



Judge Jared Smith
Application for Appointment to the
Florida Supreme Court

APPLICATION FOR NOMINATION TO THE FLORIDA SUPREME 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: Jared Edward Smith **Social Security No.:** ██████████

Florida Bar No.: 21278 **Date Admitted to Practice in Florida:** 4/21/2006

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.

District Court Judge, 6th District Court of Appeal

811 E. Main St.

Lakeland, FL 33801

Phone (Work): (863) 274-9728

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), and your preferred email address.

██████████

██████████

Polk County

I have resided at the above address since December 2022. I have resided in Florida since 2002. I was stationed at Goodfellow AFB, TX, from August 2005 to August 2006, but I maintained my Florida residency during that time.

Phone (Mobile): (██████████)

Email: ██████████

3. State your birthdate and place of birth.

██████████

██████████ KS

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.

Kansas Bar (currently inactive as I do not practice in that state)	9/29/2000
United States Air Force Court of Criminal Appeals	10/30/2002
United States Court of Appeals for the Armed Forces	10/31/2002
Florida Bar	4/21/2006
Middle District of Florida (allowed membership to lapse as I am no longer practicing in federal court)	9/22/2006-1/1/2020

6. Have you ever been known by any aliases? If so, please indicate and when you were known by such alias.

No.

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).

School	Class Standing/GPA	Dates of Attendance	Degree Attained
Washburn University School of Law	3 rd (tied) of 134, Magna Cum Laude, 3.72 GPA	Fall 1997-Spring 2000	Juris Doctor
Fort Hays State University	Summa Cum Laude, 3.86 GPA	Spring 1995-Fall 1996	Bachelors of Business Administration (Major-Accounting)
Kansas State University (attended simultaneously with Manhattan Christian	4.0 GPA	Fall 1994	None

College as part of a dual degree program)			
Manhattan Christian College	3.33 GPA	Fall 1994	None
Garden City Community College	High Honors, 4.0 GPA	Fall 1992 to Spring 1994 (and one additional summer class in Summer 1996)	Associates

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.

Garden City Community College-Academic Challenge Team, Fall 1994-Spring 1996
 Manhattan Christian College, Fall 1994, Soccer Team
 Fort Hays State University, Spring 1995-Fall 1996 Baptist Student Fellowship, active member
 Washburn University School of Law, Spring 1998-Spring 2000, President, Christian Legal Society
 Volunteered to work with juvenile offenders at juvenile boot camp in Topeka, KS, Fall 1998-Spring 2000

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.

Employer	Job Title	Dates of Employment	Address (and phone number for non-legal employment)
State of Florida	District Court Judge	January 2023 to present	811 E. Main St. Lakeland, FL 33801
State of Florida	Circuit Court Judge	September 2019-December 2022	800 E. Twiggs St., Rm. 427 Tampa, FL 33602
State of Florida	County Court Judge	June 2017-September 2019	800 E. Twiggs St., Rm. 313 Tampa, FL 33602

Rumberger, Kirk & Caldwell, P.A.	Partner	August 2006-June 2017 (elected partner August 2012, senior associate status prior to that)	100 N. Tampa St., Ste. 2000, Tampa, FL 33602 Mobile phone number of Tampa managing shareholder-Rob Blank-(813) 785-3133
United States Air Force	JAG Officer	August 2002-August 2006	The Judge Advocate General, Headquarters, United States Air Force 1420 Air Force Pentagon, Washington, D.C. 20330-1420 USAF personnel mainline is (800) 423-8723
Kansas Supreme Court, Honorable Justice Edward J. Larson	Judicial Law Clerk	August 2000-August 2002	301 SW 10th Ave., Topeka, KS 66612 Kansas Supreme Court mainline is (785) 296-3229. I do not have a contact number for Justice Larson (presently in his 90's)
Darryl Graves, PA	Law Clerk	June 1999-May 2000	1040 New Hampshire St. Lawrence, KS 66044 Mobile: (785) 979-4510
Topeka Metropolitan Transit Authority	Legal Intern	March 1998-June 1999	201 N. Kansas Ave. Topeka, KS 66603 Mainline phone: (785) 783-7000
State of Kansas, USD-457	Substitute Teacher as needed in various locations in southwestern Kansas	January 1997-May 1997	Administrative Department 1205 Fleming St. Garden City, KS 67846 Mainline: (620) 276-5100

Fort Hays State University	Night Security Manager, Men's Dormitory	January 1996-December 1996	600 Park St. Hays, KS 67601 Mainline: (785) 628-3478
Bible Christian Church	Youth Minister Intern	May 1996-August 1996	1501 E. Mary St. Garden City, KS 67846 Mainline: (620) 276-8356 Mobile phone of my supervisor, Pastor Dan Mitchell (417) 609-1921

- 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.

I was board certified in construction law with the Florida Bar (currently on inactive status). Prior to taking the bench in June 2017, my construction practice consisted of representing owners, general contractors and subcontractors in various construction disputes. I litigated liens, breach of contracts, and other construction related matters. I also defended general contractors and subcontractors in large construction defect matters. My practice also consisted in substantial part of defending personal injury matters involving retail and hospitality, automotive negligence, and other premises liability. I effectively defended numerous cases involving significant personal injuries and property damage. I also handled bank litigation cases involving consumer finance issues.

Before joining Rumberger, Kirk & Caldwell, I had the honor of serving four years in the U.S. Air Force as part of the Judge Advocate General's Corps (JAG). As the Chief of Claims at MacDill Air Force Base, I adjusted and managed the handling of all personal injury and medical malpractice claims against the base and assigned Air Force personnel. I advised the Chief of Operations for MacDill's 2004 AirFest and provided counsel to the Chief of Staff of the MacDill hospital. I obtained my certification under Article 27 of the Uniform Code of Military Justice as a U.S. Air Force Military Trial and Defense Counsel. I was a prosecutor and handled several courts martial involving drugs and other crimes. I also handled several administrative discharge boards involving termination of tenured servicemembers. I was appointed in 2003 as a Special Assistant United States Attorney to prosecute civilian crimes in federal court, which I did in both Florida and Texas.

Immediately following law school, I clerked for two years for the Honorable Justice Edward J. Larson of the Kansas Supreme Court, where I researched and otherwise directly assisted with the highest court's decisions on several critical matters of first impression under state law.

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

The percentages below reflect my last five years of private practice, 2012 to 2017.

Court		Area of Practice	
Federal Appellate	_____ %	Civil	<u>100</u> %
Federal Trial	<u>20</u> %	Criminal	_____ %
Federal Other	_____ %	Family	_____ %
State Appellate	_____ %	Probate	_____ %
State Trial	<u>80</u> %	Other	_____ %
State Administrative	_____ %		
State Other	_____ %		
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:

I have been sitting as a judge for the last five years (since June 2017).

