal, and fairness and diversity, including the handling capital cases ("HCC") initial course, two HCC refresher courses, and the fairness and diversity course required for all judges.

My undergraduate training in engineering provides me with analytical skills that complement those skills that I learned in law school, developed in private practice and acquired on the bench. My experience with the City of Maitland assists me as a judge because as Councilman I gave all interested parties an opportunity to be heard, analyzed all aspects of the issue and exercised my reasoned judgment to render a decision. In addition, that experience will assist me as a district judge because I learned how to successfully build consensus without compromising core values. That experience, coupled with my judicial experience, has given me a practical perspective of the importance of separation of powers, and will enable me to be an effective liaison between the judicial branch and the other branches of government. In fact, in April 2019, a group of legislators asked me to consult with them regarding proposed bills relating to Amendment 4 and existing law.

72. Explain the particular contribution you believe your selection would bring to this position and provide any additional information you feel would be helpful to the Commission and Governor in evaluating your application.

I believe that I will bring a unique combination of humility, commitment to the rule of law, dedication, aptitude for legal analysis and writing, energy, experience, fair-mindedness and temperament to the position.

I was raised in a middle-class family, and I am the product of public schools. With limited assistance from my parents, I paid my way through BCC, UCF and FSU using a combination of part-time employment, loans and scholarships. Since 2011, I have served during the school year as a small group leader for a high school student ministry. I have served as a mock trial or moot court judge for high school, college or law school students at least once a year since 2015, excluding 2020 because those events were cancelled. I began serving as a mentor for a FAMU law student on Oct. 15, 2020, for the program year ending on April 8, 2021. I have interacted with a diversity of people and my background allows me to relate to most people. I believe that I have a duty to serve the community in a capacity that allows me to best utilize my abilities, and that is the primary reason that I am applying for this position.

REFERENCES

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

Kimberly A. Ashby, Esquire, Foley & Lardner LLP, 111 N. Orange Ave., Suite 1800, Orlando, FL 32801, kashby@foley.com, 407-244-3265

The Honorable Denise Kim Beamer, Orange County Courthouse, 425 N. Orange Ave., Suite 815, Orlando, FL 32801, ctjudb2@ocnjcc.org, 407-836-2091

Michael M. Brownlee, Esquire, The Brownlee Law Firm, P.A., 390 N. Orange Ave., Suite 2200, Orlando, FL 32801, mbrownlee@brownleelawfirm.com, 407-403-5886

The Honorable Paetra T. Brownlee, Orange County Courthouse, 425 N. Orange Ave., Suite 1145, Orlando, FL 32801, ctjupb1@ocnjcc.org, 407-836-0568

R. Dean Cannon, Jr., Esquire, GrayRobinson, P.A., 301 S. Bronough St., Suite 600, Tallahassee, FL 32301, dean.cannon@gray-robinson.com, 850-577-9090

Kimberly J. Doud, Esquire, Littler Mendelson P.C., 111 N. Orange Ave., Suite 1750, Orlando, FL 32801, kdoud@littler.com, 407-393-2951

The Honorable Eric J. Eisnaugle, Fifth District Court of Appeal, 300 South Beach St., Daytona Beach, FL 32114, eisnauglee@flcourts.org, 386-947-1530

Michael J. Grindstaff, Esquire, Shutts & Bowen LLP, 300 S. Orange Ave., Suite 1600, Orlando, FL 32801, mgrindstaff@shutts.com, 407-835-6927

The Honorable Jamie R. Grosshans, Florida Supreme Court, 500 South Duval St., Tallahassee, FL 32399, grosshansj@flcourts.org, REDACTED

Joshua D. Grosshans, Esquire, Latham, Luna, Eden & Beaudine, LLP, 111 N. Magnolia Ave., Suite 1400, Orlando, FL 32801, josh@lathamluna.com, 407-481-5800

Michael E. Marder, Esquire, Greenspoon Marder LLP, 201 E. Pine St., Suite 500, Orlando, FL 32801, michael.marder@gmlaw.com, 407-425-6559

Rafael E. Martinez, Esquire, McEwan, Martinez, Dukes & Hall, P.A., 108 E. Central Blvd., Orlando, FL 32801, rmartinez@mmdorl.com, 407-423-8571

The Honorable Carlos E. Mendoza, George C. Young U.S. Courthouse, 401 W. Central Blvd., Suite 5-650, Orlando, FL 32801, carlos_mendoza@flmd.uscourts.gov, 407-835-4310

The Honorable Mary Alice Nardella, Fifth District Court of Appeal, 300 South Beach St., Daytona Beach, FL 32114, nardellam@flcourts.org, 386-947-1530

The Honorable Renee A. Roche, Orange County Courthouse, 425 N. Orange Ave., Suite 1725, Orlando, FL 32801, ctjurr1@ocnjcc.org, 407-836-1464

The Honorable Meredith L. Sasso, Fifth District Court of Appeal, 300 South Beach St., Daytona Beach, FL 32114, sassom@flcourts.org, 386-947-1530

Michael A. Sasso, Esquire, Sasso & Sasso, P.A., 1031 W. Morse Blvd., Suite 120, Winter Park, FL 32789, masasso@sasso-law.com, 407-644-7161

The Honorable Dan Traver, Fifth District Court of Appeal, 300 South Beach St., Daytona Beach, FL 32114, traverd@flcourts.org, 386-947-1530

The Honorable F. Rand Wallis, Fifth District Court of Appeal, 300 South Beach St., Daytona Beach, FL 32114, wallisr@flcourts.org, 386-947-1530

CERTIFICATE

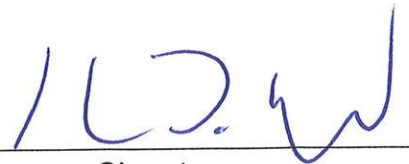
I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any 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(1), 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 16 day of January 2021.

