

**Neil J. Gillespie**  
8092 SW 115<sup>th</sup> Loop  
Ocala, Florida 34481

Telephone: (352) 854-7807  
email: neilgillespie@mfi.net

VIA US CERTIFIED MAIL, RRR  
Article No.:7008 1300 0001 8054 4962

April 10, 2010

Mr. S. Cary Gaylord  
Gaylord Merlin Ludovici Diaz & Bain  
5001 West Cypress Street  
Tampa, FL 33607

Dear Mr. Gaylord:

I am in receipt of a copy of your March 15, 2010 email to Rob Wheeler, subject: "Complaints of Mr. Gillespie re: 13<sup>th</sup> Circuit JNC". A copy of your email is enclosed.

This is my non-adversarial attempt to understand some of your statements about me to Mr. Wheeler in the aforementioned email. By now I assume you know my complaint against Mr. Bajo was withdrawn March 3, 2010. Enclosed you will find my letter and attachments to Debra Lewis withdrawing my complaint against Mr. Bajo.

One sentence in your email to Mr. Wheeler is of particular interest to me:

"I have personally spoken with Mr. Gillespie, with judges presiding over various cases mentioned in his complaints and with other lawyers who have been involved in litigation mentioned by Mr. Gillespie and involving Mr. Rodems."

Your above reference about my litigation involving Mr. Rodems is of concern. Which judges, what cases, and which lawyers are you referring? I am not seeking confidential information about the JNC or its duties.

Who were the judges you spoke with and what did they say about my litigation involving Mr. Rodems? Did you speak with Judge Barton, the presiding judge? I am concerned about ex parte communication. I am also concerned about Judge Isom. There was a hearing with Judge Isom February 1, 2007 to disclose conflict. Recently I learned that

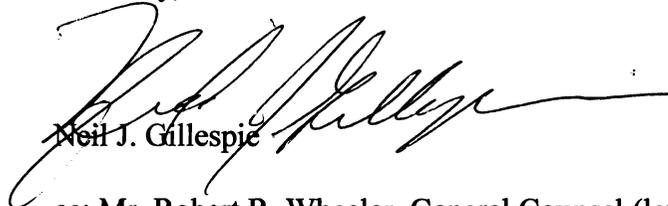
Judge Isom failed to disclose a conflict with her husband Woody Isom and his former law partner Jonathan Alpert. The conflict, along with three campaign contributions, should have disqualified Judge Isom from my lawsuit with Mr. Rodems. It appears Mr. Rodems and Judge Isom engaged in a conspiracy of silence to suppress the information. If so that may be a section 1983 civil rights violation, among other things.

Who were the lawyers you spoke with and what did they say about my litigation involving Mr. Rodems? Again, I am only seeking information relative to my litigation with Mr. Rodems, not any confidential JNC business. Please identify the lawyers, what they told you, and what information they disclosed about our attorney-client relationship.

Finally, you wrote "After hours of personal work and after hearing from other members of the committee who have done similar work, I am convinced that all of Mr. Gillespie's complaints against Mr. Rodems, Mr. Barker and Mr. Bajo are completely without merit." Mr. Gaylord, my complaint against Mr. Bajo was withdrawn almost two weeks before your email. My complaint against Mr. Barker is being investigated by the Chief Inspector General. I did not make a JNC complaint against Mr. Rodems. Are you referring to my lawsuit against Mr. Rodems, my objection to his selection as judge, or something else? Please clarify.

Thank you in advance for your cooperation.

