

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

1. **Name**: State full name (include any former names used).

Barbara Lagoa

2. **Position**: State the position for which you have been nominated.

United States Circuit Judge for the Eleventh Circuit Court of Appeals

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office:           The Supreme Court of Florida  
                      500 South Duval Street  
                      Tallahassee, Florida 32399

Residence:      Coral Gables, Florida

4. **Birthplace**: State year and place of birth.

1967; Miami, Florida

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1989 – 1992, Columbia University School of Law; J.D., 1992

1985 – 1989, Florida International University; B.A. (with honors), 1989

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2019 – present  
The Supreme Court of Florida  
500 South Duval Street

Tallahassee, Florida 32399  
Justice

2006 – 2019  
Third District Court of Appeal  
2001 South West 117th Avenue  
Miami, Florida 33175  
Chief Judge (2019)  
Judge (2006 – 2019)

2003 – 2006  
United States Attorney's Office for the Southern District of Florida  
99 North East 4th Street  
Miami, Florida 33132  
Assistant United States Attorney

1998 – 2002  
Greenberg Traurig  
333 South East 2nd Avenue, Suite 4400  
Miami, Florida 33131  
Associate

1994 – 1998  
Cohen Berke Bernstein Brodie & Kondell, P.A.  
[firm no longer exists]  
2601 South Bayshore Boulevard, 19th Floor  
Miami, Florida 33133  
Associate

1993 – 1994  
Schulte Blum McMahon Joblove & Haft  
[firm no longer exists]  
200 South Biscayne Boulevard, Suite 3150  
Miami, Florida 33131  
Associate

1992 – 1993  
Morgan Lewis & Bockius LLP  
200 South Biscayne Boulevard, Suite 5300  
Miami, Florida 33131  
Associate

Summer 1991  
Jordan Schulte & Burchette  
[firm no longer exists]  
701 Brickell Avenue

Miami, Florida 33131  
Summer Associate

Spring 1991

Honorable Robert P. Patterson Jr.  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007  
Intern

Summer 1990

Valdes-Fauli, Cobb, Petrey & Bischoff  
[firm no longer exists]  
One Biscayne Tower  
2 South Biscayne Boulevard, Suite 3400  
Miami, Florida 33131  
Summer Associate

Summer 1990

Miami-Dade State Attorney's Office  
1350 North West 12th Avenue  
Miami, Florida 33136  
Legal Intern

Other Affiliations (uncompensated)

2019 – present

Florida Supreme Court Historical Society  
1947 Greenwood Drive  
Tallahassee, Florida 32303  
Member

2008 – 2019

Third District Court of Appeal Historical Society  
c/o Charles M-P George, President  
Law Offices of Charles M-P George  
1172 South Dixie Highway, Number 508  
Coral Gables, Florida 33146  
Member

2000 – 2003

United Way of Dade County  
Young Leaders Society  
3250 South West 3rd Avenue  
Miami, Florida 33129

Member

1999 – 2001  
YWCA of Greater Miami-Dade, Inc.  
351 North West 5th Street  
Miami, Florida 33128  
Director

1997 – 2001  
Film Society of Miami  
Miami Film Festival  
300 North East 2nd Avenue  
Miami, Florida 33132  
Director

1996 – 1998  
Kristi House  
1265 North West 12th Avenue  
Miami, Florida 33136  
Director

1996 – 1998  
Florida International University Alumni Association  
Florida International University  
Office of Alumni Relations & Annual Giving  
11200 South West 8th Street, MARC 210  
Miami, Florida 33199  
Director

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I was not required to register for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Judicial Leadership Award, National Hispanic Bar Foundation (2019)

Women Making History, Miami-Dade Chapter, Florida Association of Women Lawyers (2019)

Rosemary Barkett Award for Judicial Excellence, American Inns of Court (2019)

Miami-Dade County Proclamation, Miami-Dade County Office of the Mayor and Board of County Commissioners, "Barbara Lagoa Day" (2019)

Florida International University Medallion of Honor, Outstanding Alumna Award (2010)

Outstanding Women of Color Award, Justice Peggy A. Quince Chapter, Black Law Students Association & Caribbean Law Students Association, St. Thomas University School of Law (2010)

Columbia Law Review  
Associate Editor (1991 – 1992)  
Member (1990 – 1992)

Phi Kappa Phi Honor Society, Florida International University (1989)

Dean's List, Florida International University (1986, 1987, 1988)

National Dean's List, Florida International University (1989)

Hispanic Leadership Opportunity Program, Ford Foundation (1988, 1989)

Student Honors Mentor Program (1987)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Florida Court System Advisory Committees, Florida Supreme Court Liaison  
Florida District Court of Appeal Budget Commission (2019 – present)  
Steering Committee on Families and Children in the Court (2019 – present)  
Steering Committee on Problem-Solving Courts (2019 – present)  
Criminal Court Steering Committee (2019 – present)  
Committee on Standard Jury Instructions in Criminal Cases (2019 – present)

Florida Supreme Court Committee on Family Law Forms (2019 – present)

The Florida Bar Criminal Procedure Rules Committee, Florida Supreme Court Liaison (2019 – present)

The Florida Bar Family Law Rules Committee, Florida Supreme Court Liaison (2019 – present)

The Florida Bar Juvenile Court Rules Committee, Florida Supreme Court Liaison (2019 – present)

Florida Judicial Ethics Advisory Committee (2011 – 2019)  
Chair (2015 – 2016)  
Vice Chair (2014 – 2015)

Florida Conference of District Court of Appeal Judges  
Member (2006 – 2019)  
Election Committee Chair (2009 – 2019)

Florida District Court of Appeal Budget Commission (2017 – 2019)

Florida Supreme Court Committee on Standard Jury Instructions in Contract and  
Business Cases (2013 – 2016)

Federal Judicial Nominating Commission, United States District Court for the Southern  
District of Florida (2001 – 2003)

American Bar Association (approx. 1994 – 2000, 2002 – 2003)

Dade County Bar Association (approx. 1998 – 2004)

Florida Association of Women Lawyers, Miami-Dade Chapter (2019)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Florida, 1992

There has been no lapse in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

U.S. Circuit Court of Appeals for the Eleventh Circuit (1996 – 2006)  
U.S. District Court for the Southern District of Florida (1993 – present)  
U.S. District Court for the Middle District of Florida (1995 – 2004)

My membership in the bar of the United States Court of Appeals for the Eleventh Circuit lapsed during my service on the Third District Court of Appeal. My membership in the bar of the United States District Court for the Middle District of Florida lapsed during my service as an Assistant United States Attorney. There has been no lapse in membership in the bar of the United States District Court for the Southern District of Florida.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

The Florida Supreme Court Historical Society (2019 – present)

Third District Court of Appeal Historical Society (2008 – 2019)

United Way of Dade County, Young Leaders Society (2000 – 2003)

YWCA of Greater Miami-Dade, Inc., Board of Directors (1999 – 2001)

The Federalist Society for Law and Public Policy Studies (approx. 1998 – present)

Film Society of Miami, Board of Directors (1997 – 2001)

Kristi House, Board of Directors (1996 – 1998)

Florida International University Alumni Association, Board of Directors (1996 – 1998)

Junior League of Miami (1994 – 2004)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

I am a sustaining (inactive) member of the Junior League of Miami, a charitable service organization that restricts its membership to women. I was an active member from 1994 to 2004 and became a sustaining member in 2004. I did not take any action to change its policy. To the best of my knowledge, no other organization listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

*History of the League's Involvement with Children's Issues*, prepared for the Junior League of Miami, published on its website at <http://www.jlmiami.org/our-history/>. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

Comment of the Judicial Ethics Advisory Committee, Case No. SC18-648, July 9, 2018. Copy supplied.

Comment of the Judicial Ethics Advisory Committee, Case No. SC17-680, June 26, 2017. Copy supplied.

Comment of the Judicial Ethics Advisory Committee, Case No. SC16-63, March 29, 2016. Copy supplied.

Comment of the Judicial Ethics Advisory Committee, Case No. SC15-465, May 8, 2015. Copy supplied.

Joint Report of the Committees on Standard Jury Instructions: Jurors' Use of Electronic Devices, Committee Report 2014-01 (Civil), Committee Report 2014-04 (Criminal), Committee Report 2014-01 (Contract and Business), Case No. SC14-623, March 31, 2014. Copy supplied.

Comment of the Judicial Ethics Advisory Committee, Case No. SC13-1951, December 16, 2013. Copy supplied.

Comment of the Judicial Ethics Advisory Committee, Case No. SC13-1732, October 31, 2013. Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.



As a member of the Judicial Ethics Advisory Committee from 2011 to 2019, I participated in meetings of the Committee. I have supplied minutes of the following meetings I attended:

Judicial Ethics Advisory Committee, Meeting Agenda and Minutes, June 15, 2018. Copy supplied.

Judicial Ethics Advisory Committee, Meeting Agenda and Minutes, June 23, 2017. Copy supplied.

Judicial Ethics Advisory Committee, Meeting Agenda and Minutes, June 17, 2016. Copy supplied.

