

*Edward Guedes, Esq. and Kathleen O'Connor, Esq. founded The Third District Court of Appeal's 50th Anniversary Committee in 2005 and The Third District Court of Appeal's Historical Society in 2008. Mr. Guedes and Ms. O'Connor also were the primary authors of the book "Florida's Third District Court of Appeal: Balancing Justice, 1957-2007," which includes the video documentary on CD, "Justice Served, The First Half Century of Florida's Third District Court of Appeal, and is available for purchase at the "Publications" tab of this website.*

*We are sincerely appreciative of their herculean efforts to preserve the history of the Court and to lay the foundation for the Society. We are equally appreciative of how generous they were with their time in agreeing to the following interview in February 2016 about what went into getting the Society started.*

*Society: When did you first consider founding the Society?*

**Mr. Guedes:** At some point into the process of planning for the celebration of the Third DCA's 50<sup>th</sup> anniversary [in 2007], we became aware that there was no individual or entity tasked with preserving historical information for the court. We found we were unable to locate even basic photos of some of the judges who had served, much less photos of their investitures, etc. Since we already had a 501(c)(3) entity in place to coordinate the anniversary celebration, we figured it made sense at the conclusion of the festivities to change the name of the entity to the "Third District Court of Appeal Historical Society" and task that entity with assisting the court in preserving records associated with important or noteworthy events in the court's history.

*Society: Which, if any, of the other appellate courts in Florida had an operating Historical Society when you decided to found the Third District Court of Appeal's Historical Society?*

**Mr. Guedes:** I was aware of only two courts that had operating historical societies: the U.S. Supreme Court and the Florida Supreme Court. However, in all candor, I don't believe we patterned ourselves on either. For example, both of those entities have full-time executive directors, whereas our organization consists entirely of volunteer lawyers.

**Ms. O'Connor:** Before the 50<sup>th</sup> Anniversary celebration came to an end, Ed and I were already discussing the continuation of the important work that had begun in discovery and preserving the Court's history. Some preliminary research indicated that practitioners

in some federal courts of appeal had formed historical societies. As for the State of Florida, the First and Second District Courts of Appeal shared a 50<sup>th</sup> anniversary with the Third District. Although committees were formed to celebrate those anniversaries, I do not believe that they continued on after the anniversary. I believe that Chief Judge Shepherd mentioned this in his remarks at the Historical Society's biennial luncheon last year [in 2015] in the course of complimenting the Society on its continuing dedication to preserving the Court's history.

***Society: What idea(s) and/or event(s) inspired you to found the Society?***

**Mr. Guedes:** I was prompted to found the Society because of concerns that future lawyers looking to celebrate the court's 75<sup>th</sup> or 100<sup>th</sup> anniversaries might face similar hurdles to those we faced in gathering relevant historical information about the court.

**Ms. O'Connor:** In September of 2004, when Ed [Guedes] was the outgoing chair of the DCBA Appellate Court Committee and I was the incoming chair, we attended a breakfast program hosted by the Committee. The featured speaker was Judge Frank Shepherd, who at the time was the newest member of the Third District Court of Appeal. Judge Shepherd had taken an interest in the Court's history and noted that in less than three years, the Court would turn fifty. Ed and I spent time with Judge Shepherd after the program, peppering him with questions about the [Third District Court of Appeal's 50<sup>th</sup>] anniversary. We learned there were not as yet any plans to mark this important occasion and that is when Ed and I decided that we must take action.

We ultimately chose a panel of distinguished attorneys to be a part of the undertaking and Judge Shepherd served as our Court Liaison. The end result was a book and a video documentary about the Court. The anniversary was celebrated at a banquet in June 2007.

***Society: What was your vision for what the Society would do, be and accomplish?***

**Mr. Guedes:** I envisioned a group of appellate nerds celebrating their nerdiness. Seriously, the idea of the Society was that it would be a resource to the court and facilitate its preservation of noteworthy events. The organization would help the court in educating lawyers and non-lawyers about the institution and its history.

