

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
GENERAL CIVIL DIVISION

NEIL J. GILLESPIE,

Plaintiff and Counter-Defendant,

CASE NO.: 05-CA-7205

vs.

BARKER, RODEMS & COOK, P.A.,
a Florida corporation; WILLIAM
J. COOK,

DIVISION: G

Defendants and Counter-Plaintiffs.

RECEIVED

JUL 23 2010

PLAINTIFF'S MOTION TO DISQUALIFY JUDGE MARTHA J. COOK

Plaintiff pro se Gillespie, moves to disqualify Circuit Court Judge Martha J. Cook as trial judge in this action pursuant to chapter 38 Florida Statutes, Rule 2.330, Florida Rules of Judicial Administration, and the Code of Judicial Conduct and as grounds states:

Judge Cook's Violation of Code of Judicial Conduct, Canon 3D

1. Judge Cook is in violation of Code of Judicial Conduct, Canon 3D, Disciplinary Responsibilities, (2) A judge who receives information or has actual knowledge that substantial likelihood exists that a lawyer has committed a violation of the Rules Regulating The Florida Bar shall take appropriate action.
2. On July 9, 2010 Gillespie submitted Emergency Motion to Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker, Rodems & Cook, PA. Gillespie provided a courtesy copy to Judge Cook. The motion informed Judge Cook that Mr. Rodems has committed numerous violations of the Rules Regulating The Florida Bar that raises a substantial question as to the lawyer's honesty, trustworthiness and fitness as

a lawyer. Judge Cook was required to under this Canon to inform the appropriate authority and she did not. Instead Judge Cook has allowed the misconduct to continue to harm Gillespie and in doing so Judge Cook has misused and denied Gillespie judicial process.

a. The motion informed Judge Cook that Mr. Rodems violated bar rules relative to his representation of his firm and law partner against Gillespie, a former client in a matter that is the same or substantially related to the former representation. The motion informed Judge Cook that Rodems violated the following bar rules:

Rule 4-1.6. Confidentiality of Information

Rule 4-1.7. Conflict of Interest; Current Clients

Rule 4-1.9. Conflict of Interest; Former Client

Rule 4-1.10. Imputation of Conflicts of Interest; General Rule

b. The motion informed Judge Cook that Mr. Rodems has an actual conflict of interest representing his firm and partner. The motion informed Judge Cook that partners engaged in the practice of law are each responsible for the fraud or negligence of another partner when the later acts within the scope of the ordinary business of an attorney.

Smyrna Developers, Inc. v. Bornstein, 177 So.2d 16 (Fla. Dist. Ct. App. 2d Dist. 1965).

The motion informed Judge Cook that Rodems' independent professional judgment was materially limited by the lawyer's own interest. The motion informed Judge Cook that Mr. Rodems violated the following bar rules:

Rule 4-1.2. Objectives and Scope of Representation

Rule 4-3.2 Expediting Litigation

Rule 4-3.3. Candor Toward the Tribunal

Rule 4-3.4. Fairness to Opposing Party and Counsel

Rule 4-3.5 Impartiality and Decorum of the Tribunal

Rule 4-3.7 Lawyer as a Witness

Rule 4-4.1. Truthfulness in Statements to Others

Rule 4-4.4 Respect for the Rights of Third Persons

Rule 4-8.4. Misconduct

c. The motion informed Judge Cook that Mr. Rodems brought an Abuse of Process Counterclaim against Gillespie, a willful and intentional misuse of process for the collateral purpose of making Gillespie drop his claims against Defendants and settle this lawsuit on terms dictated by Rodems. Rodems has perverted the process of law for a purpose for which it is not by law intended. Rodems is using Defendants' counterclaim as a form of extortion.

d. The motion informed Judge Cook that Mr. Rodems engaged in a conspiracy of silence with Judge Isom during a hearing to disclose conflict February 1, 2007 to conceal the fact that husband Woody Isom is a former law partner with Jonathan Alpert to Gillespie's disadvantage. On this point the motion further informed Judge Cook that Judge Isom denied Gillespie the benefit of intensive case management described in the law review Isom authored, Professionalism and Litigation Ethics, 28 STETSON L. REV. 323.

e. The motion informed Judge Cook that Mr. Rodems intentionally disrupted the tribunal with a strategic maneuver to gain an unfair advantage in the litigation, that Rodems submitted Defendants' Verified Request For Bailiff And For Sanctions that falsely placed the name of the Judge Nielsen into an "exact quote" attributed to Gillespie, and that the Tampa Police Department established by letter February 22, 2010 that Mr.