Judicial Ethics Advisory Committee, Meeting Agenda and Minutes, March 15, 2016. Copy supplied.

Judicial Ethics Advisory Committee, Meeting Agenda and Minutes, June 26, 2015. Copy supplied.

Judicial Ethics Advisory Committee, Meeting Agenda and Minutes, June 27, 2014. Copy supplied.

Judicial Ethics Advisory Committee, Meeting Agenda and Minutes, February 25, 2014. Copy supplied.

Judicial Ethics Advisory Committee, Meeting Agenda and Minutes, June 28, 2013. Copy supplied.

Judicial Ethics Advisory Committee, Meeting Agenda and Minutes, February 7, 2013. Copy supplied.

Judicial Ethics Advisory Committee, Meeting Agenda and Minutes, June 22, 2012. Copy supplied.

Judicial Ethics Advisory Committee, Meeting Agenda and Minutes, February 23, 2012. Copy supplied.

As a member of the District Court of Appeal Budget Commission from 2017 to 2019, I participated in meetings of the Committee. I have supplied minutes of the following meetings I attended:

District Court of Appeal Budget Commission, Video Conference Call Meeting Minutes, June 18, 2018. Copy supplied.

District Court of Appeal Budget Commission, Video Conference Call Meeting

Minutes, May 22, 2018. Copy supplied.

District Court of Appeal Budget Commission, Video Conference Call Meeting Minutes, August 3, 2017. Copy supplied.

District Court of Appeal Budget Commission, Video Conference Call Meeting Minutes, June 20, 2017. Copy supplied.

As a member of the Florida Supreme Court Committee on Standard Jury Instructions in Contract and Business Cases, I participated in a meeting of the Committee. Minutes supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

Since I became a judge I have spoken to many students and legal groups. I compiled the list below by reviewing my records and searching publically available databases. However, it is possible that there are additional events that I am unable to recall.

July 25, 2019: Speaker, Future Latino Leaders Summer Institute, National Hispanic Bar Foundation, Washington, D.C. Copy supplied.

July 19, 2019: Speaker, Investiture Ceremony for Jacqueline Becerra, United States Magistrate Judge for the Southern District of Florida, Miami, Florida. Copy supplied.

June 28, 2019: Participant, Criminal Procedure Rules Committee of The Florida Bar, The Florida Bar, Boca Raton, Florida. This committee meeting took place during the 2019 Annual Convention of The Florida Bar. I attended the meeting briefly as the liaison Justice for the Supreme Court of Florida. I gave brief remarks thanking the members for their service. I have no notes, transcript, or recording. The address of The Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

June 28, 2019: Participant, Young Lawyers Division, Law Student Division Meeting of The Florida Bar, The Florida Bar, Boca Raton, Florida. This meeting took place during the 2019 Annual Convention of The Florida Bar. I attended the meeting and spoke to the students about my career and the legal profession. I also

took questions from the students. I have no notes, transcript, or recording. The address of The Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

June 27, 2019: Panelist, "Discussion With the Supreme Court," Appellate Practice Section, The Florida Bar, Boca Raton, Florida. Following the finals of the Orseck moot court competition before the Supreme Court of Florida, this question-and-answer session took place during the 2019 annual convention of The Florida Bar. I have no notes, transcript, or recording. The address of the Appellate Practice Section of The Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399. Press report supplied.

June 27, 2019: Participant, Juvenile Court Rules Committee of The Florida Bar, Boca Raton, Florida. This committee meeting took place during the 2019 Annual Convention of The Florida Bar. I attended the meeting briefly as the liaison Justice for the Supreme Court of Florida. I gave brief remarks thanking the members for their service. I have no notes, transcript, or recording. The address of The Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

June 27, 2019: Participant, Labor and Employment Law Section of The Florida Bar, Reception Honoring Supreme Court Justices, The Florida Bar, Boca Raton, Florida. This reception took place during the 2019 Annual Convention of The Florida Bar. I received a book award at this reception and gave brief remarks thanking the Labor and Employment section of The Florida Bar. I have no notes, transcript, or recording. The address of The Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

June 26, 2019: Panelist, "How She Did It: unCONVENTIONAL Paths to Leadership," The Florida Bar, Boca Raton, Florida. This panel took place during the 2019 Annual Convention of The Florida Bar and addressed different paths to success for women lawyers. I have no notes, transcript, or recording. The address of The Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399. Press report supplied.

June 25, 2019: Participant, Supreme Court of Florida and Florida Bar Summit, The Florida Bar, Boca Raton, Florida. This meeting took place during the 2019 Annual Convention of The Florida Bar and addressed different issues relating to The Florida Bar including the changing legal marketplace, the rulemaking process, lawyer regulation, and lawyer discipline. I have no notes, transcript, or recording. The address of The Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399. Agenda supplied.

June 15, 2019: Panelist, Dade County Bar Association Installation of Officers and Directors Dinner, Miami, Florida. I was a panelist with a group of judges discussing career paths to the judiciary. I also administered the oath of office to the incoming officers and directors of the Dade County Bar Association. I have

no notes, transcript, or recording. The address of the Dade County Bar is 123 North West 1st Avenue, Miami, Florida 33128. Invitation and oath supplied.

June 7, 2019, Participant, Dean's Summit, Florida Board of Bar Examiners, Delray Beach, Florida. This was a meeting between the attendees at the Florida Board of Bar Examiners policy retreat and the deans (or their representatives) of sixteen law schools to discuss revisions to the Florida bar examination and application process. I have no notes, transcript, or recording. The address of the Florida Board of Bar Examiners is Tippin-Moore Building, 1891 Eider Court, Tallahassee, Florida 32399. Agenda supplied.

June 6 – 9, 2019: Participant, Florida Board of Bar Examiners Policy Retreat, Delray Beach, Florida. The Florida Board of Bar Examiners is an administrative board of the Supreme Court of Florida which governs admission to The Florida Bar. This policy retreat consisted of meetings between members of the Supreme Court of Florida and the Florida Board of Bar Examiners to discuss different issues relating to the Board's budget, its policy manual, Florida bar examination results, and revisions to the bar application. I have no notes, transcript, or recording. The address of the Florida Board of Bar Examiners is Tippin-Moore Building, 1891 Eider Court, Tallahassee, Florida 32399. Agenda supplied.

May 17, 2019: Speaker, Commencement Address, Florida International University College of Law, Miami, Florida. Copy supplied.

May 10, 2019: Interview, Investiture Ceremony for Barbara Lagoa, Florida Supreme Court, Tallahassee, Florida. Video available at <https://thefloridachannel.org/videos/5-10-19-investiture-of-florida-supreme-court-justice-barbara-lagoa/>. Copy supplied.

April 1, 2019: Speaker, Florida Women's Hall of Fame, 2019 LEAD Summit on Women's Leadership. Video available at <https://www.youtube.com/watch?v=M4jcCmVmHUY>.

March 19, 2019: Speaker, Women Making History & Scholarship Awards Event, Miami-Dade Chapter of the Florida Association for Women Lawyers, Miami, Florida. Copy supplied.

March 14, 2019: Speaker, Reception Hosted by Florida International University President Dr. Mark Rosenberg, Miami, Florida. Outline supplied.

February 18, 2019: Speaker, "More Than Words ... The Courts and the Constitution," Florida Supreme Court Teacher Institute, Tallahassee, Florida. The Supreme Court of Florida sponsors a program for teachers in Florida's public middle and high schools regarding the role of the judiciary in our state and federal systems. PowerPoint supplied.

January 26, 2019: Speaker, 45th Annual Gala, Cuban American Bar Association,

Miami, Florida. Copy supplied.

January 9, 2019: Speaker, Press Conference, Appointment of Barbara Lagoa to the Supreme Court of Florida, Miami, Florida. Copy supplied. Video available at <https://youtu.be/PZCrIhm0dB8>

May 10, 2018: Speaker and Panelist, Statewide Judicial Candidate Forum, Judicial Ethics Advisory Committee, Miami, Florida. PowerPoint supplied.

March 5, 2018: Panelist, Discussion with Students from Ransom Everglades High School, American Board of Trial Advocates (ABOTA), Miami Chapter, Miami, Florida. I participated in ABOTA's Third DCA Program, where high school students meet with the panel following oral argument for a question and answer session. I have no notes, transcript, or recording. The address for ABOTA's Third DCA Program is c/o Steven Kellough, 5800 South West 120th Street, Miami, Florida 33156 and Thomas H. Robertson, Bercow, Radell, Fernandez & Larkin, 200 South Biscayne Boulevard, Suite 850, Miami, Florida 33131.

March 13, 2017: Panelist, Discussion with Students from Our Lady of Lourdes High School, American Board of Trial Advocates (ABOTA), Miami Chapter, Miami, Florida. I participated in ABOTA's Third DCA Program where high school students meet with panel following oral argument for a question and answer session. I have no notes, transcript, or recording. The address for ABOTA's Third DCA Program is c/o Steven Kellough, 5800 South West 120th Street, Miami, Florida 33156 and Thomas H. Robertson, Bercow, Radell, Fernandez & Larkin, 200 South Biscayne Boulevard, Suite 850, Miami, Florida 33131.