*Society: What people did you reach out to when founding the Society and how did they assist?*

**Mr. Guedes:** It really was just Kathy [O'Connor] and I who handled it. We ended up agreeing that it made sense to have the existing officers of the entity that celebrated the court's anniversary transition into the first slate of officers for the Society. Most of the legal set-up was already in place; we merely needed a name change for the entity, which Greenberg Traurig, L.P. handled *pro bono* since I was still working there at the time.

**Ms. O'Connor:** Agreed with one exception. In choosing the officers and board members for the Historical Society, Ed and I selected the people who had made significant and meaningful contributions of time to the preparation of the 50<sup>th</sup> Anniversary book, documentary and banquet. We started with a relatively small group. Ed and I informed all who were invited to serve that their position was not an honorary one and they would be expected to work hard to establish and launch the Historical Society.

*Society: What was the reaction of the sitting Third District Court of Appeal judges to the idea of founding the Society? Their staff? The bar?*

**Mr. Guedes:** I really can't speak to the reaction of the Bar, other than to note the terrific membership roster of the Society. I know the Third District's judges and staff were deeply appreciative of all the efforts we undertook (as well as those of other members of the Anniversary Committee) in commemorating the court's anniversary and then establishing the Society. Judge [Frank] Shepherd, in particular, was very appreciative since he originally brought to Kathy's and my attention (2 years earlier) that the court was coming up on its 50th anniversary.

**Ms. O'Connor:** As for the bar, I believe that the attendance of more than 800 guests at the banquet to commemorate the Court's 50<sup>th</sup> Anniversary reflects the Court's stellar reputation and the desire of members of the bar to acknowledge and celebrate the Court's distinguished history.

*Society: What challenges did you encounter while founding the Society?*

**Mr. Guedes:** I can't honestly say we experienced any difficulties. Sure, there was that time that Kathy threatened to run me over with a tractor if I didn't relinquish my almost fetishistic control over the organization (I learned never to cross an Irish woman), but other

than that it was smooth sailing.

**Ms. O'Connor:** Mr. Guedes offers rhetoric, but no proof (Fortunately I sold that John Deere a long time ago, so you can't pin anything on me).

All joking aside, founding the Society did not provide any real challenges, as we already had a good foundation with the establishment of the 50<sup>th</sup> Anniversary Committee. From a paperwork standpoint, it was a simple matter of filing a name change, amended articles of incorporation, and amended by-laws. We assembled a group of dedicated officers and board members. Our first-year event was a luncheon at the Biltmore with the Third DCA Judges. Roy Wasson, our outstanding Membership Chair, decided that we should make the luncheon a "members only" event. Our membership soared and the luncheon was a great success.

**Society:** *What did you learn about the Court and its history while founding the Society that you were not aware of before you began that process?*

**Mr. Guedes:** I wouldn't say that I learned anything new from the founding of the Society, as much as I did from the efforts made to celebrate its anniversary. I came away from the experience with a genuine fondness for the court as an institution. I found the people who worked at the court, from the judges to the staff, genuinely loved what they did and considered themselves a family. I spent so much time at the court during those two years that, in a small way, I felt welcomed into that wonderful group.

**Ms. O'Connor:** In working on the book, I learned a great deal about the establishment of Florida's District Courts of Appeal and the history of the Third District. From the beginning of our work, I remembered that as a first year attorney, I attended the banquet for the Court's 25<sup>th</sup> Anniversary. Once our research for the book was underway, we discovered there was a transcript of the speeches from that banquet in 1982. Judge Norman Hendry had the event tape recorded and transcribed. This may have been our greatest historical "find." Judge Thomas Barkdull's remarks that night were a wonderful and detailed recollection of the Court's 25-year history, including the judges who served and the building of the Courthouse, which Judge Barkdull oversaw.

In researching the Court's history after 1982, another small miracle occurred. I discovered that the online archives of The Miami Herald went back to 1981. That meant that we could put together a very detailed 50-year history of the Court, beginning with Judge Barkdull's remarks and continuing with articles and editorials from the Herald.