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

Jury?	<u>4</u>	Non-jury?	<u>6</u>
Arbitration?	<u>4</u>	Administrative Bodies?	<u>4</u>

Appellate? No oral arguments, was assistant appellate counsel on a Regions Bank case but withdrew when I went on the bench prior to case completion

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.

None.

- 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? 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.

- 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? If so, please explain full.

No.

- 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.*

Robert Myers v. Cook Moving, et al., Hillsborough County Circuit Court, Case No. 06-CA-8377
Opposing counsel: Dale Appell (813) 877-3253, dappell@wefightforjustice.com
Jeff Shelquist (813) 766-5204, jeff_shelquist@hotmail.com
Co-Defendant's counsel: K. Mitch Espat Office-(813) 993-7200, (Mobile) (813) 335-7007, mitch@legal-strength.com
Co-counsel: Robert L. Blank (813) 785-3133, rblank@rumberger.com

U.S. v. SrA Luke Rhoades, SO AD 05 / SO AD 07 / SO AD 09 (Goodfellow AFB)
Co-counsel: Lt Col Michael J. O'Sullivan (no contact information available)
Opposing Counsel - Capt Jason Lindbloom (deceased)
Opposing Counsel - Capt Jeffrey T. Black (deceased)

U.S. v. SSgt Michael Hernandez (September 2004) (MacDill AFB)
Co-counsel: Capt (now Lt Col) Taralynn Olayvar (941) 228-9463, taralolayvar@gmail.com

Opposing Counsel: Joseph Episcopo (813) 505-1999, joeepiscopolaw@yahoo.com
Opposing Counsel: Capt Michael Terrell (770) 286-3646, miketerrell@me.com

U.S. v. Amn Nathan Kendrick, SO AB 01 / SO AB 03 (MacDill AFB)

Co-counsel: Capt Richard Rockenbach II (703) 772-2429, rockenbach@rocksolidadoptions.com

Opposing Counsel: Capt Kevin Ingram (no contact information available)

Opposing Counsel: Capt Sabrina Redd (813) 846-5083, reywal22@gmail.com

*I tried seven Courts Martial. I have listed the cases with which I have records with me at this time in relation to my involvement. I do not have additional information concerning the other Courts Martial which I was involved in trying. I also acted as a special assistant U.S. attorney while in the Air Force. I do not have records of the names of the cases I tried while acting as a special assistant U.S. attorney with the Air Force.

I tried four discharge boards before panels of officers consisting of 3 to 9 members. Co-counsel for one of my more significant discharge boards at MacDill AFB was Lori Balona, (Mobile) (813) 727-4689, lori.balona@gmail.com. She can speak to the work I did during that discharge board.

I also tried an Article 32 hearing for a sexual assault / sexual misconduct case. The discharge boards and Article 32 hearing are not of public record.

- 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.*

Dera Harris v. Kmart Corporation, Case No. 8:16-cv-618-T-35TBM

Opposing Counsel: Christopher Smith (813) 223-6200

Coleen Roberts v. Sears, Roebuck and Co., Case No. 2015CA6719CI

Opposing Counsel: Brad Salter (727) 692-7024

Jill and Chad Gates v. Carrabba's, et al., Case No. 15-CA-2551 NC

Opposing Counsel: September Dramis (941) 366-8010

Matthew and Jessi Neitzel v. VPSI, Inc., et al., Case No. 15003411CI

Opposing Counsel: Kevin Woods (813) 781-1991

Elaine and Gary Greenberg v. Outback, 14-CA-12548

Opposing Counsel: Brett Berger (813) 928-7802

Nolan Kerr v. James Kanick / VPSI, Case No. 14-ca-012445

Opposing Counsel: Herbert H. Hofmann (941) 366-1790

- 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.

As a district judge, we have oral arguments monthly. As a county judge and circuit court judge, I handled domestic violence, county criminal, county civil, and circuit domestic relations divisions. The average number of hearings differed per division.

- 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?

I have been on the bench for the last five years. However, when I handled personal injury matters during my time in private practice, I was handling defense of the personal injury matters.

- 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.

Henriquez Electric Corporation v. Alliant Technologies, LLC, Case No. 14-CA-12542

Date of case: Filed in 2014.

Opposing Counsel: Ed Kuchinski (813) 229-4262, (Mobile) (813) 340-1207,
ekuchinski@carltonfields.com

Judge: Honorable Rex Barbas, Circuit Court, Hillsborough County

(Senior Judge Frank Gomez also assisted with handling one of the evidentiary hearings when Judge Barbas was unavailable)

I was sole counsel in this case, defending Alliant Technologies, LLC.

This was a breach of contract / unjust enrichment case with interrelated construction lien issues. This was a significant case as it involved protecting my client's interest in relation to license requirements, in addition to the monetary implications raised by the breach of contract and lien issues. There was also a forum selection clause in the contract which required significant legal

briefing. Four lengthy evidentiary and motion argument hearings were held. The licensing issue required expert testimony on both sides, and ultimately resulted in a close ruling in our favor. The court also ruled in my client's favor at the final hearing. Although the legal issues, briefs, and arguments on both sides were intense due to the broad implications a negative ruling could mean to either client, a complete level of professionalism was maintained throughout. The court complimented the effectiveness of the arguments presented and the overall handling of the case.

Robert Myers, et al., v. Cook Moving and Weatherproof, Hillsborough County, 06-CA-08377
Date of case: Filed in 2006.

Opposing counsel: Dale Appell (813) 877-3253, dappell@wefightforjustice.com

Jeff Shelquist (813) 766-5204, jeff_shelquist@hotmail.com

Co-Defendant's counsel: K. Mitch Espat (813) 993-7200, Mobile (813) 335-7007, mitch@legal-strength.com

Co-counsel: Robert L. Blank (Mobile) (813) 785-3133, rblank@rumberger.com

Judge James M. Barton, II

We represented Cook Moving. This case was a personal injury action with a high demand for significant injuries suffered by Mr. Myers. I was involved from the beginning of the case, drafting pleadings and discovery, and appearing at hearings. I argued 10 motions *in limine*, winning most arguments. I also drafted a motion for summary judgment early in the case which was narrowly defeated. I moved for directed verdict on several key issues, and was successful in defeating plaintiffs' claim for vicarious liability on behalf of the co-defendant. At trial, I cross-examined two of plaintiffs' expert witnesses. I co-chaired the trial with Robert Blank. The case resulted in a defense verdict.

Thelma Hunter v. Kmart and Premium Waters, Case No. 2:08-CV-260 (Middle District, Ft. Myers Div.)

Date of Case: Filed in 2008.