January 27, 2017: Speaker, Invocation, Retirement Ceremony, Judge Linda Ann Wells, Third District Court of Appeal, Miami, Florida. Copy supplied.

November 16, 2016: Panelist, Discussion with Students from Law Enforcement Officers Memorial High School, American Board of Trial Advocates (ABOTA), Miami Chapter, Miami, Florida. I participated in ABOTA's Third DCA Program where high school students meet with panel following oral argument for a question and answer session. I have no notes, transcript, or recording. The address for ABOTA's Third DCA Program is c/o Steven Kellough, 5800 South West 120th Street, Miami, Florida 33156 and Thomas H. Robertson, Bercow, Radell, Fernandez & Larkin, 200 South Biscayne Boulevard, Suite 850, Miami, Florida 33131.

October 5, 2016: Speaker, Invocation, Induction Ceremony of Candidates for Admission to The Florida Bar, Third District Court of Appeal, Miami, Florida. Copy supplied.

May 12, 2016: Speaker and Panelist, Statewide Judicial Candidate Forum, Judicial Ethics Advisory Committee, Miami, Florida. PowerPoint supplied.

March 14, 2016: Panelist, Discussion with Students from John A. Ferguson Senior High School, American Board of Trial Advocates (ABOTA), Miami Chapter, Miami, Florida. I participated in ABOTA's Third DCA Program where high school students meet with panel following oral argument for a question and answer session. I have no notes, transcript, or recording. The address for ABOTA's Third DCA Program is c/o Steven Kellough, 5800 South West 120th Street, Miami, Florida 33156 and Thomas H. Robertson, Bercow, Radell, Fernandez & Larkin, 200 South Biscayne Boulevard, Suite 850, Miami, Florida 33131.

February 19, 2016: Speaker, Investiture Ceremony of Charles Johnson, Circuit Court Judge, 11th Judicial Circuit in and for Miami-Dade County, Miami, Florida. Copy supplied.

February 10, 2016: Panelist, Discussion with Students from Law Enforcement Officers Memorial High School, American Board of Trial Advocates (ABOTA), Miami Chapter, Miami, Florida. I participated in ABOTA's Third DCA Program where high school students meet with panel following oral argument for a question and answer session. I have no notes, transcript, or recording. The address for ABOTA's Third DCA Program is c/o Steven Kellough, 5800 South West 120th Street, Miami, Florida 33156 and Thomas H. Robertson, Bercow, Radell, Fernandez & Larkin, 200 South Biscayne Boulevard, Suite 850, Miami, Florida 33131.

October 29, 2015: Panelist, Annual Seminar, Appellate Section, Dade County Bar Association. The panel conducted a mock oral argument followed by a question-and-answer session entitled "Best Practices for Oral Arguments." The moderator of the panel was attorney Laura K. Wendell. I have no notes, transcript, or recording. The address of the Dade County Bar Association is 123 North West 1st Avenue, Miami, Florida 33128.

October 20, 2015: Panelist, "Paving the Way to Judicial Success," 2nd Annual Judicial Panel, H.T. Smith Chapter, Black Law Students Association, Florida International University College of Law, Miami, Florida. This panel discussed each panelist's path to the bench and provided law students with information regarding paths to judicial clerkships and career placement. I have no notes, transcript, or recording. The address of the H.T. Smith Chapter, Black Law Students Association is Florida International College of Law, Student Services, Associate Dean Angelique Ortega Fridman, 11200 South West 8th Street, RDG 2015, Miami, Florida 33199. Program materials supplied.

July 9, 2015: Speaker, Invocation, Passing the Gavel Ceremony, Judge Richard Suarez, Third District Court of Appeal, Miami, Florida. Copy supplied.

February 28, 2015: Moderator, "Developments in Florida Tort and Business

Law,” 1st Annual Florida Chapters Conference, Federalist Society for Law and Public Policy Studies, Orlando, Florida. I have no transcript or recording. Introduction notes supplied.

February 6, 2015: Panelist, “Tips for Effective Petitions and Briefs” and “Plenary Session: Questions and Answers,” Practicing Before the Third District Court of Appeal Seminar, The Florida Bar Continuing Legal Education Committee, the Appellate Practice Section of The Florida Bar, and the Dade County Bar Association. This seminar consisted of a series of panels comprised of judges from the Third District Court of Appeal, with a final plenary question-and-answer session consisting of all of the panelist judges. I have no notes, transcript, or recording. The address of The Florida Bar Continuing Legal Education Committee and the Appellate Practice Section of The Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399, and the address of the Dade County Bar Association is 123 North West 1st Avenue, Miami, Florida 33128. Seminar program supplied.

April 26, 2014: Speaker and Panelist, Statewide Judicial Candidate Forum, Judicial Ethics Advisory Committee, Miami, Florida. I used the same PowerPoint as for the May 12, 2016 session.

October 8, 2014: Speaker, Remarks and Administration of Oath, Induction Ceremony of Candidates for Admission to The Florida Bar, Third District Court of Appeal, Miami, Florida. Copy supplied.

September 9, 2011: Speaker, Keynote Address and Administration of Oath, Installation Luncheon for Incoming Officers and Directors, Broward County Women Lawyers’ Association, Fort Lauderdale, Florida. Copy supplied.

February 17, 2011: Panelist, “Leadership in the Courtroom and Beyond: A Judicial Roundtable,” Mid-Year Meeting, National Association of Women Lawyers, Miami, Florida. This panel discussion addressed effective leadership and advocacy skills. I have no notes, transcript, or recording. The address for the National Association of Women Lawyers is 312 North Clark Street, Chicago, Illinois 60654. Event program supplied.

December 14, 2010: Speaker, Commencement Address, Florida International University School of Arts & Sciences, Miami, Florida. Copy supplied.

September 13, 2010: Speaker, “Dos and Don’ts of Merit Retention,” Continuing Judicial Education Program, District Court of Appeal Appellate Conference, Office of State Courts Administrators, Ponte Vedra Beach, Florida. This presentation, given to those judges attending the annual conference of Florida’s district courts of appeal, summarized the rules governing Florida judicial retention elections. I have no notes, transcript, or recording. The address of the Office of State Courts Administrators is 500 South Duval Street, Tallahassee, Florida

32399.

May 3, 2010: Speaker, Induction Ceremony of Candidates for Admission to The Florida Bar, Third District Court of Appeal, Miami, Florida. Copy supplied.

March 21, 2010: Speaker, Annual Spring Gala, Black Law Students Association & Caribbean Law Students Association, St. Thomas University School of Law, Miami, Florida. Copy supplied.

April 4, 2008: Panelist, "Preserving Error: The Tension Between Strategy and Appealability," 25th Annual Third District Court of Appeal Seminar, Dade County Bar Association. I have no notes, transcript, or recording. The address of the Dade County Bar Association is 123 North West 1st Avenue, Miami, Florida 33128. Outline prepared by attorney panelists supplied.

November 3, 2006: Speaker, Investiture Ceremony for Barbara Lagoa, Judge, Third District Court of Appeal, Miami, Florida. Copy supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Rachel Kamoutsas, *From Hialeah to Tallahassee: A Journey Powered by Mentorship and Dedication*, Florida Association of Women Lawyers Journal, Spring/Summer 2019. Copy supplied.

Gary Blankenship, *Justice Lagoa Sworn In*, Florida Bar News, May 13, 2019. Copy supplied.

Edward Pozzuoli, *DeSantis Charges Out of the Gate*, Fort Lauderdale Sun-Sentinel, February 6, 2019. Copy supplied.

Dara Kam, *Flexing Some Executive Muscle*, News Service of Florida, January 16, 2019. Copy supplied.

Roberto Martinez, *Justice Lagoa Will Make All Floridians Proud*, Miami Herald, January 11, 2019. Copy supplied.

Anthony Man, *Court Begins Shift to Right*, Orlando Sentinel, January 10, 2019. Copy supplied.

David Ovalle, *Miami's Lagoa First Hispanic Woman on Florida Supreme Court*, Miami Herald, January 10, 2019. Copy supplied.

Jessica Chasmar, *Ron DeSantis, Republican Governor, Appoints 1st Hispanic*



*Woman to Serve on Florida Supreme Court*, The Washington Times, January 10, 2019. Copy supplied.

Jim Ash, *Lagoa Joins the Florida Supreme Court*, Florida Bar News, January 9 2019. Copy supplied.

Andrew Pantazi, *Before Next Governor is Chosen, Florida Supreme Court Hopefuls Face Ideological Test*, Florida Times-Union, November 4, 2018. Copy supplied.

Deroy Murdock, *Clinton Régime Outdoes Itself by Snatching Elian Gonzalez*, Cato Institute, April 24, 2000. Copy supplied.

Rick Bragg, *Standoff Continues Over Elian*, New York Times, April 18, 2000. Copy supplied.

Rick Bragg, *Federal Judge Fails to Rule on Fate of Cuban Youngster*, New York Times, March 10, 2000. Copy supplied.