*Society: Who at the Court has been the most helpful in providing the Society with access to the judges, old photographs, etc.?*

**Mr. Guedes:** Everyone at the court was exceedingly helpful, but a particular “shout out” to [Third District Court of Appeal’s Marshal] Veronica Antonoff is necessary. At the time, she was not the Court Marshall, but she was immensely helpful. More importantly, she was a delight to work with. She always greeted our requests with a smile and assurance that everything was in hand. We could not have done it without her help, as well as the help of many staff members, judicial assistants and judges.

**Ms. O’Connor:** I believe this is another good point to harken back to the work of the 50<sup>th</sup> Anniversary Committee. Although a major goal of the Society, and the Anniversary Committee before it, has been to preserve the Court’s history, it is necessary to find that history before it can be preserved.

Efforts to find historical documents and photographs began after the 50<sup>th</sup> Anniversary Committee was established. Then-Chief Judge Cope invited us out to the Courthouse for a tour and a meeting with Mary Cay Blanks, Clerk of Court, and Veronica Antonoff, the Clerk’s Senior Systems Administrator.

Chief Judge Cope showed us the “bench photos,” which are formal photos of all judges, taken every time there is a change in the makeup of the Court, including the elevation of a new Chief Judge. The framed photos are hung in various locations at the courthouse. Some of the photos were decades old and faded. Others had been affected by moisture and were melded into the glass that covered them. With the exception of some more recent photos, there were no other copies of the photos and no negatives. In order to preserve this history, Chief Judge Cope hired photographer Jeff Morem, who photographed all of the existing bench photos in their frames and through the glass. In this way, all photos were digitized and preserved for the future.

When we met with Mary Cay Blanks and Veronica Antonoff, they presented us with archival materials they had collected. The newspaper clippings and photos fit into a single thin manila folder. We knew that it would be quite an undertaking to find photos. Fortunately, Judge Cope had photographs of the Courthouse that were taken by the building’s architects upon completion of the project in 1976. I was able to track down one of the original architects who gave us permission to use those photos in the book and documentary.

I also went through back issues of The Florida Bar Journal. A big “find” was a photograph of the Court’s first three judges being sworn in. The Bar could not provide us with a copy or negative, as the old photos had been stored in an attic that sustained extensive water damage. Jeff Morem came to the rescue again, photographing the photo in an issue of the Bar Journal from 1957 and the Bar gave us permission to use it.

There were many other photos we never found. We could not locate photos of the dedication of the Courthouse in 1976, which was attended by a number of dignitaries, including the governor. Although Judge Barkdull was able to provide us with a photo of then-Governor Jeb Bush signing legislation that designated the courthouse as the “Thomas H. Barkdull, Jr. District Courthouse,” we never found any photos of the actual ceremony naming the Courthouse for Judge Barkdull.

As Ed pointed out, we did not have formal photos of some of the judges who served in the early days of the Court. Instead, we had to use photos of their formal portraits. As you may know, chief judges sit for a formal portrait at the conclusion of their terms. Those portraits are then hung in the courtroom and were used for photographs of some of the early judges.

We also received assistance from judges and court staff in preparing the video documentary and book. All current and former living judges sat for video interviews that were used in the documentary. Copies of the videos were then donated to the Court for its archives.

We worked with Veronica Antonoff to update and index the Court’s archives to include all materials located and created for the anniversary celebration.

Many judges participated in the preparation of the anniversary book. Judge Alan Schwartz sat for an in depth interview about his 22 years of service as Chief Judge. Judge Phillip Hubbart, who was Chief Judge on the Court’s 25<sup>th</sup> Anniversary wrote a book chapter containing his recollections and remembrances of the judges with whom he served. Judge David Gersten, who became Chief Judge on the Court’s 50<sup>th</sup> Anniversary, wrote about the “inner sanctum,” describing a typical day in the life of a Third District Judge. Judge Linda Wells prepared a book chapter about the Barkdull Courthouse, the Schwartz Law Library and the Jorgenson Gardens.