Opposing Counsel (Plaintiff): Joseph R. North, 239-337-1191, Mobile (239) 464-5740, jrobertnorth@thenorthlawfirm.org

Opposing Counsel (Plaintiff): Dennis L. Webb (239) 334-1600, (239) 791-6218, dennis@swflalawyers.com

Opposing Counsel (Cross-Claim Defendant-Premium Waters): Peter H. Murphy 239-461-8111, pm@kubickidraper.com

Opposing Counsel (Cross-Claim Defendant-Premium Waters): Francesca A. Ippolito-Craven (305) 982-6604, fic@kubickidraper.com

Co-Counsel: H. Jacey Kaps (Mobile) (954) 296-6724

Judge (after removal, which took place shortly after we appeared in the case): Honorable John E. Steele (District Judge, Middle District)

Magistrate: Sheri Polster Chappell

This was a large personal injury case involving potential loss of an ankle/foot due to complications from the injury. I handled all aspects of litigation including defense of Kmart and spearheading efforts to bring in a third-party manufacturer who later became a key additional defendant in the case. The case involved several corporate representative depositions and competing summary judgment motions. The case was ultimately resolved after a third mediation.

Alan Wildstein v. Bevis Construction et al., Case No. 11-867GCS (Highlands County)

Date of case: Filed in 2011.

Plaintiff's Counsel: Johnny A. Pineryo (407) 566-2210, (Mobile) (407) 490-2210, johnnyp@floridainjurylawfirm.com

Counsel for several Defendants (also includes Third and Fourth-Party defendants):

Stuart Freeman (727) 327-2258, stuart.freeman@fgclawfirm.com

Denise Anderson (813) 281-1900, danderson@butler.legal

Bill Chambers (863) 686-0043, b.chambers@cttalaw.com

Jonathan Wright (407) 481-9300, jon@wrightlawpa.com

Co-Counsel: Hugh Higgins (Mobile) (727) 249-2588, hhiggins@moyerlawgroup.com

Judge: Honorable Peter F. Estrada

We represented the general contractor, Bevis Construction, in a case involving significant allegations of defect on a large, multimillion dollar residential construction matter. These cases tend to be difficult to handle, especially as the general contractor, as there is generally a large amount of motion practice and discovery required to effectively engage all implicated suppliers and subcontractors. I was the lead attorney handling the case, assisted by attorney Hugh Higgins. I took lead at the depositions plaintiff's experts, as well as taking and defending several corporate representative depositions. The case was ultimately resolved after much litigation in a manner favorable to my client. I believe Plaintiff's counsel would agree that we represented our general contractor with excellence and professionalism throughout the litigation.

Parklane Venture I, LLC v. Summit Contractors, Inc. et al., Case No. 01-2010-CA-003650 (Alachua Cty)

Date of case: Filed in 2010.

Plaintiff's Counsel: Douglas K. Gartenlaub (407) 540-6600, douglas.gartenlaub@burr.com

Counsel for Defendants (including Third Party defendants):

Tod B. Eikner (904) 448-6310, teikner@eiknerlaw.com

Robert B. Buchanan (352) 629-7441, rbuchanan@rbtrial.com

Jason C. Grundorf (407) 845-1778, jason.grundorf@newlinlaw.com

E. Holland (Holly) Howanitz (904) 355-0225, ehowanitz@wickersmith.com

Denise Anderson (813) 281-1900, danderson@butler.legal

Hugh M. Davenport (904) 992-9501, hdlaw1967@gmail.com

Doug Wall (407) 900-9254, dwall@taitlaw.com

Christopher J. Mueller (904) 356-0700, cjm@taylordaylaw.com

Jeffrey L. Price, (352) 222-6494, jeff@jlprice-law.com

Sanjo S. Shatley (904) 672-4196, sanjo.shatley@csklegal.com
Co-counsel: Hugh Higgins (Mobile) (727) 249-2588, hhiggins@moyerlawgroup.com
Judge: Honorable Victor L. Hulslander

I represented a framing contractor, also alleged to be the contractor responsible for building wrap, (Olender Construction) in a multi-building, multimillion dollar construction defect claim. We were a third-party defendant in the case. I was lead counsel, assisted by associate attorney Hugh Higgins. The case involved significant discovery hearings, expert depositions, and discovery and pleading motion practice. Our efforts resulted in a successful resolution after mediation.

- 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.

I have attached two orders which I personally drafted. My order in the case of *The Center for Bone & Joint Disease, P.A. A/A/O Elizabeth Taylor v. Progressive American Insurance Company*, Case. No. 16-CC-3529, was a matter of first impression. The logic and ruling of the decision I rendered, though not appealed at the time, was closely followed by the Florida Supreme Court in a later opinion authored by Justice Canady, *Progressive Select Ins. Co. v. Florida Hosp. Med. Ctr.*, 260 So. 3d 219 (Fla. 2018). The other order issued in *Jeanette Maria Reyes v. Windhaven Insurance Company*, 16-CC-11133, was later published as a reported decision in Florida Law Weekly Supplement, *Reyes v. Windhaven Insurance Co.*, 25 Fla. L. Weekly Supp. 982a (November 27, 2017).

I have also attached a responsive brief in relation to the *Henriquez v. Alliant* case discussed in response to the previous question. The brief is largely my work. I solely drafted sections I and III. Hugh Higgins assisted by providing an initial draft of section II, however I substantially revised the writing and added to the legal arguments presented in that section.

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.

Hillsborough County Court Judge, June 2017 to September 2019. I was also involved in an election for my seat, County Court Group 5, in August 2018. My opponent was attorney Bill Yanger. I was successful in defending my seat, gaining 66.68% of the vote.

Hillsborough County Circuit Court Judge, September 2019 to December 2022. I was unsuccessful in my election effort in August 2022, against my opponent, attorney Nancy Jacobs. I obtained 48.12% of the vote.

Sixth District Court of Appeal, January 2023 to present.

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.

Thirteenth Judicial Circuit Nominating Commission:

November 2015-Name certified to the Governor's Office

January 2017- Name certified to the Governor's Office and selected

February 2017 (the February 2017 application was withdrawn upon my receipt of the appointment to the open County Judge seat shortly thereafter)

August 2017- Name not certified to the Governor's Office

February 2019- Name certified to the Governor's Office

June 2019- Name certified to the Governor's Office and selected

Second District Court of Appeal Nominating Commission:

June 2020-Name certified to the Governor's Office

Sixth District Court of Appeal Nominating Commission:

September 2022-Name certified to the Governor's Office

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.

Agency: United States Air Force, Laughlin Air Force Base

Date of service: 2006

Position held: Article 32 Hearing Officer

Brief description of issue heard: Non-commissioned officer misconduct case. An Article 32 hearing is the military equivalent to a grand jury, however our hearing permits introduction of witness testimony and other evidence on both sides and appearance of counsel for both sides. The Article 32 hearing officer is the acting judge for the hearing and ultimately must issue a written opinion analyzing the evidence and which charges are recommended to go forward. I performed those duties in the case over which I presided.