Wilfredo Cancio Isla and Rui Ferreira, *En la Batalla por Elián un Abogado de Clinton Representa al Padre*, El Nuevo Herald, March 10, 2000. Copy supplied.

Armando Villafranca, *Fate of Shipwrecked Boy Still Hangs in the Balance*, Houston Chronicle, March 10, 2000. Copy supplied. Reprinted in multiple outlets.

Laurie Goering, *Elian Judge Hints at Long Battle*, Chicago Tribune, March 10, 2000. Copy supplied. Reprinted in multiple outlets.

David Adams, *Court Debate Key to Cuban Boy's Fate*, St. Petersburg Times, March 10, 2000. Copy supplied.

Phillip Davis, *Federal Judge Hears Case Brought By Relatives of Elian Gonzalez*, All Things Considered, National Public Radio, March 9, 2000. Transcript supplied.

Celia Dugger, *Exile Ties Deepen in New Miami*, Miami Herald, December 25, 1988. Copy supplied. Reprinted in multiple outlets.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

From January 9, 2019, to the present, I have served as a Justice of the Supreme Court of Florida. I was appointed to this position by Governor Ron DeSantis. The Supreme Court of Florida is the highest appellate court in Florida. Much of the Supreme Court of

Florida's jurisdiction is discretionary. The Court may only exercise its discretionary jurisdiction based on the grounds enumerated in the Florida Constitution and not by way of petition for writ of certiorari. The Court has mandatory jurisdiction over appeals from decisions by the district courts of appeal declaring a state statute or constitutional provision invalid and has mandatory and exclusive jurisdiction over appeals in cases in which the death penalty is imposed, appeals of final judgments entered in proceedings for validation of bonds or certificates of indebtedness, and appeals in cases involving Public Service Commission action relating to rates or service of utilities providing electric, gas, or telephone service. The Court has nonexclusive original jurisdiction over certain extraordinary writs, including writs of mandamus, prohibition, habeas corpus, and quo warranto. Finally, the Court has exclusive jurisdiction over the regulation of The Florida Bar (including attorney discipline), admission to membership in The Florida Bar, creating and amending the Florida Rules of Court, and the discipline of judges.

From June 2006 to January 2019, I served as a judge on the State of Florida Third District Court of Appeal. I was appointed to this position by Governor Jeb Bush. I was retained in 2008 and 2014. The district courts of appeal are Florida's intermediate appellate courts with jurisdiction to hear appeals from final judgments or orders of trial courts and administrative agency decisions (except those final judgments or orders directly appealable to the circuit court or to the Supreme Court of Florida), appeals from enumerated non-final orders of trial courts, and original proceedings, including petitions for writs of certiorari, prohibition, and habeas corpus. There are five district courts of appeal in Florida. The Third District has jurisdiction over matters arising in Miami-Dade and Monroe Counties.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

Because I have not served as a trial court judge, I have not presided over any cases that have gone to verdict or judgment. As a judge on the Third District Court of Appeal, I participated in 12,534 cases, including 360 cases in which I authored an opinion (including concurrences and dissents). As a Justice on the Supreme Court of Florida, I have participated in 524 cases.

- i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	0%
civil proceedings:	48%
criminal proceedings:	52%

For purposes of the calculation above, I have included post-appeal and habeas corpus proceedings in the criminal category, even though they are technically civil in nature.

- b. Provide citations for all opinions you have written, including concurrences and

dissents.

Please see the attached list.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Israel v. DeSantis*, 269 So. 3d 491 (Fla. 2019)

I authored the majority opinion affirming the trial court's dismissal of the appellant's petition for writ of quo warranto, which had challenged the governor's authority under the Florida Constitution to suspend the appellant from office. Our opinion establishes the limited role of Florida's judiciary in reviewing the exercise of the governor's power to suspend a constitutional officer and the legislature's power to remove or reinstate a suspended officer under the structure established by the Florida constitution.

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2. *Jackson v. DeSantis*, 268 So. 3d 662 (Fla. 2019)

I authored a concurring opinion in this denial of a petition for writ of quo warranto, which challenged the governor's authority under the Florida Constitution to suspend the petitioner from office. In the concurrence, I examined whether the Florida Constitution imposed a temporal restriction on the executive power to suspend. As the constitutional provision at issue did not contain such a restriction, I noted that the Florida Constitution reserved to the Florida Senate the power to conclude whether the particular facts and circumstances merited removal or reinstatement and that an earlier advisory opinion from the Florida Supreme Court had inserted the judiciary into a process that was constitutionally reserved to the executive and legislative branches.

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3. *Estes v. Rodin*, 259 So. 3d 183 (Fla. 3d DCA 2018)

I authored the unanimous panel opinion that affirmed the trial court's dismissal of the complaint against certain out-of-state defendants for lack of personal jurisdiction. Plaintiffs brought claims of defamation based on comments made by certain defendants in social media chat rooms. This case involved the interplay of Florida's long-arm statute with constitutional due process. In our opinion, we contrasted the reach of the long-arm statute with the constitutional norms of due process and also considered and distinguished decisions from other district courts of appeal that had found personal jurisdiction in cases involving intentional torts arising in the context of the Internet.

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4. *Chakra 5, Inc. v. City of Miami Beach*, 254 So. 3d 1056 (Fla. 3d DCA 2018)

I authored the majority decision affirming in part and reversing in part the trial court's dismissal with prejudice of the plaintiffs' claims against the City of Miami Beach. The owner and operator of a nightclub on Miami Beach alleged that members of the City's code and zoning enforcement department initiated a campaign of harassment that involved improper citations, inspections, and cease-

and-desist orders, and asserted claims for violations of procedural and substantive due process. Our decision explained and clarified the scope of Florida's continuing tort doctrine (in this case, how that doctrine relates to the accrual of causes of action and the running of the statute of limitations), and also applied United States Supreme Court and Eleventh Circuit Court of Appeals precedent to conclude that plaintiffs could not assert a cognizable claim for violation of substantive due process.

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5. *Duty Free World, Inc. v. Miami Perfume Junction, Inc.*, 253 So. 3d 689 (Fla. 3d DCA 2018)

I authored the unanimous panel decision reversing the trial court's denial of appellants' motion to compel arbitration. One party to a commercial contract initiated arbitration proceedings pursuant to the contract's mandatory arbitration clause. At the same time that it filed its counterclaim in the arbitration proceeding, the other party filed a complaint in civil court asserting a claim for unjust enrichment. The trial court denied a motion to compel arbitration, concluding that a claim for unjust enrichment was equitable and therefore fell within an exception to the contractual arbitration mandate. Our decision required an analysis of the nature of the relief sought in the litigation (i.e., legal or equitable), rather than a reliance on the general description of unjust enrichment as "equitable in nature." In concluding that the particular relief sought was legal in nature, our opinion clarified an area of Florida law with widespread application

to commercial contracts.

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6. *Aguilar v. State*, 239 So. 3d 108 (Fla. 3d DCA 2018)

I authored the unanimous opinion affirming the defendant's conviction and sentence for various DUI crimes arising out of a multi-vehicle accident that resulted in the death of one person and serious bodily injury to two others. The primary issue in this appeal was whether the trial court erred in admitting the results of blood alcohol tests performed on blood draws obtained from Aguilar while he was hospitalized for injuries sustained in a multi-vehicle accident. Resolution of this issue depended on the application of the exigent circumstances to the Fourth Amendment's warrant requirement. We concluded that the blood draws did not violate the Fourth Amendment and that the trial court properly denied Aguilar's motion to suppress.

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7. *Harris v. State*, 238 So. 3d 396 (Fla. 3d DCA 2018)

I wrote the unanimous opinion in this case, which reversed the trial court's denial of the defendant's motion to suppress the results of a search of his backpack after his arrest for reckless driving and driving an unregistered vehicle (in this case, a dirt bike). This case was released on the same day as *Aguilar v. State* and, like *Aguilar*, addressed an exception to the Fourth Amendment's warrant requirement. At issue in this case were the exceptions related to searches incident to arrest and searches of automobiles/compartments of automobiles incident to arrest. We concluded that because the defendant had been secured and separated from his backpack at the time of the search, the trial court erred in denying the motion to suppress on those grounds. We noted that on remand the trial court remained free to consider whether the defendant had consented to the search of his backpack. Consent had been raised below in opposition to the motion to suppress, but the trial court did not make any findings of fact on that issue once it concluded that the search was a valid search incident to arrest.

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8. *Abeid-Saba v. Carnival Corporation*, 184 So. 3d 593 (Fla. 3d DCA 2016)

I wrote the unanimous decision in this case, which arose out of a cruise ship accident in Italy. Two groups of passengers filed separate lawsuits, which proceeded before separate trial court judges. The defendants moved to dismiss each case for *forum non conveniens*. We consolidated the separate appeals of trial courts' orders and addressed them in a single decision. The central issue was whether the trial courts had abused their discretion in their evaluation of the



private and public factors relevant to *forum non conveniens*. Our decision analyzed the nature of *forum non conveniens* under Florida law, and considered the application of that law to the record before the trial courts. As to the trial court order that dismissed the case as to both foreign and United States plaintiffs, we concluded that there was no abuse of discretion. As to the trial court order that dismissed the case as to the foreign plaintiffs but not as to the United States plaintiffs, we concluded that the trial court abused its discretion because it failed to consider the nature of the evidence necessary to prove and disprove each element of plaintiffs' causes of action, as well as the accessibility of the evidence, as required by precedent.