Rodems was not right and not accurate in representing to the Court as an “exact quote” language that clearly was not an exact quote.

f. The motion informed Judge Cook that since March 3, 2006 Mr. Rodems has directed, with malice aforethought, a course of harassing conduct toward Gillespie that has aggravated his disability and caused severe emotional distress and serves no legitimate purpose which is a violation of section 784.048, Florida Statutes. The motion informed Judge Cook that Mr. Rodems intentionally inflicted severe emotional distress on Gillespie, and that Rodems invaded Gillespie’s privacy and that Rodems disclosed Gillespie’s protected HIPPA information. The motion informed Judge Cook that Rodems unlawfully interfered with Gillespie’s efforts to obtain ADA accommodations.

Judge Cook’s Conflict with Gillespie’s ADA Accommodations

3. Court Counsel David A. Rowland notified Gillespie, Judge Cook and Mr. Rodems by letter dated July 9, 2010 that the Court’s ADA Coordinator Gonzalo Casares would not provide Gillespie any of his requested ADA accommodations. This included denying Gillespie’s request to “Stop Mr. Rodems' behavior directed toward you that is aggravating your post traumatic stress syndrome.” Rowland wrote that if Gillespie wanted the requested accommodations they “must be submitted by written motion to the presiding judge of the case. The presiding judge may consider your disability, along with other relevant factors, in ruling upon your motion.” (Exhibit A).

4. In the past Judge Cook refused to participate in determining Gillespie’s ADA accommodations as required by the Florida State Courts ADA Information:
“The judge, court ADA coordinator, or other court representative, as appropriate to the circumstances, may engage in an interactive process with the individual in order to

determine the appropriate accommodations. After analysis, the judge, court ADA coordinator, or other court representative, as appropriate to the circumstances, will inform the individual whether he the request will be granted.” August 24, 2009, paragraph 5.

5. On June 16, 2010, Judge Cook wrote:

“The ADA request made by the Plaintiff: Because the only hearing heretofore scheduled before the undersigned was cancelled (sic), the Court had no cause to review the Plaintiffs ADA request, which was rendered moot by the cancellation. Furthermore, the judge is not the person designated by Court Operations to review and implement said procedures; rather, that duty falls to the "ADA Coordinator" who thereafter makes any necessary planning known to the judge. The ADA policy of the Thirteenth Judicial Circuit is outlined at <http://www.fljudl3.org/ada.htm>. and in AO S-29-93-08. In future, if the Plaintiff is directed to make any request for ADA accommodations to Court Administration at least seven (7) days before the scheduled hearing, in keeping with the rules published on the court website. Per the AO and Courthouse guidelines, the Plaintiff must complete a Request for Accommodations Form and submit it to 800 E. Twiggs Street, Room 604, Tampa, FL 33602, in order for his request to be processed. (Order Denying Motion to Disqualify Circuit Judge Martha J. Cook, page 7, ¶11d). The preceding contradicts both Mr. Rowland’s letter, the Florida State Courts ADA Information, and the ADA.

6. If it were not for the unlawful representation by Mr. Rodems of his law firm against a former client on the same or a substantially related matter, Gillespie’s disability may not have been an issue in this matter. Rodems is a loathsome bully that has used his

knowledge of Gillespie's disability, learned during the prior representation, against Gillespie as described in Emergency Motion to Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker, Rodems & Cook, PA.

