

DOLPHIN DEMOCRATS 2016 JUDICIAL CANDIDATE QUESTIONNAIRE

Candidate name: **Florence Taylor Barner**

Office sought: County Court Judge, Group 3

Incumbent? No

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1. Where and when did you attend law school?

University of Florida, Frederic G. Levin College of Law 2003-2006

2. How long have you been a member of the Florida Bar?

Since 2006

3. In which other states (if any) have you been admitted to the Bar?

N/A

4. Have you ever been disciplined by a state or local Bar?

No

5. Do you have any previous experience as a judge or conducting alternative dispute resolution?

Yes If so, specify court(s) and/or other forum and number of years.

While I have never been a judge and am not a mediator, part of my regular job duties as a commercial/civil litigator require me to attend and conduct pre and post suit mediations, conciliation conferences and settlement negotiations outside of the courtroom. I have been engaging in this type of work since 2010.

6. Have you ever held any non-judicial elected offices? If so, please list office(s) and years served.

No.

7. Have you ever held any non-judicial appointed offices? If so, please list office(s) and years served.

No.

8. Please list any awards/honors received relevant to the position you seek.

Broward Police Benevolent Association-Judicial Candidate Group 3 Endorsement
Broward Council of Firefighters- Judicial Candidate Group 3 Endorsement
AV Preeminent by Martindale-Hubbell
The National Black Lawyers Top 40 Under 40
South Florida Legal Leaders as Published by Miami-Herald 2015
University of Florida, Levin College of Law Pro Bono Certificate (Spring 2006)
University of Florida, Levin College of Law Dean's List (Fall 2003 & Fall 2004)
University of Florida, Levin College of Law Legal Research and Writing Honors (Fall 2003)
University of Florida, Levin College of Law Trial Practice Honors (Fall 2004)
University of Florida, Levin College of Law Chester H. Ferguson Scholarship (Fall 2003 & Spring 2004)
University of Florida, Levin College of Law Tuition Scholarship (Spring 2004 & Summer 2005)
University of Florida, Levin College of Law Book Award: Advanced Litigation Skills (Spring 2005)
Barry University, Bachelor of Science in *Psychology*, Summa Cum Laude (2003)
Barry University, Academic Scholarship (2001-2003)
Barry University, National Institutes of Health Honors Research Training Scholarship (2001-2002)
Barry University, President's Dean List (2001-2003)
Barry University, President's Academic Honor's List (2003)
Barry University, Florida Academy of Sciences, Outstanding Undergraduate Student Research Presentation (2002)
Barry University, Psychology Outstanding Senior Award (May 2003)
University of California, Berkeley, National Institutes of Mental Health (NIMH/SROP) Research Scholarship, Summer 2002,

A list of all endorsements is available upon request.

9. Briefly describe your legal background (firms worked for, areas of expertise, etc.).

I began my legal career as an Assistant State Attorney (“ASA”) in the State Attorney’s Office in Broward County in 2006 where I tried both non-jury and jury trials of criminal offenses ranging from traffic offenses to felonies such as armed robbery, sexual battery, drug dealing, and murder in the first degree. I was also case filer and have successfully argued hundreds of motions and tried as many non-jury trials throughout my career as an ASA. After three plus years with the State Attorney’s Office, I joined the law firm of Weitz & Schwartz, P.A., where I have had a successful civil real estate litigation trial practice since 2010 handling trials around the State of Florida on behalf of Fortune 100 and 500 corporations.

Please see the attached resume for more detail.

10. Briefly describe any professional legal experience you have had with civil rights issues.

N/A

11. Please list the professional, community, social, and religious organizations of which you are now or have been a member in the past ten years.

Broward County Humane Society Share-a-Pet Pet Assisted Therapy Volunteer Program
Broward County Bar Association
Florida Association of Women Lawyers: Broward County Women Lawyers Association
T.J. Reddick Bar Association
Stephen R. Booher American Inn of Court
Broward Attorneys Real Estate Council
Mentor for the 2015-2016 Florida Bar YLD Law Student Division Mentoring Program
NAACP
American Bar Association
Haitian Lawyers Association
American Birders Association
American Trial Lawyers Association
Broward County Public Schools Parent Teacher Association (PTA)