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9. *Valenzuela v. Globeground North America, LLC*, 18 So. 3d 17 (Fla. 3d DCA 2009)

I wrote the unanimous opinion in this employment discrimination case, which affirmed entry of summary judgment in favor of the defendant. The defendant, a provider of aircraft refueling services at Miami International Airport, hired the plaintiff to fuel aircraft and operate refueling equipment. Federal, state, and local regulations required plaintiff to possess a commercial driver's license to operate fueling equipment at the airport. Plaintiff did not have a license, although she

stated that she held one on her employment application. Plaintiff failed to obtain a license during her probationary period and was terminated. Plaintiff filed a charge of discrimination with the U.S. Equal Employment Opportunity Commission, which found no probable cause and dismissed the charges. Plaintiff then filed a lawsuit in state court alleging gender discrimination in violation of the Florida Civil Rights Act, which is patterned after Title VII of the federal Civil Rights Act of 1964. Our decision sets forth a detailed analysis of the standards governing claims of employment discrimination under the Florida Civil Rights Act, leading to our conclusion that the plaintiff had not carried her burden of showing that the defendant's proffered reasons for terminating the plaintiff were a pretext for gender discrimination and that the trial court properly granted summary judgment.

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10. *United Automobile Insurance Company v. Salgado*, 22 So. 3d 594 (Fla. 3d DCA 2009)

I authored the unanimous opinion in this case granting a petition for writ of certiorari and quashing the trial court's opinion. The primary issue in this case was whether Florida's Motor Vehicle No-Fault Law abrogated an insurer's statutory right to rescission under Florida's insurance code. Our decision discussed relevant principles of statutory construction and concluded that, based on the plain meaning of the Motor Vehicle No-Fault Law, the Florida Legislature had not abrogated the insurer's statutory right to rescission set forth in the insurance code. We also analyzed the difference between rescission and cancellation of contracts.

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- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

These cases are listed in chronological order, beginning with the most recent. Regarding the attorneys listed, I have provided their most recent contact information, based on an online search, which may differ from their address at the time that they appeared in the listed case.

1. *Israel v. DeSantis*, 269 So. 3d 491 (Fla. 2019)

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2. *Jackson v. DeSantis*, 268 So. 3d 662 (Fla. 2019)

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3. *Estes v. Rodin*, 259 So. 3d 183 (Fla. 3d DCA 2018)

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4. *Chakra 5, Inc. v. City of Miami Beach*, 254 So. 3d 1056 (Fla. 3d DCA 2018)

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5. *Duty Free World, Inc. v. Miami Perfume Junction, Inc.*, 253 So. 3d 689  
(Fla. 3d DCA 2018)

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6. *Aguilar v. State*, 239 So. 3d 108 (Fla. 3d DCA 2018)

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7. *Harris v. State*, 238 So. 3d 396 (Fla. 3d DCA 2018)

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8. *Abeid-Saba v. Carnival Corporation*, 184 So. 3d 593 (Fla. 3d DCA 2016)

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9. *Valenzuela v. Globeground North America, LLC*, 18 So. 3d 17 (Fla. 3d DCA 2009)

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10. *United Automobile Insurance Company v. Salgado*, 22 So. 3d 594 (Fla. 3d DCA 2009)

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e. Provide a list of all cases in which certiorari was requested or granted.

*Long v. State*, 271 So. 3d 938 (Fla. 2019), *cert. denied*, 139 S. Ct. 2645 (2019)

*Bowles v. State*, 44 Fla. L. Weekly S199 (Fla. Aug. 13, 2019), *cert. denied*, 2019 WL 397767 (Aug. 22, 2019)

*Fleitas v. State*, 3 So. 3d 351 (Fla. 3d DCA 2008), *rev. denied*, 14 So. 3d 241 (Fla. 2009), *cert. denied*, *Fleitas v. Florida*, 558 U.S. 996 (2009)

*Thomas v. Pub. Health Tr. of Miami-Dade Cty.*, 124 So. 3d 1040 (Fla. 3d DCA 2013), *rev. denied*, *Thomas v. Jackson Health Care Sys.*, 147 So. 3d 350 (2014), *cert. denied*, 135 S. Ct. 408 (2014)

*Jimenez v. State*, 196 So. 3d 499 (Fla. 3d DCA 2016), *rev. denied*, 2016 WL 5718938 (Fla. September 27, 2016), *cert. denied*, *Jimenez v. Florida*, 137 S. Ct. 1230 (2017)

*Rodriguez v. Bank of Am., N.A.*, 246 So. 3d 541 (Fla. 3d DCA 2018) (per curiam affirmance), *petition dismissed*, 2018 WL 3853539 (Fla. August 7, 2018), *cert. denied*, *Rodriguez v. Bank of Am., N.A.*, 139 S. Ct. 1178 (2019)

*Gil v. State*, 239 So. 3d 69 (Fla. 3d DCA 2018) (per curiam affirmance), *petition dismissed*, 2018 WL 1639694 (Fla. April 5, 2018), *cert. denied*, *Gil v. Florida*, 139 S. Ct. 1332 (2019)

- f. Provide a brief summary of and citations for all of your opinions where your decisions were 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, provide copies of the opinions.

As a judge on the Third District Court of Appeal, I authored 360 opinions. The Supreme Court of Florida reversed the following 3 cases:

1. *Johnson v. State*, 10 So. 3d 680 (Fla. 3d DCA 2009), *quashed by* 53 So. 3d 1003 (Fla. 2010)

In a 4-3 decision, the Supreme Court of Florida held that the district court erred in applying a harmless-error standard to the trial court's incorrect instruction to a jury that, prior to deliberations, it cannot have testimony read back, and that such improper jury instruction constitutes per se reversible error.

2. *Am. Educ. Enters., LLC v. Bd. of Trustees of Internal Improvement Tr. Fund*, 45 So. 3d 941 (Fla. 3d DCA 2010), *quashed by Bd. of Trustees of Internal Improvement Tr. Fund v. Am. Educ. Enters., LLC*, 99 So. 3d 450 (Fla. 2012)

The Supreme Court of Florida held that the district court erred in providing interlocutory relief, via writ of certiorari, to correct a trial court's order that had permitted overly broad discovery.

3. *Mauna Loa Invs., LLC v. Santiago*, 122 So. 3d 520 (Fla. 3d DCA 2013), *quashed by Santiago v. Mauna Loa Invs., LLC*, 189 So. 3d 752 (Fla. 2016)

This matter arose out of two premises liability suits brought by the same plaintiff and which had been consolidated before the trial court. The Supreme Court of Florida held that the district court erred in holding that exhibits attached by the plaintiff to the complaint in the first consolidated case and that contradicted plaintiff's allegations in the second consolidated complaint could be considered for purposes of a motion to vacate a default judgment entered in the second consolidated action.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished

opinions are filed and/or stored.

All of my opinions are published.

- h. 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, provide copies of the opinions.

*Israel v. DeSantis*, 269 So. 3d 491 (Fla. 2019) (Art. IV, §7, Fla. Const.)

*Jackson v. DeSantis*, 268 So. 3d 662 (Fla. 2019) (Art. IV, §7, Fla. Const.)

*Chakra 5, Inc. v. City of Miami Beach*, 254 So. 3d 1056 (Fla. 3d DCA 2018) (U.S. Const. amend. XIV, §1)

*Burns v. Tondreau*, 139 So. 3d 481 (Fla. 3d DCA 2014) (constitutional eligibility for office under municipal charter)

*Estes v. Rodin*, 259 So. 3d 183 (Fla. 3d DCA 2018) (personal jurisdiction & due process)

*Francis v. State*, 208 So. 3d 105 (Fla. 3d DCA 2015) (U.S. Const. amend. VIII; *Graham v. Florida*, 560 U.S. 48 (2010))

*Aguilar v. State*, 239 So. 3d 108 (Fla. 3d DCA 2018) (U.S. Const. amend. IV; Art. I, §9, Fla. Const.)

*Neely v. State*, 126 So. 3d 342 (Fla. 3d DCA 2013) (U.S. Const. amend. V; *Miranda v. Arizona*, 384 U.S. 436 (1966); U.S. Const. amend VIII; *Miller v. Alabama*, 567 U.S. 460 (2012))

*Rodriguez v. State*, 982 So. 2d 1272 (Fla. 3d DCA 2008) (U.S. Const., amend. VI; *Faretta v. California*, 422 U.S. 806 (1975))

*Harris v. State*, 238 So. 3d 396 (Fla. 3d DCA 2018) (U.S. Const. amend. IV)

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have never sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have

come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

Both the Third District Court of Appeal and the Supreme Court of Florida maintain an automatic recusal process. At each court, I provided the Clerk of Court with a "recusal list" identifying my husband (who is an attorney), attorneys with whom I am close friends, and significant individual stock holdings (if any). The Clerk is responsible for ensuring that I am not assigned to any case involving entities or individuals on the list. At the Third District Court of Appeal, I had no way of knowing what cases the Clerk did not assign to me based on my recusal list. At the Supreme Court of Florida, however, the Clerk maintains a record of the automatic recusal of a Justice, and those cases are included in the list below.