As the book took shape, Judge Gersten, with the assistance of his Clerk Kimberly Kanoff, hosted us for a tour and more photographs at the Courthouse. Jeff Morem took a number of photographs of Judge Gersten’s chambers to illustrate Judge Gersten’s book chapter. Jeff took many photos to use with chapters on the Courthouse, the Clerk of Court,

and the Marshal. Judge Gersten even gave us access to the robing room and the conference room where the judges retire after oral argument to decide cases.

The photographic record of the Courthouse as it existed in 2007 is particularly meaningful because the Courthouse was remodeled a few years later. Fortunately, we were able to preserve evidence of the way the Courthouse looked for its first thirty-five years.

It is also important to mention Judge Shepherd again because he was our inspiration for founding the 50<sup>th</sup> Anniversary Committee. We designated him as our Court Liaison and he attended our meetings and was very helpful in planning the different aspects of the anniversary celebration. In addition he proofread every word of our book and made valuable suggestions.

***Society: What is your favorite memory of your time founding the Society?***

**Mr. Guedes:** I was particularly struck by our interview of Tillman Pearson, one of the first three judges on the court, whom I interviewed in Alpharetta, Georgia. At the time of his interview, Judge Pearson was in his 90's, living with his lovely wife in a retirement community. Despite his age, he was sharp as a tack and had vivid recollections of when he was called to sit on the court in 1957. He recalled rolling up his sleeves, alongside his colleagues, Mallory Horton and Charles Carroll, and getting to work on the pile of cases that had been transferred to the court. He ended up serving 23 years on the court, the longest of the first three judges. I was privileged to have had the chance to meet him and discuss the court's history with him.

**Ms. O'Connor:** I really love that Ed was able to meet Judge Tillman Pearson. In watching to interview you can see that they had a real rapport.

My favorite memory regarding the Society was attending the Biennial Luncheon with the Judges in May of 2015. I was nearly overwhelmed with nostalgia. The featured speaker was Chief Judge Frank Shepherd, whose term as chief judge would be ending in a few weeks. I kept flashing back to a breakfast in 2004 when Judge Shepherd, the newest member of the Court, mentioned that the Court's 50<sup>th</sup> Anniversary was approaching in less than three years. I remembered our committee members and the Judges and what a great time we had at the 50<sup>th</sup> Anniversary banquet in 2007. I looked around the room at the Biltmore and thought about all the hard work that went into the anniversary celebration and the functions put on by the Society, including the first Luncheon with the Judges at the Biltmore. I was thrilled to see Ed Guedes and without commenting on it, I know we both felt like proud parents. It was exciting to see, and in some cases meet, the current officers

and board members of the Society who were doing such a marvelous job. I left with feelings of happiness and satisfaction, knowing that “they don’t need me any more.”

***Society:*** *How has the Society evolved from what it was when you founded it?*

**Mr. Guedes:** As I said the day I stepped down from the Society’s board for the last time, I am thrilled to see that the Society has “evolved” into an organization with a life beyond its founders. There is an entirely new generation of young lawyers interested in the court and its history, and I’m immensely grateful for that. The Society has expanded its programs and activities in a way that ensures its continued survival and development for years to come.

***Society:*** *What would you like to see the Society do, accomplish, or be in the future?*

**Mr. Guedes:** I have no particular vision for the organization other than its continuation of its mission to assist the Third District in preserving its history and educating lawyers and non-lawyers regarding the role of the institution. The Society should always be worthy of the wonderful institution it serves.

**Ms. O’Connor:** Agreed. I know that the Court is very pleased that the Society has continued in existence. At the luncheon last year [in 2015], Chief Judge Shepherd specifically noted that only our Historical Society continued on after the conclusion of an anniversary celebration.

***Society:*** *What else would you like to share about the founding of the Society?*

**Mr. Guedes:** That I couldn’t have done it with a better partner in crime. Thanks, Kathy!

**Ms. O’Connor:** Thanks, Ed. You were the best possible partner I could have had in this wonderful adventure.