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;

Jason Baruch, B.C.S.
Board Certified Business Litigation
Holland & Knight, LLP
100 N. Tampa St., Ste. 4100
Tampa, FL 33602-3642
Office: (813) 227-6607
Mobile: (813) 486-6353
jason.baruch@hklaw.com

Alex Caballero, B.C.S.
Board Certified Marital and Family Law
Sessums Black, P.A.
307 S. Magnolia Ave
Tampa, FL 33606-2237
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Jennifer Ficarrotta, B.C.S.
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Barbara Pittman, Esq.
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Peter Scaglione
2127 W. Dr. Martin Luther King Jr. Blvd.
Tampa, FL 33607-6511
Office: (813) 872-8543
pete@scaglione.com

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

Sixth District Court of Appeal
January 1, 2023 to present

I handle approximately six oral arguments per month, two of which I am the primary judge handling the matter. I am primary on approximately six oral argument waived cases per month, and I am on panels for approximately eighteen oral argument waived cases per month. I am on a rotating three judge motions panel which handles approximately 50 motions per week for the weeks I am assigned. We also handle other motions specific to our assigned cases as needed.

Unified Family Court, Domestic Relations/Family, 13th Circuit, Division A
October 21, 2020 – December 18, 2022

I currently handle dissolution of marriage actions, adoptions, and a variety of matters related to parental rights. I have handled several bench trials for final hearings on original and supplemental petitions. I manage approximately 750 family law cases. Family law cases often require detailed factual analysis, application of expansive statutory schemes and factors, detailed written opinions, and navigation of complex UCCJEA matters.

County Criminal, Hillsborough County, Division D
June 17, 2019 - October 20, 2019.

While in County Criminal, I handled a high volume of misdemeanor criminal and criminal traffic cases (a single morning docket could have well over 150 cases). Between arraignments, dispositions, motions, and other matters, there were between one to two thousand matters handled per month. I conducted several bench trials and suppression motions, and I also conducted a jury trial involving battery charges. I handled matters involving probation violation and violations of pretrial release conditions. The tremendous volume of cases, hearings, and orders required both diligence in day-to-day operations as well as solid docket management efforts.

Unified Family Court, Domestic Violence, 13th Circuit, Div. H, and
County Civil, Hillsborough County, Div. K
June 5, 2017 to June 16, 2019

During this timeframe, I handled two divisions, Domestic Violence (Division H) and County Civil (Division K). I operated in the capacity of a Circuit Judge (Family Division) when I handle domestic violence cases. I handled thousands of cases on my domestic violence docket (150-230 cases per month). Cases on the docket involved final injunction hearings and other motions to modify or dismiss injunctions. The final hearings are evidentiary hearings to decide whether the conduct occurred and if the conduct meets the statutory definition of domestic violence (or another alleged statutory form of violence). Depending on the complexity of the cases, multiple witnesses could be called or exhibits offered and considered during the injunction hearings.

While in the County Civil division, I handled all civil matters involving disputes less than \$15,000 as well as landlord tenant matters. In addition to my Pretrial Dockets and Auto Glass dockets, I handled thousands of matters on the regular docket (including summary judgments, final hearings, eviction hearings, garnishment matters, and discovery disputes). I have handled numerous county civil trials on various matters, some being multi-day trials with expert witnesses. I managed approximately 5000 cases in my County Civil division.

- (iii) the citations of any published opinions;

Hillsborough Therapy Center, Inc., (a/a/o Reynier Suarez), Plaintiff, v. Century-National Insurance, Defendant, 13th Judicial Circuit in and for Hillsborough County, Civil Division 27 Fla. L. Weekly Supp. 197a (April 2, 2019).

Jose Hernandez, Plaintiff, v. LM General Insurance Company, Defendant. County Court, 13th Judicial Circuit in and for Hillsborough County, Small Claims Division. 26 Fla. L. Weekly Supp. 848a (November 21, 2018).

Park Place Therapy LLC, (a/a/o Nelcy Milagros Leon Faije), Plaintiff, v. Windhaven Insurance Company, Defendant. County Court, 13th Judicial Circuit in and for Hillsborough County, Small Claims Division. 26 Fla. L. Weekly Supp. 771a (October 26, 2018).

Cielo Sports & Family Chiropractic Centre, LLC., a/a/o Bryan Pennington, Plaintiff, v. USAA Casualty Insurance Company, Defendant. County Court, 13th Judicial Circuit in and for Hillsborough County, 26 Fla. L. Weekly Supp. 687a (October 8, 2018).

Jeanette Maria Reyes, Plaintiff, v. Windhaven Insurance Company, Defendant. County Court, 13th Judicial Circuit in and for Hillsborough County, Civil Division, 26 Fla. L. Weekly Supp. 670b (October 22, 2018).

Bain Complete Wellness, LLC; Manuel Ortiz, Plaintiff, v. Windhaven Insurance Company, Defendant. County Court, 13th Judicial Circuit in and for Hillsborough County, 26 Fla. L. Weekly Supp. 413b (July 9, 2018).

Jeanette Maria Reyes, Plaintiff, v. Windhaven Insurance Company, Defendant. County Court, 13th Judicial Circuit in and for Hillsborough County, Civil Division, 25 Fla. L. Weekly Supp. 983a (November 27, 2017).

Jeanette Maria Reyes, Plaintiff, v. Windhaven Insurance Company, Defendant. County Court, 13th Judicial Circuit in and for Hillsborough County, Civil Division, 25 Fla. L. Weekly Supp. 982a (December 20, 2017).

- (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

1. *Nancy Killian v. Arthur Killian*, Hillsborough County Circuit Court Case No. 17-DR-10755.

Petitioner's Counsel (at trial): Marina Taylor

Respondent's Counsel (at trial): Mark Sessums

This was a multi-day dissolution of marriage trial involving complex business valuation issues, property valuation issues, and other support claims. Several experts testified regarding the valuation matters. Multiple motions for contempt were raised, and the case was further complicated by one party having had several attorneys represent her throughout the case. I ultimately entered a 36 page Final Judgment resolving all matters.

2. *State v. Lajuanee Carter*, Hillsborough County Court Case No. 19-CM-4838A, tried by jury August 19-20, 2019

Prosecution: Danielle Villamil and William Warmke

Defense: Jadarius Eason and Patrick Jones

This was a two-day jury trial involving battery charges against the defendant. There were several witnesses for the prosecution, and allegations of potential witness intimidation. The case was further complicated by the victim's failure to appear at trial, resulting in a defense motion to dismiss. The matter was ultimately decided by jury verdict with neither side appealing any portion of the decision or process.