In addition to this automatic recusal process, I also review each case assigned to me in order to determine whether the matter requires recusal. In some infrequent instances, a case has been assigned to me that involves my husband's firm despite the automatic recusal process described above. When that occurs, I recuse myself sua sponte. Additionally, at the Supreme Court of Florida, I recuse myself sua sponte from any case where I sat on the oral argument panel of, or was otherwise involved in the decision rendered by, the Third District Court of Appeal.

Pursuant to the policies described above, I have recused myself sua sponte in the following matters:

*Canta v. Philip Morris*, Case No. 18-1104 (Spousal Policy)  
*Pollari v. Philip Morris*, Case No. 17-2164 (Spousal Policy)  
*Irimi v. RJ Reynolds*, Case No. 18-251 (Spousal Policy)  
*Torres v. Deutsche Bank*, Case No. 18-890 (Third DCA)  
*Alfonso v State*, Case No. 18-1110 (Third DCA)  
*Lane v. Lane*, Case No. 18-1563 (Third DCA)  
*Nails v. Walmart*, Case No. 18-1626 (Third DCA)  
*Chestnut v. Nationstar Mortgage*, Case No. 18-1748 (Third DCA)  
*Valiente v. R.J. Behar & Company, Inc.*, Case No. 18-1756 (Third DCA)

*Garcia v. Bank of New York Company, Inc.*, Case No. 18-1764 (Third DCA)  
*McCarthur v. State*, Case No. 18-1826 (Third DCA)  
*Amaya v. U.S. Bank National Association*, Case No. 18-1857 (Third DCA)  
*Gonzalez v. Pacheco*, Case No. 18-1940 (Third DCA)  
*Viera v. Mark Inch*, Case No. 18-1956 (Third DCA)  
*Gonzalez v. Federal Mortgage Association*, Case No. 18-2064 (Third DCA)  
*Matheson v. Miami-Dade County*, Case No. 18-2088 (Third DCA)  
*Bacchus v. Mark Inch*, Case No. 18-2155 (Third DCA)  
*Estes v. Rodin*, Case No. 18-2156 (Third DCA)  
*Gyden v. State*, Case No. 19-2 (Third DCA)  
*Philpot v. State*, Case No. 19-132 (Third DCA)  
*Johnson v. State*, Case No. 19-334 (Third DCA)  
*Thompson v. State*, Case No. 19-339 (Third DCA)  
*Faison v. State*, Case No. 19-346 (Third DCA)  
*Hernandez-Morel v. State*, Case No. 19-351 (Third DCA)  
*State v. Mendez*, Case No. 19-367 (Third DCA)  
*Atlantic Civil v. Swift*, Case No. 19-409 (Third DCA)  
*Brown v. State*, Case No. 19-529 (Third DCA)  
*Flowers v. State*, Case No. 19-1006 (Third DCA)

In addition to the recusal process described above, based on my recollection and a review of the court's files, I recused myself sua sponte from the following cases while a judge on the Third District Court of Appeal: *Brugmann v. State*, Case No. 3D9-2540; *Murphy v. Murphy*, Case No. 3D11-1604; *City of Key West v. Key West Golf Club Homeowners' Ass'n*, Case No. 3D13-57; *Fuste v. Morales*, Case Nos. Nos. 3D16-1642, 3D16-933 & 3D16-1781; *Bedoyan v. Samra*, Case No. 3D17-1382; and *RDS v. Dep't of Children & Families*, Case Nos. 3D18-0988, 3D18-0839, 3D18-0984). In *Brugmann*, I recused myself from a motion for rehearing/rehearing en banc because my husband joined the law firm representing the petitioner. In *Murphy*, I recused myself from a pending motion for rehearing en banc because I determined that a matter arose requiring recusal. In *City of Key West*, I recused myself during a pending motion for rehearing en banc because I determined that a matter arose that required recusal. In *Fuste*, I recused myself from a pending motion for rehearing en banc because, upon reviewing the record, I determined that the case involved a family friend. In *Bedoyan*, I recused myself because I mistakenly believed that the case involved a family friend. In *RDS*, I recused myself from a pending motion for rehearing/rehearing en banc because, upon reviewing the record, I determined that the expert in the case was a family friend.

Similarly, in addition to the recusal process described above, based on my recollection and a review of the court's files, I recused myself sua sponte while a Justice on the Supreme Court of Florida from *RDS v. Dep't of Children & Families*, Case No. 19-161, one of the cases discussed above where I had recused myself from the case when it was before the Third District Court of Appeal.

Finally, based on my recollection and a review of the courts' files, the only motion seeking my disqualification was filed before the Supreme Court of Florida in *Tabraue v. Doctors Hospital*, Case No. 19-685. Petitioner filed a motion to disqualify me and the other Justice who had served on the Third District Court of Appeal. The basis for the motion was that both of us initially were members of the oral argument panel for this case when it was at the Third District Court of Appeal. The motion noted that neither of us participated in the opinion issued by the Third District Court of Appeal, as it issued after we had joined the Supreme Court of Florida, and further noted that Petitioner was not alleging that either of us "would be partial in deciding this case." Although I denied the motion for recusal because it did not state a legally sufficient basis for disqualification, I sua sponte entered a separate order of recusal pursuant to Florida Rule of Judicial Administration 2.330(i).

In answering this question, I have not included any cases that were transferred to another judge on the Third District Court of Appeal after I was appointed to the Florida Supreme Court, as those cases were reassigned because of my appointment to another court, not because of a recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held any public office other than my judicial offices. From 2002 to 2003, I was a member of the Federal Judicial Nominating Commission for the United States District Court for the Southern District of Florida. I was appointed to the commission by Florida Governor Jeb Bush.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
  - i. whether you served as clerk to a judge, and if so, the name of the judge,

the court and the dates of the period you were a clerk;

I have never served as a clerk to a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1992 – 1993

Morgan Lewis & Bockius LLP  
200 South Biscayne Boulevard, Suite 5300  
Miami, Florida 33131  
Associate

1993 – 1994

Schulte Blum McMahon Joblove & Haft  
[firm no longer exists]  
200 South Biscayne Boulevard, Suite 3150  
Miami, Florida 33131  
Associate

1994 – 1998

Cohen Berke Bernstein Brodie & Kondell, P.A.  
[firm no longer exists]  
2601 South Bayshore Boulevard, 19th Floor  
Miami, Florida 33133  
Associate

1998 – 2002

Greenberg Traurig  
333 South East 2nd Avenue, Suite 4400  
Miami, Florida 33131  
Associate

2003 – 2006

United States Attorney's Office for the Southern District of Florida  
99 North East 4th Street  
Miami, Florida 33132  
Assistant United States Attorney

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant

matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I served as an Assistant United States Attorney in the Southern District of Florida from 2003 until my appointment to the bench in 2006. Upon joining the U.S. Attorney's Office in 2003, I was assigned to the Civil Division where my practice focused primarily on the defense of employment discrimination and federal tort claims brought against the United States and its agencies. In December 2003, I was transferred to the Criminal Division where my practice focused exclusively on criminal trial and appellate work.

Prior to joining the U.S. Attorney's Office, my practice generally consisted of complex commercial litigation. While in private practice, I handled a variety of matters ranging from employment discrimination claims, construction litigation, contract disputes, business torts, franchise disputes, securities litigation, claims seeking injunctive relief, class actions, arbitrations, and shareholder derivative actions.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As an Assistant United States Attorney, I represented the United States of America and its agencies and officials. In private practice, my typical clients were insurance companies in coverage disputes, financial institutions, public and closely held corporations, partnerships, and individuals.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

1992 – 2003: While in private practice, 100% of my practice was in litigation. For cases pending in state court, I appeared in court frequently. For cases pending in federal court, I appeared in court occasionally.

2003 – 2006: While an Assistant United States Attorney, 100% of my practice was in litigation. All of my cases were in federal court, and I appeared in court frequently.



i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 75% |
| 2. state courts of record:  | 25% |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 0%  |

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 50% |
| 2. criminal proceedings: | 50% |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I tried seven cases to verdict. I was chief counsel in three of those trials and associate counsel in the remaining four.

i. What percentage of these trials were:

- |              |      |
|--------------|------|
| 1. jury:     | 100% |
| 2. non-jury: | 0%   |

In addition to these jury trials, I arbitrated three commercial arbitrations to final decision. I served as associate counsel in those arbitrations.