Keith F. White

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.

FINANCIAL HISTORY

1. State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current Year-To-Date: \$0

Last Three Years: \$161,893 \$160,688 \$160,688

2. State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current Year-To-Date: \$0

Last Three Years: \$140,372 \$139,379 \$139,379

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current Year-To-Date: \$0

Last Three Years: \$949 (acct. int., mut. fund gains); -\$1,990 (acct. int., mut. fund gains, p/s losses); -\$2,447 (acct. int., cancelled debt, mut. funds gains, p/s losses)

4. State the amount you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current Year-To-Date: \$0

Last Three Years: \$949 (see 3) -\$1,990 (see 3) -\$2,447 (see 3)

5. State the amount of net income you have earned or losses incurred (after deducting expenses) from all sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

Current Year-To-Date: \$0

Last Three Years: \$949 (see 3) -\$1,990 (see 3) -\$2,447 (see 3)

**FORM 6
FULL AND PUBLIC
DISCLOSURE OF
FINANCIAL INTEREST**

PART A – NET WORTH

Please enter the value of your net worth as of December 31 or a more current date. [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

My net worth as of Dec. 31, 2020 was \$1,218,848.

PART B - ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes; jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$143,000.

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)	VALUE OF ASSET
SEE ATTACHMENT "A"	

PART C - LIABILITIES

LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
SEE ATTACHMENT "A"	

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
NONE	

PART D - INCOME

You may **EITHER** (1) file a complete copy of your latest federal income tax return, *including all W2's, schedules, and attachments*, **OR** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000 including secondary sources of income, by completing the remainder of Part D, below.

I elect to file a copy of my latest federal income tax return and all W2's, schedules, and attachments.
 (if you check this box and attach a copy of your latest tax return, you need not complete the remainder of Part D.)

PRIMARY SOURCE OF INCOME (See instructions on page 5):

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
SEE ATTACHMENT "A"		

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person—see instructions on page 6]

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE
NONE			

PART E – INTERESTS IN SPECIFIC BUSINESS [Instructions on page 7]

	BUSINESS ENTITY #1	BUSINESS ENTITY #2	BUSINESS ENTITY #3
NAME OF BUSINESS ENTITY	NONE		
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

KLW

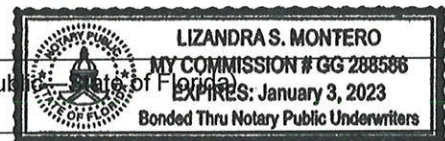
SIGNATURE

STATE OF FLORIDA

COUNTY OF *Orange*

Sworn to (or affirmed) and subscribed before me this 14 day of January, 2021 by Keith F. White

[Signature]
 (Signature of Notary Public)



(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification _____

Type of Identification Produced _____

ATTACHMENT "A" TO FORM 6 FOR 2020

PART B – ASSETS INDIVIDUALLY VALUED AT OVER \$1,000

Single Family Home (XXXXXXXX-REDACTED-XXXXXXXX)	\$359,581*
Checking Account (Bank of America)	\$73,561
Savings Account (Bank of America)	\$137,835
IRA (Bank of America)	\$18,837
IRA (Fidelity Mgmt. Trust Co.)	\$488,786
Mutual Fund (Victory Funds)	\$5,199
Deferred Comp Plan (Nationwide Retirement Services)	\$172,666

PART C – LIABILITIES IN EXCESS OF \$1,000

Fannie Mae, 13100 Worldgate Dr., Herndon, VA 20170	\$80,826
Bank of America, P.O. Box 26078, Greensboro, NC 27420	\$67,099

PART D – PRIMARY SOURCES OF INCOME

State of Florida, 200 E. Gaines St., Tallahassee, FL 32399	\$161,893
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(*Estimated)

JUDICIAL APPLICATION DATA RECORD

The judicial application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The chair of the Commission shall forward all such completed pages, along with the names of the nominees to the JNC Coordinator in the Governor's Office (pursuant to JNC Uniform Rule of Procedure).

(Please Type or Print)

Date: January 16, 2021

JNC Submitting To: Fifth District Court of Appeal

Name(please print): Keith F. White

Current Occupation: Circuit Judge

Telephone Number: 407-836-0477

Attorney No.: 957259

Gender (check one): Male Female

Ethnic Origin (check one): White, non-Hispanic

Hispanic

Black

American Indian/Alaskan Native

Asian/Pacific Islander

County of Residence: Orange

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

DISCLOSURE PURSUANT TO THE
FAIR CREDIT REPORTING ACT (FCRA)

The Florida Department of Law Enforcement (FDLE) may obtain one or more consumer reports, including but not limited to credit reports, about you, for employment purposes as defined by the Fair Credit Reporting Act, including for determinations related to initial employment, reassignment, promotion, or other employment-related actions.

CONSUMER'S AUTHORIZATION FOR
FDLE TO OBTAIN CONSUMER REPORT(S)

I have read and understand the above Disclosure. I authorize the Florida Department of Law Enforcement (FDLE) to obtain one or more consumer reports on me, for employment purposes, as described in the above Disclosure.

Keith F. White

Printed Name of Applicant

Signature of Applicant

Date: January 16, 2021