3. *Henriquez Electric v. Michael Levitt, et al.*, Hillsborough County Court Case No. 16-CC-41529, tried June 21, 2018

Plaintiff's Counsel: Michael Serano

Defense Counsel: Blake Fredrickson

This was a trial involving a construction lien dispute, breach of contract for electrical work done, and potential attorney's fees per statute. Construction liens carry a level of complexity. There were also issues concerning formation of contract and availability of equitable relief.

4. *The Center for Bone and Joint Disease, PA a/a/o Elizabeth Taylor v. Progressive American Insurance Company*, Hillsborough County Court Case No. 16-CC-003259. Opinion issued August 14, 2017.

Plaintiff's Counsel: Stephen Cofer

Derek Paredes

Defense Counsel:

Neil Andrews

Christina Alvarez

This was a hearing on competing summary judgments with complicated issues of law related to interpretation of the PIP statute. There were two detailed issues thoroughly briefed and argued by both sides including whether the policy language unequivocally selected the Medicare payment schedule and whether the deductible should be applied to the full amount or reduced amount of medical bills. At the time of the hearing and the issuance of my opinion in August 2017, there were no controlling appellate decisions which directly addressed the issues. The matter was taken under advisement, caselaw and statutes (as well as history of amendments to the statute) were reviewed and researched, and a written opinion was drafted.

*Notably, the Florida Supreme Court ultimately addressed the deductible issue in December 2018. In mid-2018, the Fourth District and Fifth District had issued conflicting opinions, *State Farm Mutual Automobile Insurance Co. v. Care Wellness Center, LLC*, 240 So. 3d 22 (Fla. 4th DCA 2018) and *Progressive Select Insurance Co. v. Florida Hospital Medical Center*, 236 So. 3d 1183 (Fla. 5th DCA 2018). The Florida Supreme Court, in an opinion authored by Justice Canady on behalf of unanimous court, followed a similar analysis to my opinion and reached the same holding on the deductible issue.

5. *Mobile Autoglass Repair v. Geico*, Hillsborough County Court Case No. 16-CC-41529, tried February 15, 2019.

Plaintiff's counsel: Anthony Prieto, John Murrow

Defense counsel: Chad Howard, Luke Smith, Joseph Nall

This was an auto glass case (breach of contract, insurance). This was one of the first of many to be tried. The law was still developing in this area, so there were complicated issues of authentication, assignment, and other similar issues.

- 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.

In re Petition for Judicial Waiver of Parental Notice & Consent or Consent Only to Termination of Pregnancy, 333 So. 3d 265 (Fla. 2d DCA 2022). This is a parental waiver case in which I was overturned. The majority opinion noted that although I had analyzed the appropriate factors pursuant to Fla. Stat § 390.01114(6), the evidence of record was, “of sufficient weight to entitle Petitioner to the requested relief.” 333 So. 3d at 275. In his dissent, Judge John Stargel reached the opposite conclusion, stating, “Because there is competent substantial evidence supporting the trial court’s findings of fact and conclusions of law, and because I do not agree there was an abuse of discretion, I must respectfully dissent.” *Id.* at 276. My written order and the transcript are confidential.

Childs v. Cruz-Childs, 353 So. 3d 119 (Fla. 2d DCA 2022). I handled a motion in a family law matter for psychological evaluation of the father. The Second District Court of Appeal found my factual findings related to requiring the father to under a psychological evaluation were supported by the evidence. My order required the parties to agree to a psychological evaluator or, if unable to agree, to provide three names each from which the court would choose an evaluator. The appellate court noted the preliminary order was, “silent as to the time, place, manner, conditions, and scope of the psychological evaluation and fails to establish the person or persons by whom the interview is to be made.” The order was quashed in part.

Hearn v. Hearn, 351 So. 3d 658, 659 (Fla. 2d DCA 2022). I handled a complex divorce proceeding. The final judgment was appealed. The Second District Court of Appeal found no merit to “several issues” raised, however I was overturned in part regarding an assignment to the husband of a certain portion of what the appellate court determined to be marital debt. The husband had expended a large amount of funds unbeknownst to the former wife in defense of his termination for cause from his employment. The appellate court reversed my finding that the husband should be assigned the dissipated funds due to the fact that the dissipation did not occur during a time the marriage was irreconcilably broken.

- 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.

I have attached the *Order of Dismissal of Petition for Change of Gender and Gender Marker on Birth Certificate for Vital Records Amendment*, Thirteenth Judicial Circuit, 22-DR-010671 (December 8, 2022).

- 29.** Has a complaint about you ever been made to the Judicial Qualifications Commission? 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.

Yes, a JQC complaint was filed against me. I received notification of the same in October 2022 and attended a 6(b) hearing in November 2022. The complaint contained approximately five allegations. The complaints were not related to my work in court, but were allegations related to matters arising during my 2022 election. The case was closed in December 2022, and no probable cause findings were made.

- 30.** Have you ever held an attorney in contempt? If so, for each instance state the name of the attorney, case style for the matter in question, approximate date and describe the circumstances.

No.

- 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.

I was a candidate for the 123rd District, State House of Representatives, for Garden City, Kansas and the surrounding area. The timeframe was while I was in law school, approximately 1998. The primary race involved three candidates. I endorsed another candidate prior to the election date (although my name still appeared on the ballot).

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.

None.

- 33.** Since being admitted to the Bar, have you ever engaged in any occupation, business or profession other than the practice of law? If so, explain and provide dates. If you received any compensation of any kind outside the practice of law during this time, please list the amount of compensation received.

No.

POSSIBLE BIAS OR PREJUDICE

- 34.** The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the

presiding judge. Please list all types or classifications of cases or litigants for which you, as a general proposition, believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself.

None.

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. Attach a copy of each listed or provide a URL at which a copy can be accessed.

"Judicial Perspectives," *The Trial Advocate*, Florida Defense Lawyers Association, Vol. XXXVIII, No. 3, December 2019. Article is attached.

"Is a Building a Product? *Tiara* and the Economic Loss Rule from Past to Present," *ActionLine* (Florida Bar Real Property, Probate, and Trust Law Section) Vol. XXXVII, No. 4, Summer 2016, Co-authored with Dara Jebrock, Esq. (I am not in possession of a copy of this nor do I have access to a URL for this article.)

"Navigating the Maze-Asserting and Defending Claims Arising from Renovations, Remodels and Repairs," Florida Retail Federation (September 29, 2014). (I am not in possession of a copy of this nor do I have access to a URL for this article.)

Products Liability Defenses 2007 Edition, State by State Compendium, Florida Chapter, DRI Publication, Co-authored with J. Richard Caldwell, Esq. Materials are attached.