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- the date of representation;
- the name of the court and the name of the judge or judges before whom the case was litigated; and
- the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Aguilar*, 188 F. App'x. 897 (11th Cir. 2006)

Defendant appealed his conviction and sentence for conspiracy to smuggle aliens into the United States. After the close of evidence, the jury returned a verdict of guilty on thirteen counts against the defendant. The trial judge subsequently sentenced the defendant to the statutory mandatory minimum of 60 months' imprisonment. The defendant raised a number of issues on appeal: (1) insufficiency of the evidence to establish that he smuggled aliens into the United States for commercial gain; (2) the district court abused its discretion in denying his motion for a new trial on a variety of grounds; and (3) the statutory mandatory minimum was unreasonable because the Sentencing Guidelines range fell below the mandatory minimum. I did not handle this case at trial, but had primary responsibility for representing the United States on appeal.

Date of Representation: 2006

Presiding Judges: Hon. Gerald Tjoflat, Hon. Lanier Anderson, and Hon. Joel Dubina.

Counsel for Defendant:

Sheryl J. Lowenthal  
9130 South Dadeland Boulevard, Suite 1511  
Miami, Florida 33156  
(305) 670-3360

2. *United States v. Ostroff*, Case No. 05-CR-20738-Martinez (S.D. Fla.)

This case involved a single-defendant indictment charging the defendant with possession of child pornography. While an Assistant United States Attorney, I was part of a task force focused on prosecuting child pornography in the Southern District. In connection with this initiative, I attended a training seminar at the U.S. Department of Justice's National Advocacy Center, where law enforcement agents and federal prosecutors provided instruction on the most effective ways to prosecute crimes involving the possession and distribution of child pornography. In this case, the grand jury indicted the defendant on a single count of possession of child pornography stored on his computers. I conducted the proceedings before the grand jury, filed the indictment, and handled the initial pretrial proceedings. The defendant pleaded guilty.

Date of Representation: 2005

Presiding Judge: Hon. Jose Martinez

Counsel for Defendant:

Hector Dopico  
Federal Public Defender's Office, Southern District of Florida  
150 West Flagler Street, Suite 1700  
Miami, Florida 33130

(305) 530-7000

3. *United States v. Junior Rafael Corrales, et al.*, Case No. 03-20155-CR-Cooke  
(S.D. Fla.)

This case involved a four-defendant, four-count indictment charging the defendants with conspiracy to possess with intent to distribute cocaine, attempted possession of cocaine with the intent to distribute, Hobbs Act robbery, and conspiracy to commit Hobbs Act robbery. This case proceeded against Defendant Corrales, as two defendants pleaded guilty and the fourth defendant's trial was separately set. Three weeks before trial was set to begin, the prosecutor assigned to the case was transferred out of the Major Crimes Section and the case was reassigned to me as lead counsel. The jury found the defendant guilty.

Date of Representation: 2004

Presiding Judge: Hon. Marcia Cooke

Co-counsel:

Kenneth A. Blanco  
Director, Financial Crimes Enforcement Network  
FinCEN  
1801 L Street, N.W.  
Washington, D.C. 20036  
(202) 354-6393

Counsel for Defendant:

Paul D. Lazarus  
1 Financial Plaza, Suite 2210  
Fort Lauderdale, Florida 33394  
(954) 712-1000

4. *United States v. Jaborie Brown, et al.*, Case No. 03-20678-CR-Altonaga (S.D. Fla.)

This was a HIDTA ("High Intensity Drug Trafficking Task Force") cold case historical investigation into a home invasion, carjacking, and Rolex watch robbery ring operating in southern Miami-Dade County. The investigation resulted in a twenty-two count indictment charging the five defendants with three separate conspiracies (conspiracy with intent to distribute cocaine; conspiracy to commit Hobbes Act robberies; conspiracy to use and carry firearms during and in relation to crimes of violence and drug trafficking), as well as numerous substantive counts, including four separate home invasion robberies. Co-counsel and I split the duties in this matter evenly. I handled the majority of the written pretrial and trial motions, as well as interviewing, preparing, and examining at trial the numerous victims in this case. I also handled the majority of the law enforcement witnesses while co-counsel handled other experts and government

witnesses, some of whom were convicted murderers serving long prison terms. The trial lasted almost a month, and the jury found all five defendants guilty.

Date of Representation: 2004

Presiding Judge: Hon. Cecilia Altonaga

Co-counsel:

Cristina Maxwell  
Assistant United States Attorney  
United States Attorney's Office for the Southern District of Florida  
99 North East 4th Street  
Miami, Florida 33132  
(305) 961-9001

Counsel for Defendants:

Hugo Rodriguez  
Hugo Rodriguez and Associates  
5845 Collins Avenue, Apartment 506  
Miami Beach, Florida 33140  
(305) 373-1200  
(Counsel for Travis Home)

James S. Benjamin  
Benjamin, Aaronson, Edinger & Patanzo, PA  
1700 East Las Olas Boulevard, Suite 202  
Fort Lauderdale, Florida 33301  
(954) 779-1700  
(Counsel for Cornell Adley)

Paul D. Lazarus  
1 Financial Plaza, Suite 2210  
Fort Lauderdale, Florida 33394  
(954) 712-1000  
(Counsel for Derrick Herron)

Gennaro Cariglio  
Law Office of Gennaro Cariglio Jr.  
8101 Biscayne Boulevard, Penthouse 701  
Miami, Florida 33138  
(305) 899-0438  
(Counsel for Jaborie Brown)

Larry R. Handfield  
4770 Biscayne Boulevard, Suite 1250  
Miami, Florida 33137

(305) 576-1011  
(Counsel for Anthony Williams)

5. *United States v. Mehrzad Arbane*, Case No. 03-20765-CR-Ungaro-Benages (S.D. Fla.)

This case involved an Iranian national charged with conspiracy to import cocaine into the United States. One of the defendant's co-conspirators, who was significantly involved in the operations of the Cali drug cartel, participated with the defendant in several alien smuggling and narcotics operations. During his relationship with the defendant, this co-conspirator became a government informant. In addition, because the cocaine was seized in Ecuador on its way to the United States, the prosecution of this case involved the testimony of Ecuadorian law enforcement officers, as well as an Ecuadorian prosecutor and expert. Co-counsel and I split the duties in this case evenly, and I was responsible at trial for the examination of the Ecuadorian witnesses. The jury found the defendant guilty.

Date of Representation: 2004

Presiding Judge: Hon. Ursula Ungaro

Co-counsel:

Richard Gregorie  
Post Office Box 140753  
Coral Gables, Florida 33114  
(786) 423-8985

Counsel for Defendant:

Roy Kahn  
Roy J. Kahn, P.A.  
800 Brickell Avenue, Suite 1400  
Miami, Florida 33131  
(305) 358-7400

6. *Omar R. Osahar v. John Potter, Postmaster General of the United States Postal Agency*, Case No. 02-22227-CR-Martinez (S.D. Fla.)

This case was a Title VII employment discrimination claim that I handled while in the Civil Division of the United States Attorney's Office. In this case, a Postal Service employee alleged eleven separate incidents of alleged discrimination, ranging from work assignments to seniority to vacation requests, and sought to apply three different theories of liability (race discrimination, retaliation, hostile work environment) to each incident. I received this case after the prosecutor assigned to the case was transferred to another division, and after the discovery and summary judgment deadlines had passed. After reviewing the file, I moved to extend the discovery and summary judgment deadlines, propounded written discovery, set the plaintiff's deposition, and interviewed plaintiff's

supervisors and co-workers. I then moved for summary judgment, which the trial court granted.

Date of Representation: 2003

Judge: Hon. Jose Martinez

Counsel for Defendant:

Stewart Lee Karlin  
Stewart Lee Karlin Law Group PC  
111 John Street, Floor 22  
New York, New York 10038  
(212) 792-9670

7. *Elían Gonzalez v. Janet Reno*, Case No. 00-206-CV-Moore (S.D. Fla.), *Gonzalez v. Reno*, 86 F. Supp.2d 1167 (S.D. Fla. 2000), *Gonzalez v. Reno*, 2000 U.S. App. LEXIS 7025 (11th Cir. 2000), *Gonzalez v. Reno*, 212 F.3d 1338 (11th Cir. 2000)

This case sought to obtain an asylum hearing under the Immigration and Naturalization Act for a minor alien. Elían Gonzalez had been rescued in the open waters of the Atlantic Ocean after the boat or raft carrying his mother and others from Cuba capsized. There were no other survivors. Elían's family in the United States sought to obtain an asylum hearing for him, while his father in Cuba sought to have him returned to that country. The case presented a relatively narrow question of law: does the provision of the Immigration and Naturalization Act permitting "any alien" to apply for asylum include a minor in the absence of a statute or agency rule to the contrary. As the case developed, of particular importance was the degree of deference to be given by the courts to an agency's informal rulemaking undertaken during pending litigation. I, along with two other lawyers at Greenberg Traurig, provided this representation on a pro bono basis. I was the lead attorney at Greenberg Traurig, and we had primary responsibility for the written work at both the trial and appellate levels. In addition, I argued before the district court a substantial portion of our opposition to the Immigration and Naturalization Service's motion to dismiss.