Sincerely,



Neil J. Gillespie

cc: Mr. Robert R. Wheeler, General Counsel (letter only)  
Executive Office of the Governor  
209 The Capitol  
Tallahassee, Florida 32399

Ms. Melinda Miguel, Chief Inspector General (letter only)  
Office of the Chief Inspector General  
2103 The Capitol  
Tallahassee, Florida 32399-0001

Enclosures

**Lewis, Debra**

---

**From:** S. Cary Gaylord [cgaylord@gaylordmerlin.com]  
**Sent:** Monday, March 15, 2010 6:29 PM  
**To:** Wheeler, Rob  
**Subject:** Complaints of Mr. Gillespie re: 13th Circuit JNC

Dear Mr. Wheeler,

I am a member of the 13<sup>th</sup> Judicial Circuit Nominating Commission in Hillsborough County. Beginning in December, 2009 we began to receive numerous complaints from Mr. Gillespie and repetitive requests for records from our committee. The complaints from Mr. Gillespie initially involved an applicant for appointment, Mr. Chris Rodems, and then expanded to include a member of his firm, Chris Barker, who is also a member of the 13<sup>th</sup> Circuit JNC. Finally, Mr. Gillespie filed complaints against our committee chair, Mr. Pedro Bajo. All of these complaints have resulted in our committee spending substantial time interviewing and investigating Mr. Rodems and considering all the issues raised in his complaints. I have personally spoken with Mr. Gillespie, with judges presiding over various cases mentioned in his complaints and with other lawyers who have been involved in litigation mentioned by Mr. Gillespie and involving Mr. Rodems. After hours of personal work and after hearing from other members of the committee who have done similar work, I am convinced that all of Mr. Gillespie's complaints against Mr. Rodems, Mr. Barker and Mr. Bajo are completely without merit. Mr. Barker has voluntarily removed himself from the interview process and no reasonable person could find any actions of Mr. Barker to have been improper.

Because of Mr. Gillespie's complaints, Mr. Bajo has spent an extraordinary amount of time responding to letters, e-mails, phone calls and visits from Mr. Gillespie. I have served on this committee for more than 10 years and I have never seen any issue consume so much of a chairman's time. Throughout this process Mr. Bajo has done an exceptional job as chairman and his work and demeanor have reflected well on the process, our committee and on Governor Crist for having chosen him for this position. I sincerely hope that Mr. Bajo will be reappointed to this committee. We were fortunate to have someone willing to work as hard as he has during the period of these complaints.

If you have any questions about anything related to this matter I would be glad to answer them.

Sincerely,

S. Cary Gaylord  
Gaylord Merlin Ludovici Diaz & Bain  
5001 West Cypress Street  
Tampa, FL 33607  
(813) 221-9000  
[www.gaylordmerlin.com](http://www.gaylordmerlin.com)

**RECEIVED**

MAR 16 2010

**Governor's Office**  
Chief Inspector General

*This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you received this message in error, please notify the sender immediately by return e-mail and delete all copies of the message.*

*this copy is for the  
Green file*

S. Cary Gaylord  
Gaylord Merlin Ludovici Diaz & Bain  
5001 West Cypress Street  
Tampa, FL 33607  
(813) 221-9000  
[www.gaylordmerlin.com](http://www.gaylordmerlin.com)

*This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you received this message in error, please notify the sender immediately by return e-mail and delete all copies of the message.*

VIA FAX (850) 488-9810

March 3, 2010

Ms. Debra Lewis  
JNC Coordinator  
Office of the General Counsel  
Tallahassee, Florida

Dear Ms. Lewis,

Mr. Bajo and I met February 24, 2010 at 4:00pm in a conference room at his law firm, Akerman Senterfitt, 401 E. Jackson Street, Suite 1700, Tampa, Florida. The meeting lasted approximately one and a half hours until 5:30pm.

Mr. Bajo was pleasant, professional, and our meeting was cordial. Mr. Bajo has an impressive record of approximately seventeen years at Akerman Senterfitt. Mr. Bajo displayed candor that I felt was missing in our earlier email communication. We were able to reach a consensus on the public records aspect of my complaint.

During our meeting Mr. Bajo and I viewed two of Mr. Rodems' files, one for the vacancy of Judge Palomino and one for the vacancy of Judge Honeywell. The files contained the following documents of interest to me.