"Remnants of *Tiara*: A Building is Still a Product," *Lawyer Magazine*, The Hillsborough County Bar Association, Vol. 24, No. 3, Jan 2014, Co-authored with Hugh Higgins, Esq. Materials are attached.

- 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. Provide the name of the entity, the date published, and a summary of the document. To the extent you have the document, please attach a copy or provide a URL at which a copy can be accessed.

None.

- 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.

Generation Joshua, December 2022, Trinity Presbyterian Church, 14925 N. Blvd, Tampa, FL, I spoke to students about the role of judges and certain constitutional matters (I have attached a copy of the presentation)

Homeschool students, Creekside Church, 311 Newberger Rd., Lutz, FL, July 2022, I spoke to students about the role of judges and certain constitutional matters (I have attached a copy of the presentation).

Leadership Hillsborough County, speaker on domestic violence injunctions and court matters (June 22, 2022). (I am not in possession of a press report, transcript or recording.)

Hillsborough County Bar Association, Family Law Section, Judicial Panel Moderator (April 7, 2022). (I am not in possession of a press report, transcript or recording.)

Egypt Lakes Elementary School, Great American Teach-In speaker (November 18, 2021). (I am not in possession of a press report, transcript or recording.)

Tampa Christian Academy (low-income school), Career day speaker (May 13, 2021). (I am not in possession of a press report, transcript or recording.)

Hillsborough Virtual Bar Association, co-presented with attorney Ralph Mangione regarding handling and presentation of evidence in virtual evidentiary hearings (May 22, 2020). (I am not in possession of a press report, transcript or recording.)

Hillsborough County Bar Association, Family Law Section, Judicial Roundtable, spoke on handling of cases and issues related to family law matters (March 5, 2020). (I am not in possession of a press report, transcript or recording.)

Florida Virtual School Career day speaker on legal career path, military service, and judicial service (December 13, 2019). (I have attached a copy of the presentation.)

Great American Teach-In, presented on the role of a judge and practice of law, Egypt Lakes Elementary (November 2018, 2019, 2021), Madison Middle School (November 2018), Just Elementary (November 11, 2017), Madison Middle School (November 20, 2014). (I am not in possession of a press report, transcript or recording.)

Spotlight on Government, Tampa Bay Community Network, spoke on operations of Unified Family Court (August 20, 2018) (<https://www.youtube.com/watch?v=vJz83RZFJxo>).

Stetson University College of Law, Leadership Development Program, Leadership Luncheon presentation on "Service" (November 9, 2016). (I am not in possession of a press report, transcript or recording.)

Speaker for Construction Defect Defenses, continuing education seminar presented for North American Risk Services. Co-presented with Hugh Higgins, Esq. (May 21, 2015). (I am not in possession of a press report, transcript or recording.)

Speaker for Construction Defect Litigation continuing education seminar presentation for third party administrator CJW & Associates. (May 20, 2013). (I am not in possession of a press report, transcript or recording.)

- 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.

Cheatwood Inn of Court, co-presented CLE "To Speak the Truth – Voir Dire and Related Ethical Implications" (January 11, 2022). (I am not in possession of a syllabus for this course.)

Stann Givens Inn of Court, co-presentation on collaborative law, October 6, 2022. (I am not in possession of a syllabus for this course.)

Stann Givens Inn of Court, co-presented CLE "Modification of Alimony Based on Supportive Relationships" (April 7, 2021). (I am not in possession of a syllabus for this course.)

Cheatwood Inn of Court, co-presented CLE on Virgil Hawkins Florida Bar litigation (February 9, 2021). (I am not in possession of a syllabus for this course.)

Stann Givens Inn of Court, panelist presentation for CLE on virtual court operations for the Thirteenth Judicial Circuit (April 27, 2020). (I am not in possession of a syllabus for this course.)

Cheatwood Inn of Court, co-presented CLE on Skyway Bridge Collapse Litigation (January 14, 2020). (I am not in possession of a syllabus for this course.)

Hillsborough County Bar Association, Bench Bar Conference, presented on county criminal issues for CLE "View to and from the Bench: Building Better Bench Bar Foundations—Criminal: State and Federal" (October 3, 2019). (I am not in possession of a syllabus for this course.)

Cheatwood Inn of Court, co-presented CLE on Business of Law (March 12, 2019). (I am not in possession of a syllabus for this course.)

Stetson University College of Law, Leadership Development Program, Leadership Luncheon presentation on "Service" (November 9, 2016). (I am not in possession of a syllabus for this course.)

Speaker for continuing legal education (CLE) for Hillsborough Construction Law Section: "Is a Building a Product? How trial courts are applying the Economic Loss Rule post Tiara." Co-presented with Hugh Higgins, Esq. (November 19, 2015). (I am not in possession of a syllabus for this course.)

Moderator of Judicial Panel CLE for Hillsborough County Bar Association, Construction Law Section, "View from the Bench: Effective Litigation Strategies in Construction Cases." (January 15, 2015). (I am not in possession of a syllabus for this course.)

- 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.

Honorary Judicial Member, Next Generation Divorce (a collaborative divorce professional group), 2021-2022.

Heroes at Work Award Winner 2014 (Tampa Bay Business Journal)

Florida Super Lawyers Rising Star 2010

Air Force Commendation Medal, July 12, 2006 (for meritorious service as a JAG officer at Goodfellow Air Force Base from August 2005 to August 2006)

Air Force Commendation Medal, August 1, 2005 (for meritorious service as a JAG officer at MacDill Air Force Base from December 2002 to August 2005)

Air Force Achievement Medal, May 21, 2004 (for outstanding legal assistance provided in the planning and execution of the first MacDill AirFest since 9/11)

National Defense Service Medal, August 2002 (for service in the United States Armed forces during the Global War on Terrorism)

- 40.** Do you have a Martindale-Hubbell rating? If so, what is it and when was it earned?

No.

- 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.

Stann Givens Family Law Inn of Court. President-Elect 2020-2021, President 2021-2022, Immediate Past President 2022. Annually presented along with my pupillage.

Cheatwood Inn of Court (Civil practice inn). Master of the Bench / Pupillage leader. 2017-2022. Annually presented along with my pupillage.

Florida Bar, Real Property Probate Trust Law Section (RPPTL), Construction Law Committee. Editor of the Construction Law Committee Newsletter – CONSTRUCTive Talk. Committee member from 2011-2017. Editor of CONSTRUCTive Talk newsletter from February 2015-May 2017.

Hillsborough County Bar Association, Construction Law Section, Chair of Programs Committee (2015-2017). Previously was a co-chair of the Programs Committee (2014) and contributing member of the Programs Committee (2012-2013). Member of the HCBA 2006-May 2017.

Next Generation Divorce (a collaborative divorce professional group), 2021-2022. Honorary Judicial Member.