Dates of Representation: 1999 – 2000

Presiding Judge: Hon. K. Michael Moore

Co-counsel:

Kendall Coffey  
Coffey Burlington PL  
2601 S Bayshore Drive, Penthouse 1  
Miami, Florida 33133  
(305) 858-2900

The Hon. Eliot Pedrosa

United States Executive Director  
Inter-American Development Bank  
1300 New York Avenue, N.W.  
Washington, D.C. 20577  
(202) 765-8881

Judd Goldberg  
General Counsel's Office  
University of Miami  
1320 South Dixie Highway, Penthouse 1250  
Coral Gables, Florida 33146  
(305) 284-2700

Linda Osberg-Braun  
Osberg-Braun Immigration  
10800 Biscayne Boulevard, Suite 925  
Miami, Florida 33161  
(305) 350-0707

The Hon. Spencer Eig  
Circuit Court Judge, Civil Division  
11th Judicial Circuit in and for Miami-Dade County  
Dade County Courthouse  
73 West Flagler Street  
Miami, Florida 33130  
(305) 349-7122

Attorneys for Defendant:

Edwin S. Kneedler  
United States Deputy Solicitor General  
Office of the Solicitor General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530  
(202) 514-3261

Dexter A. Lee  
Assistant United States Attorney  
United States Attorney's Office for the Southern District of Florida  
99 North East 4th Street  
Miami, Florida 33132  
(305) 961-9001

8. *David Huff v. Sammy Hagar*, Case No. 99-cv-02213-GTV (D. Kans.)

Plaintiff sued defendant for breach of contract, alleging that defendant backed out of an

agreement to co-write an authorized biography of defendant's life. Plaintiff went ahead with the project and produced an unauthorized biography. Concerned that plaintiff planned to market the unauthorized biography at upcoming concerts, defendant sought an injunction to block the sale and distribution of the unauthorized biography, claiming ownership of interview tapes and other materials plaintiff used for the book. We represented the defendant. I was second chair on this case, prepared the injunction papers, and also prepared our client for his testimony at the evidentiary hearing. We successfully obtained a temporary restraining order. Subsequently, I handled the discovery in the case. The case settled.

Date of Representation: 1999

Presiding Judge: Hon. G. Thomas Van Bebber

Co-counsel:

Marlene Silverman  
6120 South West 102nd Street  
Miami, Florida 33156  
(305) 579-0619

Mark A. Salky  
Greenberg Traurig  
333 South East 2nd Avenue, Suite 44  
Miami, Florida 33131  
(305) 579-0500

Attorney for Plaintiff:

Jerry D. Rank  
The Law Office of Jerry D. Rank LLC  
7300 West 110th Street, Suite 2332  
Overland Park, Kansas 66210  
(913) 283-4443

9. *Sullivan v. Amer. Casualty Co. of Reading, Penn. and Leor Dimant*, Case No. 97-3675-CIV-Middlebrooks (S.D. Fla.)

In a separate state court action, plaintiff obtained a jury verdict of \$974,238 against Leor Dimant, a member of the musical group House of Pain, for injuries sustained during an altercation with Dimant at a club on Miami Beach. American Casualty, which had issued a general liability insurance policy for House of Pain, denied coverage and refused to satisfy the judgment. Plaintiff then sued American Casualty and Dimant in an effort to satisfy the judgment. After removal of the case to federal court, we were engaged to represent Dimant. We cross-claimed against American Casualty, engaged in significant discovery, and filed a motion for summary judgment. I had primary responsibility for this case, under the supervision of a partner, including taking the depositions and arguing the motion for summary judgment before the district court. The case settled.



Dates of Representation: 1997 – 1999

Presiding Judge: Hon. Donald Middlebrooks

Co-counsel:

Hilarie Bass  
Bass Institute  
3591 Rockerman Road  
Miami, Florida 33133  
(305) 505-8777

Counsel for Plaintiff:

William Petros  
William Petros Law  
4090 Laguna Street, Floor 2  
Coral Gables, Florida 33146  
(305) 446-3699

Counsel for American Casualty:

Jamie Billote Moses  
Holland & Knight LLP  
200 South Orange Avenue, Suite 2600  
Orlando, Florida 32801  
(407) 425-8500

10. *Brooks, et al. v. Blue Cross & Blue Shield, et al.*, Case No. 95-405-CV-Marcus (S.D. Fla.), *Brooks v. Blue Cross & Blue Shield*, 116 F.3d 1364 (11th Cir. 1997)

This case was a putative class action brought on behalf of individuals and their employers alleging violation of the Medicare Secondary Payer (“MSP”) statute, 42 U.S.C. § 1395y(b), and the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962. The MSP statute provided that where employees participate in both an employer’s group health care insurance plan and Medicare, the insurance plan always provides primary coverage for health care expenses, regardless of any policy language that purports to make its coverage secondary to Medicare. In this case, the plaintiffs alleged that the individual plaintiffs were over the age of sixty-five, had opted out of their employers’ health care plans in favor of coverage by Medicare, and had purchased individual Medigap supplemental health insurance policies from the defendants. Under the terms of those Medigap policies, Medicare provided primary coverage for the individuals’ health care expenses. The employer plaintiffs had received demands from Medicare for reimbursement of health care costs paid by Medicare to the individual plaintiffs’ providers, with Medicare taking the position that the Medigap insurance policies should have provided primary coverage for those expenses. Plaintiffs alleged that the defendants improperly sold the Medigap insurance supplemental health insurance policies when they knew that the Medicare Secondary Payer laws required the insurers to

instead provide primary insurance coverage. Plaintiffs sought substantial damages from the defendants, including our client New York Life Insurance Company, and the primary issue in the case—what constitutes a “group health policy” under the MSP statute—had not been construed in any reported decision. The team representing New York Life in this matter consisted of a partner and myself. This case involved extensive briefing of a variety of legal issues, which I took a primary role in. The district court granted summary judgment to the defendants, and the Eleventh Circuit affirmed in the reported decision cited above.

Dates of Representation: 1995 – 1997

Presiding Judge: Hon. Stanley Marcus

Co-counsel:

Sherryl Martens Dunaj  
Simon Schindler & Sandberg LLP  
2650 Biscayne Boulevard  
Miami, Florida 33137  
(305) 576-1300

Michael A. DeMicco  
Senior Vice President and Deputy General Counsel  
New York Life Insurance Company  
51 Madison Avenue  
New York, New York 10010  
(212) 576-7000

Counsel for Plaintiffs:

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Searcy Denney Scarola Barnhart & Shipley  
2139 Palm Beach Lakes Boulevard  
West Palm Beach, Florida 33409  
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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have not served as a lobbyist for any clients. However, I have provided legal advice to clients who have lobbied government entities.

As for other legal matters, while in private practice, the majority of my practice involved commercial disputes that progressed to litigation in state and federal courts in Florida and around the country. However, I also handled, as associate counsel/second chair, three arbitration matters that proceeded to final decisions. While an Assistant United States Attorney, all of my practice involved civil and criminal matters that progressed to litigation in federal court.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all

anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

When I turn 65, I will be eligible for a pension from the State of Florida based on my 13 years of state employment. The amount of the pension is indeterminable at this point. In addition, I still retain my 401(k) account from the United States Government, but no contributions are being made to that account. Other than those, I do not expect to receive any deferred income or future benefits from previous business relationships, professional services, firm memberships, former employers, clients, or customers.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I do not have any plans, commitments, or agreements to pursue outside employment.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Please refer to the attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

Please refer to the attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

My husband is a lawyer in Miami, Florida. Should I be confirmed, I would recuse myself from any case in which he or his firm appeared.

My father-in-law is a Senior United States District Court Judge for the Southern District of Florida. In addition to his cases at the district court, he occasionally sits by designation on the U.S. Court of Appeals for the Eleventh Circuit. Should I be confirmed, I would recuse myself from any case in which my father-in-law

was the district court judge, and I would not sit on any panel of the Eleventh Circuit on which he was sitting by designation.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If I am confirmed, I will review any real, potential, or perceived conflicts of interest by referring to the Code of Conduct for United States Judges, 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and other relevant recusal guidelines, laws, rules, or practices governing such circumstances. Although unlikely to occur, I would recuse myself from any case in which I participated as a justice on the Supreme Court of Florida.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

While in practice, I provided pro bono legal work to the Junior League of Miami. In addition, in 1999 and 2000, I provided pro bono representation in the case *Elian Gonzalez v. Janet Reno*. As a judge, I cannot provide pro bono legal services, although I volunteer my time to promote and enhance the legal system by speaking to students and legal groups.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On August 1, 2019, I spoke with an official at the White House Counsel's Office who asked me whether I would be interested in interviewing for a potential vacancy on the U.S. Court of Appeals for the Eleventh Circuit. I said that I would be interested. On August 12, 2019, attorneys from the White House Counsel's Office and the Department of Justice's Office of Legal Policy interviewed me in Washington, D.C. On August 26, 2019, the White House Counsel's office advised me that the President was considering nominating me to a vacancy on the Eleventh Circuit, and officials from the Department of Justice later contacted me about completing the relevant paperwork for submission. Since then, I have been

in contact with officials from the White House Counsel's Office and the Office of Legal Policy. On September 12, 2019, the President announced his intent to nominate me to serve as a Circuit Judge on the Eleventh Circuit.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.