The first file contained a 3 page letter from Mr. Rodems with 66 pages of attachments. This letter was addressed to Mr. Bajo and begins "Following Neil Gillespie's recent communication regarding my application for nomination to the County Court, I am writing to provide additional details about my relationship with Mr. Gillespie, as requested." The letter was factually inaccurate and misleading. In addition there were 4 pages of emails from Shauna Burks supportive of Mr. Rodems. The second file contained 2 pages of emails from Jonathan Alpert. The documents totaled 75 pages.

Mr. Bajo initially set a cost of copies at \$1.00 based on charges by the Clerk of Court for court documents. He said the JNC is not subject to chapter 119 Florida Statutes. Mr. Bajo disclosed that he contacted the Florida Bar which told him "charge whatever you want".

Previously I objected to the \$1.00 per page charge on the belief that JNC records are subject to Rule 2.420, Florida Rules of Judicial Administration. Rule 2.420(f) procedure (3) Fees for copies of records in all entities in the judicial branch of government, except for copies of court records, shall be the same as those provided in section 119.07, Florida Statutes (2001), which 15 cents per page. Since the only redaction on Mr. Rodems' application was his social security number, there was minimal clerical or supervisory assistance required, and therefore no justification for a special service charge.

In addition, Ms. Jessica Kassees of the Office of Open Government stated in her email of December 29, 2009 that "The legal cost of duplication is 15 cents per page, plus postage" for the JNC records I requested from her.

Initially at the meeting I made notes about the file and planned to defer obtaining the records until the cost was determined by the hearing. In an effort to provide some records immediately, Mr. Bajo reduced his request to 15 cents a copy for 9 pages of records. (The remaining 66 pages were my documents attached to Mr. Rodems letter of Dec-28-09). That resulted in a charge of \$1.35, which Mr. Bajo further reduced to \$1.00. I accepted Mr. Bajo's offer and he provided 9 pages of records.

Subsequent to our meeting Mr. John Marc Tamayo, Chair of the 10th Circuit JNC, responded to a records request. While he said he did not have any records responsive to my request, his charge was 20 cents a copy. This is what he wrote: "20 cents a copy and statute allows the charge for reasonable costs of copying." He did not specify what statute, even after several requests. (Mr. Tamayo's email, February 26, 2010).

Mr. Bajo provided me a redacted copy of Mr. Rodems' application on December 30, 2009 in PDF by email at no charge. This is consistent with my experience with other records request in Florida that were provided by email in PDF format at no charge.

Mr. Bajo and I discussed the apparent delay in responding to my records request. I accept his explanation that any perceived delay was due to time constraints of the Christmas holiday. Mr. Bajo acknowledged my point that a records request should be acknowledged if the records cannot be promptly provided.

In addition Mr. Bajo and I discussed the JNC selection process. Among other things, I questioned the undue influence of lawyers on the JNC process and believe more public involvement is vital to an independent judiciary. Lawyers often want to dominate and control, which often works against the interests of ordinary citizens and minority groups. While lawyers may be comfortable in the suites of Akerman Senterfitt, less so for the general public, which I believe prefers more casual venues.

Near the end of the meeting I agreed to withdrawal the part of my complaint concerning records. Mr. Bajo wants to avoid a hearing on matters involving him. He also believes that your office should decide my complaint against Mr. Barker.

At this time I do not want to pursue a complaint against Mr. Bajo for the cost of records, since there is a wide range of opinion about the correct amount. However a uniform cost of JNC records should be established to maintain the integrity of the judicial selection process. Costs should be set for paper copies and for copies in PDF provided by email.

At this time I do not want to pursue a complaint against Mr. Bajo for any delay in responding to my records request. In my view it appears Mr. Barker's absence from the JNC left Mr. Bajo shorthanded, which became more of a burden with each new vacancy.