Lakeland Bar Association, 2022-present. Member

American Bar Association, Construction Industry Forum (Division VII - Insurance, surety and liens) and Tort Trial and Insurance Practice Section. 2012-2017. Member.

Associated Builders and Contractors, Florida Gulf Coast Chapter. 2014-May 2017. Member.

Federalist Society, January 2016-present. Member.

- 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.

Plant City Chamber of Commerce, Member, 2022-present.

Riverview Chamber of Commerce, Member, 2022-present.

Valrico FishHawk Chamber of Commerce, Member, 2022-present.

Carrollwood Area Business Association, 2022-present.

Tampa Bay Builders Association, 2012 to approximately 2013 or 2014.

Kansas Bar Association, September 2000 to present. Currently inactive member.

Idlewild Baptist Church:

Approximately 2013 was the secretary of the Deacons council. As a deacon officer, I believe I was also considered a trustee for that time period.

Served on Finance committee and as secretary of finance committee from approximately 2015 to 2020 or 2021.

The Idlewild Foundation. Trustee June 2020-December 2022.

- 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.

No.

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

Washburn University School of Law - May to August 1999. I was a member of the legal services clinic providing free legal assistance to the community. My clients included Guardian Ad Litem work with at-risk teens, debt collection defense, wrongful eviction, and divorce involving spousal abuse.

I have consistently contributed to the Bay Area Legal Foundation for many years.

- 45.** Please describe any hobbies or other vocational interests.

Active member of my church. I enjoy spending time with my family and outdoor activities.

- 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.

United States Air Force, August, 24, 2002 – August 23, 2006, Captain, Honorable Discharge.

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

<https://www.linkedin.com/in/jared-smith-a31275166>. This page has been inactive for several years. I have no other social media or blog accounts.

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.

Married

Suzette R. Smith

DOM: [REDACTED]

Spouse’s occupation: Mother of four / parent educator (homeschools all school age children)

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

Name	Age	Occupation	Address	Phone
Jordan Smith	[REDACTED]	Full-time student	[REDACTED]	([REDACTED])
Savannah Smith	[REDACTED]	Full-time student, part-time legal secretary	[REDACTED]	([REDACTED])
Joshua Smith	[REDACTED]			
Lydia Smith	[REDACTED]			

CRIMINAL AND MISCELLANEOUS ACTIONS

50. Have you ever been convicted of a felony or misdemeanor, including adjudications of guilt withheld? 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.

No.

51. Have you ever pled nolo contendere or guilty to a crime which is a felony or misdemeanor, including adjudications of guilt withheld? 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.

No.

52. Have you ever been arrested, regardless of whether charges were filed? If so, please list and provide sufficient details surrounding the arrest, the approximate date and jurisdiction.

No.

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.

I was sued in my official capacity by a family law litigant in the case of *Edward Justin Mercer v. Judge Jared Smith*, Hillsborough County Circuit Court Case No. 21-CA-1616 (Filed April 12, 2021). The Plaintiff alleged professional malpractice, negligence and damages all associated with judicial acts performed by me in Temporary Custody by Extended Family Member case, Hillsborough County Circuit Court Case No. 19-DR-2668 (Filed February 20, 2019). The Petitioner was the adult brother of the minor child at issue. I had recently placed the minor child back with the child's father. The suit was solely based on my judicial actions during the Temporary Custody case. A motion to dismiss the case was promptly filed, and the case was dismissed with prejudice on May 17, 2021.

I was sued in my official capacity by a family law litigant in the case of *Joseph Ronald Pliego II v. Judge Jared Smith*, Middle District of Tampa Court Case No. 8:23-CV-92-TPB-CPT (Filed 2023). The Plaintiff sought to void orders in his family law case. A motion to dismiss has been filed and is pending hearing to the best of my knowledge.

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?

Yes, see my response to 53 above. I have had no other complaints against me alleging malpractice.

55. To the extent you are aware, have you or your professional liability carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the name of the client(s), approximate dates, nature of the claims, the disposition and any amounts involved.

No.

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. If so, provide the particulars of each finding or investigation.

No.

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? If so, please state the date of complaint or accusation, specifics surrounding the complaint or accusation, and the resolution or disposition.

No.

58. 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.

I am not aware of any investigation against me.

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? If so, please provide the case style, case number, approximate date of disposition, and any relevant details surrounding the bankruptcy.

No.

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

No.

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.

Yes, I have complied with all legally required tax filings.

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? If your answer

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

No.

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. If yes, please explain.

No.

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? If yes please explain the limitation or impairment and any treatment, program or counseling sought or prescribed.

No.

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? If yes, provide full details as to court, date, and circumstances.

No.

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

No.

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? If so, please state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No.

- 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? If so, please state the date you were requested to submit to such a test, the type of test required, the name of the entity requesting that you submit to the test, the outcome of your refusal, and the reason why you refused to submit to such a test.

No.

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

No.

SUPPLEMENTAL INFORMATION

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

I believe a great appellate judge is one that has been shaped by a breadth of legal experience which is something I can bring to the table: District Court of Appeal judge, Circuit Family Law judge; County Civil, Criminal, and Domestic Violence judge; Air Force JAG officer prosecuting in both military courts and federal courts as a Special Assistant U.S. Attorney; state supreme court clerkship; and over 10 years of litigation experience in private practice.

When faced with a political challenger to my judicial office in 2018, the legal community as well as the community at large surrounded me with support, and I was re-elected with over 2/3rds of the vote. I believe this was a solid testament to the quality of work performed, and a positive reflection of the fair treatment both parties and counsel felt they received in my courtroom.

I also have significant appellate experience from my time clerking for the Kansas Supreme Court. My justice had a unique approach. He required his clerk to review the entire record and appellate briefs and draft a prehearing analysis and recommendation without any guidance from him on what direction the opinion should go. My analysis and recommendation were hand delivered to all the justices of the court with no prior review or direction from my justice. This required me to be absolutely meticulous in reviewing massive amounts of records and getting the law and analysis right the first time as there were no second drafts. I handled a wide variety of criminal and civil cases including several matters of first impression.

I am certified under Article 27 of the Uniform Code of Military Justice as a U.S. Air Force Military Trial and Defense Counsel. This encompassed 12 weeks of intensive classroom and courtroom environment training at the Maxwell Air Force Base JAG school. I have prepared

hundreds of wills and powers of attorney for deploying service members, many of which were provided on the deployment line. In addition to the CLE and CE training listed in my application, I have also briefed groups of hundreds of service members on material areas of law (*e.g.*, the Law of Armed Conflict). I recognize that work as a judge requires a strong public presence, a skill which I have honed throughout my legal career but especially during my time in service.

For several years during and after law school, I worked every week with juvenile delinquents who were held in the closed units at the Topeka Juvenile Correctional Facility and another juvenile correctional facility. In addition to an understanding of the importance of justice which I gained as a prosecutor, I also have a balancing empathy for those who have been accused of and convicted of offenses.