12. Briefly describe any personal experiences you have had with GLBT friends or relatives.

I have had several friends and family members who have come out to me over the years. In college my longtime best friend and maid of honor came to me just after she had had her baby and was about to break of her engagement to her child's father because she was no longer afraid to admit that she is bisexual woman. I have watched her daily struggles with her child and trying to explain what it means to be a bisexual woman. I have watched her deal with her extended family and it has been difficult because she is also bi-racial and while most were accepting of her sexual orientation, there were those who were and are not accepting of her lifestyle. I have also helped her cope with other professionals (she is a Ph.D.) and I have stood by her side throughout all of these struggles for the last 15 years and will continue to do so. Further, I have a transgender close friend who was dating a close relative for many years, also a bisexual woman, and watching her struggle and actually go through the gender reassignment surgery process was quite difficult because I saw firsthand the discrimination that she experienced with the most mundane things (e.g. going to a public restroom in rural Ohio and maintaining employment) and the toll that it took on her life was difficult. These experiences have taught me that discrimination is alive and well in the 21st century and it is up to people like me to try to educate others and remind them that we are all the same even though we may look different and love different.

13. Briefly describe what you perceive as the greatest obstacles to justice.

The greatest obstacles to justice are inefficiency, inconsistency and a lack of diversity within the judiciary. Our courtrooms in Broward are packed with litigants on any given day who often have to wait for months to obtain a hearing date and hours to be heard on their cases once

they have hearing dates. It is incredibly inefficient to conduct court like this. I believe that judges must control their calendars/dockets in order to effectively and efficiently deliver justice to all those who appear before the judge. To that end efficiency requires judges to have read all motions that are to be argued on a given date prior to being heard which will make court run that much more smoothly and quickly. Further, quite a few non-evidentiary motions can be ruled upon in chambers without the necessity of a hearing which should be done in order to limit the number of litigants who have to come to the courthouse. Further, using court call and similar programs that allow for telephonic appearances are tools that can and should be implemented in order to increase efficiency, limit the number of people who have to physically attend court in person which results in clogged courtrooms, and which will also alleviate the problem of waiting for months for a hearing. A top complaint that I hear from other attorneys is that there are judges who don't have both civil and criminal trial experience on the county bench. A lack of civil experience makes our county courtrooms less efficient which only compounds the current issues that we have with long dockets and high case counts. If elected, I will use my criminal and civil trial experience and familiarity with the Civil, Criminal and Evidence rules on the county bench to make it more efficient and effective.

Next, inconsistency is a real problem. There are 30+ county court judges in Broward and therefore there are 30+ different ways to handle juvenile traffic cases and truancy cases. Currently, there is no single dedicated court to handle both truancy cases and juvenile traffic cases. We need to be able to have one unified county court to handle these cases and litigants with a bit more care just as they do in the circuit courts. There should also be some uniformity in sentencing juveniles in county court and this cannot be when we have 30+ different judges handling these cases and sentencing differently as well. The creation of a juvenile/truancy county court with one dedicated judge who addresses these cases uniformly will ensure consistency in sentencing and will likely lead to more positive sentencing outcomes.

Lastly, a lack of diversity amongst the judiciary is also a cause for concern and pause. Regularly we hear stories of serious distrust amongst the minority communities and the courts. This is partly because our county, which is nearly 30% African American, is not equally represented in Broward's judiciary currently. Specifically, there are 90 sitting judges in this county and yet there are only 2 African American County Court Judges for all of Broward County. Diversity is not just about race or ethnicity; it is about diversity of gender, race, ethnicity, age, socioeconomic status and life experience. Diversity is required because it allows for different views and perspectives to be heard. Judicial diversity is valued because it increases public confidence in the courts, provides decision-making power to formerly disenfranchised populations, is essential to ensuring equal justice for all, and frankly citizens seem to prefer a judiciary that is as diverse in its makeup as the community that it serves.

14. Briefly describe what you hope to accomplish as a judge.

If I am elected to the Broward County Court Bench I will work to improve the way in which we handle truancy and juvenile traffic court cases here in Broward. Currently, when a child is deemed truant the parents of that child are charged for failure to have the child attend school regularly. Sometimes the parents have one case pending in county court while the juvenile also has another case pending in juvenile court and those cases are being heard by different judges. This can create more obstacles for a child to attend school. Truancy is a serious problem that affects a child's prospects for decades and our current system fails to address the underlying reasons why a child is not attending school regularly. Additionally, as a prosecutor, I noticed that juveniles would appear regularly in adult county court for traffic offenses. We do not have a court to handle juvenile traffic cases. If I am elected, I will advocate for the creation of a juvenile misdemeanor traffic court in which therapeutic jurisprudence can be delivered to address the underlying causes of the behavior that led these kids to act out and ultimately end up in the criminal justice system. If I am elected as judge, I will advocate for a unified juvenile county /truancy court to deliver therapeutic justice and get the child back in school and on track to become a productive member of our society which ultimately will make our community better and safer. I am uniquely qualified for this based on my psychology research background and my experiences as a county court, juvenile and felony trial unit prosecutor.