Mr. Barker has been unable to perform his JNC duties for over one year due to conflicts created by the applications of his law partner Mr. Rodems. So it goes back to Mr. Barker, his failure to disclose a foreseeable conflict on his application to serve on the JNC, the Questionnaire For gubernatorial Appointments signed by Mr. Barker July 6, 2007.

Mr. Bajo and I did not discuss paragraphs 10, 11 and 12 of the complaint. Mr. Bajo's email of January 22, 2010 (after the complaint was filed) stated that he did not acknowledge that Mr. Barker had a conflict of interest. Mr. Bajo did acknowledge that Mr. Barker disclosed the fact that Mr. Rodems was his law partner and recused himself from participating in the process. Since I do not know if Mr. Bajo had a legal duty to act further, I will defer to whatever course of action you or Mr. Wheeler decide is appropriate, including withdrawing my complaint against him. Please advise.

I sought outside advice about the JNC process from Ms. Victoria Cecil Walker, author of *Merit Selection and Retention: The Great Compromise? Not Necessarily*, Court Review, Fall 2002. Ms. Walker explained that JNC law has changed since her article was written and she granted me permission to use relevant portions in this matter. For example on page 3 she described an example of the potential for political manipulation on JNCs, an incident that occurred in 1996 in Palm Beach. This example showed close personal ties between certain JNC members and nominees, and how insiders can "shepherd" a favorite candidate through the process. I think Mr. Barker has acted in a similar way.

Mr. Barker's application to serve on the JNC coincides with the timing of his friend and law partner's desire to become a judge. During 2008 Mr. Barker made such a favorable impression on the other JNC members as to be elected Vice Chair. When Mr. Rodems applied for every vacancy the following year he benefited from the good will created by Mr. Barker, and had access to inside information about how to "shepherd" through the JNC process.

Since JNC deliberations are closed we do not know the extent that Mr. Rodems may have further benefited from the relationship. But I believe the timing of Mr. Barker's interest in the JNC and his failure to disclose a foreseeable conflict on his application to serve on the JNC is a violation of the public trust, reflects discredit upon the judicial selection process, and suggests partiality in the consideration of applicants. Ms. Walker also referred me to the current Florida Bar Journal article *JNC's: Return to the Way We Were* by Mr. Jesse Diner. Mr. Diner urges a return to the prior JNC process that includes more non-lawyer commissioners and fewer mandatory attorney commissioners. I concur.

Also be advised that I am disabled and have retained Ms. Karin Huffer, MS, MFT as my Americans with Disabilities Act (ADA) accommodations designer and advocate for my lawsuit with Mr. Barker's firm, Gillespie v. Barker, Rodems & Cook, P.A., and William J. Cook, case no.: 05-CA-7205. A copy of my ADA notice to the court is enclosed. This information was filed February 19, 2010 and I am awaiting a response from the court. My initial ADA request was made in 2006 to no avail, so I retained Ms. Huffer. This is in response to harassment by Mr. Rodems who is representing his firm. I did not require

Ms. Debra Lewis, JNC Coordinator  
Office of the General Counsel

Page - 4  
March 3, 2010

accommodation in federal court when I appeared pro se in Gillespie v. HSBC Bank, et al., case no. 5:05-cv-362-Oc-WTH-GRJ, US District Court, Middle District of Florida, Ocala Division, the Honorable William Terrell Hodges presiding.

When I made this JNC complaint I did not know that I would be required to appear at a hearing, and I assumed the matter would be decided by the JNC. I plan to appear pro se and have requested the hearing be transcribed or recorded. Thank you.

Sincerely,

  
Neil J. Gillespie  
8092 SW 115<sup>th</sup> Loop  
Ocala, Florida 34481  
(352) 854-7807  
neilgillespie@mfi.net

cc: Mr. Pedro F. Bajo, Chair, 13<sup>th</sup> Circuit JNC

enclosures