As a board-certified construction lawyer, I was required to handle complex areas of law such as the Florida construction lien law as well as the ever-developing construction related insurance law. I believe this is reflective of my versatility and ability to learn and master difficult and complicated areas of the 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 will bring a strong commitment to the Constitution and sacrificial service to the position. I chose to serve my country in the United States Air Force JAG shortly after 9/11. Within months of 9/11, I had my application submitted to join the Air Force, and on June 27, 2002, I raised my hand and swore to support and defend our Constitution from all enemies foreign and domestic. I did not take this step to satisfy existing student loans or to take advantage of any other financial incentive. After practicing for two years with the Kansas Supreme Court, I chose to temporarily sacrifice a civilian legal career in service to my nation. It was for similar reasons I chose to sacrifice my private practice of law to join the judiciary. After several years of practice, I came to understand along with all of my peers the importance of having solid and quality judges on the bench.

I will bring a strong work ethic to the Supreme Court bench as I have to the district, circuit and county bench, combined with a strong academic background. I will also bring the ability to handle large volumes of cases as needed and to do so with care. As a judge, I treat every case as important like I did with each of my clients. Just as I handled a busy desk as an attorney, I have also been able to handle busy dockets as a Circuit and County judge which is a challenge our courts currently face. I will take a quote from one of my officer performance reports (OPRs) which was made in relation to the timeframe when I handled a rather busy administrative actions department at MacDill AFB:

"Obvious #1 choice for leadership of busy adverse actions section -
- smart, poised and savvy -- phenomenal JAG! Dynamic leader!
Propelled section to process 100% of Article 15s within Air Force
goals--29% better than last year. Smashed Air Force metric for
Article 15 handling by 25% per action; decreased error rate--
ensured swift, just actions."

This was written by my former supervisor, Lt Col Diane Behler.

I will bring a detail-oriented attitude to the Supreme Court bench. As a young attorney with the Kansas Supreme Court, my judge was assigned to handle as a matter of first impression an accomplice felony murder conviction. I understood the importance of the matter as a man was facing a life sentence of imprisonment. I compiled the statutory language and respective state court interpretations from all 50 states to ensure our court was best informed of the matter prior to making their ruling.

I will bring a willingness and proven ability to work as a team with my colleagues. Collegiality is critical at all levels of practice, but especially in the appellate bench where judges may on occasion be required to respectfully dissent from their colleagues. In addition to zealous advocacy for my clients while in private practice, I strove to maintain a high level of professionalism and collegiality with all of my opposing counsel.

I will bring a strong love and commitment to diversity, community, and family. I have been married to my wife of 24 years, and 20 of those years have been spent here in Florida raising our four children. My wife's mother immigrated from Cuba shortly after Fidel Castro rose to power as an Operation Peter Pan child in the early 1960's and their family ultimately made Florida their home after all arriving in the United States. My father-in-law, Carl Rassler, practiced for many years in Florida before retiring here. Our family and extended family are a testament to the American dream, and they underscore the importance of our system of government, Constitution, and a fair and impartial judiciary.

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.

The Honorable Anthony K. Black
Judge, Second District Court of Appeal
P.O. Box 327
Lakeland, FL 33802-0327
Office: (863) 499-2290
Mobile: ([REDACTED]
[REDACTED]

The Honorable Wesley D. Tibbals
Administrative Judge, Thirteenth Judicial Circuit Unified Family Division
800 E. Twiggs St., Ste. 428
Tampa, FL 33602-3558
Office: (813) 272-6999
Mobile: [REDACTED]
[REDACTED]

The Honorable Paul T. Jeske
Hillsborough County Administrative Judge (Retired) County Criminal Division
800 E. Twiggs St.
Tampa, FL 33602-3500
Office: (813) 307-3681
[REDACTED]
jeskept@fljud13.org

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eliot.peace@gd-ots.com

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Mobile: (407) 491-6851
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Mobile: (813) 784-4393
cwright@carltonfields.com

CERTIFICATE

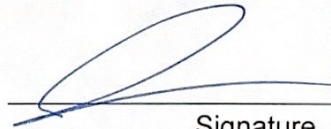
I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any 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 17 day of April, 2023.

Jared Smith

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: Approx. \$51,000 year to date.

Last Three Years: 2022-\$155,281 2021-\$153,813 2020-\$150,356 (these are all from my judicial salary AGI—there is no “expense” element, therefore the numbers are the same as noted in #2 below)

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: Approx. \$51,000 year to date

Last Three Years: 2022-\$155,281 2021-\$153,813 2020-\$150,356

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: estimated \$100 from interest income—the “net” and “gross” are the same

Last Three Years: 2022-\$127 2021-\$122 2020-\$107

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: None other than those noted in #3 and #5

Last Three Years: None other than those noted in #3 and #5

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: estimated \$100 from interest income—the “net” and “gross” are the same

Last Three Years: 2022-\$127 2021-\$122 2020-\$107

**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 4/17, 2023 is \$953,015.00__.

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 \$ 70,000.00

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)	VALUE OF ASSET
CD	\$250,000
Cash	\$99,660
529 Plans	\$118,249
401K	\$290,751
TSP	\$50,000 (approximate)
IRAs	\$74,355

PART C - LIABILITIES

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

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

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
District Court Judge Salary	State of Florida	\$202,440

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
N/a			

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

	BUSINESS ENTITY #1	BUSINESS ENTITY #2	BUSINESS ENTITY #3
NAME OF BUSINESS ENTITY	n/a		
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.

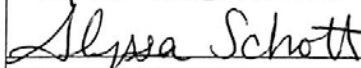


SIGNATURE

STATE OF FLORIDA

COUNTY OF POLK

Sworn to (or affirmed) and subscribed before me this 17 day of April, 2023 by Jared Smith



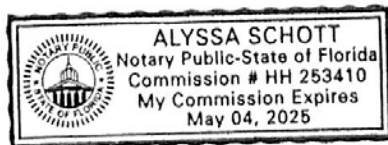
(Signature of Notary Public—State of Florida)

Alyssa Schott

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

Personally Known _____ OR Produced Identification X

Type of Identification Produced FLDL



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.

Javed Smith

Printed Name of Applicant

Signature of Applicant

Date:

4/17/23

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: 4/17/23
JNC Submitting To: Florida Supreme Court JNC
Name (please print): Jared Smith
Current Occupation: District Judge, 6DC4
Telephone Number: 863-274-9728 Attorney No.: 21278
Gender (check one): Male Female
Ethnic Origin (check one): White, non-Hispanic
 Hispanic
 Black
 American Indian/Alaskan Native
 Asian/Pacific Islander
County of Residence: Polk