Further, if elected, I will use my criminal and civil trial experience and familiarity with the Civil, Criminal and Evidence rules on the civil bench to make it more efficient and effective. For the past 7 years I have handled a large volume of civil cases all over the state on behalf of my clients. I am well acquainted with the Civil Rules of Procedure and applicable civil case law interpreting those civil rules and statutes. I am confident that I will be able will bring my knowledge and experience to the county civil bench to render quick and lawful decisions and move cases along to clear the backlog in the court system.

15. Briefly describe the greatest strengths you bring to the judicial role.

My greatest strengths are my trial experience, perspective and temperament. My experience of being a successful criminal and civil trial attorney for nearly ten years practicing in nearly every county in the State of Florida allows me to stand out from the rest of my opponents in this election. I have extensive trial experience that is unmatched in this election. I have tried nearly 50 first chair jury trials and I have tried in excess of 250+ non-jury cases stemming from misdemeanors such as theft cases, DUI's and drug cases to serious cases such as traffic fatalities, drug trafficking, armed robbery, burglary, grand theft auto, sexual battery, violations of probation (felony and misdemeanor; adult and juvenile; county court and circuit criminal), multi-million dollar civil actions and first degree murder. Further, staying abreast of all of the new cases that are announced, staying on top of all of the statutory amendments that occur several times yearly and staying on top of all of the new research studies as they pertain to sentencing and sentencing

outcomes are important things that a good judge must do and these are things that I already currently do in my own practice. As a trial attorney for nearly ten years, I read every single new opinion that is released in this state every week so I am always apprised of the changes in the law. A good judge knows the law, but a great judge knows the history of the law, the legislative intent behind the law, and how the subtle nuances of the law work as applied to a specific set of facts. I also know how to try a case, criminal and civil, jury and non-jury, and how the changes in the rules of evidence affect how a case is tried and how evidence is presented so that a just and fair outcome is achieved. A judge's job is to call balls and strikes and how can you do that effectively if you lack trial experience and lack familiarity of how the law has developed? That is why I make it my priority stay abreast of all of the developments in the law so that lawful decisions are rendered. As far as efficiency and consistency are concerned, because I make it my practice to keep abreast of all of the new developments in the law, it will be easier to render quick decisions in order to move cases along to resolution either by way of plea or trial; this improves efficiency and consistency because all decisions are based on the ebb and flow of the changes in the law.

Next, my perspective comes from my experiences both in and out of the courtroom. I am uniquely positioned to understand the inner-workings of a court room and the judicial decision making process because I clerked/interned for several judges. I understand what goes through a judge's mind when trying to fashion a sentence that is both just and rehabilitative. I have also worked closely with police officers, victim advocates, social workers, case managers, public defenders, private attorneys and prosecutors over the course of my criminal litigation career and I know how to work well with others in order to achieve a common goal: restorative justice. Further, I am a first generation American. I am the first in my family to attend and graduate from college and the first to go on to obtain a graduate degree. I come from a hard working class background and am keenly aware of the obstacles that similarly situated persons face. County court is often referred to as the people's court. This is because most of the litigants that appear before a county court judge are pro se, meaning that they are not represented by an attorney. Because of my experience growing up in South Florida, I understand the unique demographics of our community and will bring that perspective to the bench.

Lastly, I am a mother of 2 and understand the importance of keeping our children healthy, educated and providing good role models for them to observe so that they too will make good decisions and stay away from the justice system. Having the right temperament for a county court judge is key to bridging the gap of public mistrust with the judiciary and justice system as a whole. A day in court for the average person is quite stressful and it is incumbent upon the judge to make the litigants understand the legal process and make it less stressful and all of this starts with the right temperament.

16. Do you wish to be identified as GLBT (optional)?

Not applicable.

SUMMARY: Please briefly explain why gay, lesbian, bisexual and transgender voters should support your candidacy (you may use this space for any additional comments or to further explain any responses to the above questions).

The LGBT community should support me because I believe in equality and justice for all and am willing to put in the time and hard work to ensure that equal justice is had by all who would appear before me. I am truly dedicated to lifting the Broward judiciary to its highest potential and to serve the people of the Broward with integrity, dedication and equality for all.

Signature of Candidate: /s/ Florence T. Barner

Date: May 10, 2016