Conflict of Judge Cook on Disability Matters

7. Code of Judicial Conduct, Canon 3E, Disqualification (1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where: (a) the judge has a personal bias or prejudice concerning a party (relevant portion).

8. Judge Cook is biased toward Gillespie on matters of disability. Judge Cook is emotional on matters of disability because daughter Hilary Sedgeman is disabled. This information is public knowledge and Judge Cook seeks publicity about her daughter's disability. In a St. Petersburg Times story May 13, 2009 reporting on Hilary Sedgeman's disability, the Times wrote "Her mother, Hillsborough Circuit Judge Martha Cook, fought back tears as Sedgeman told the story." (Exhibit B). Another story published April 12, 2001, Birthing Bad Legislation (Exhibit C) wrote "Martha Cook-Sedgeman, chokes up with happiness as she describes her daughter" Hilary who was born two months premature. Her birth mother exited when Hilary was 1 day old. There were clearly problems at birth, which would become apparent later as a 70 percent loss of hearing. The Sedgemans, who had arranged to adopt Hilary before her birth, had to guarantee an unexpected \$100,000 in medical bills. "The costs were staggering," Martha recalls.

9. Judge Cook is typical of a certain kind of parent of disabled children who are hostile to adults with disabilities. Some of Gillespie's disabilities are congenital like Hilary Sedgeman's but Gillespie's disabilities were much more extensive. Gillespie has

been active in disability groups since 1992 and has encountered a number of parents like Judge Cook who are hostile toward adults with disabilities. Gillespie notes that Judge Cook fits a predictable pattern of parents hostile to adults with disabilities. The hostile parent is most likely to be the mother, who is educated and believe they have superior knowledge to others. The mother has feelings of guilt over the child's disability. The mother is emotionally invested in the rehabilitation of the child toward a goal of normalcy. And children, being resilient, are adept at overcoming adversity including disability. However any negative information about disability is seen by the parent as a personal attack on their child, even when the information is dispassionate from benign sources. In short negative information about disability causes a hysterical reaction in the parent. Adults with disabilities are stark reminders to the parent that their child will be disabled for life. Children may overcompensate and achieve goals, but in the long run they have a high rate of burnout. Gillespie accomplished much in his early life, including earning college degrees at night while owning and operating a car dealership during the day. And Gillespie started out poor, unlike Hilary Sedgeman who is of high SES (Socioeconomic Status) and has had every social and economic advantage. The biggest challenge people with disabilities face is not the disability itself, it is the reaction of the non-disabled, especially from bullies like Ryan Christopher Rodems. It is unlikely that Judge Cook would allow Rodems to bully Hilary Sedgeman in a civil lawsuit like Rodems has bullied Gillespie, or allow Rodems to mock Hilary Sedgeman's disability, to use the disability against Hilary Sedgeman, or allowing Rodems to distribute Hilary Sedgeman's protected HIPAA information, among other things.

10. Gillespie's disability is a reminder to Judge Cook that due to disability Hilary Sedgeman is not normal and will never be normal. While Hilary Sedgeman may achieve goals now, they are the result of over-compensation and will likely lead to burnout, especially if Ms. Sedgeman encounters bullies like Mr. Rodems, if she ever ventures out of the protected world of high SES advantage in Valrico, Tampa Prep and the Athena Society. For this reason Judge Cook has a conflict with Gillespie and must disqualify herself pursuant to Code of Judicial Conduct, Canon 3E(1)(a).

Court Not Cooperative In Setting Hearings; Sent Gillespie Misleading Letter

11. Judge Cook has allowed Rodems to unlawfully set hearings in this matter, see Notice Of Fraud On The Court By Ryan Christopher Rodems submitted June 17, 2010. The court's judicial assistant Mary Fish has hung up on Gillespie when he called about hearings and there is an unresolved matter about recording phone calls. Gillespie learned that Mary Fish sent Gillespie an anonymous letter. (Exhibit D). The anonymous letter confused and upset Gillespie. On July 22, 2010 Gillespie spoke with Nancy Yanez, Assistant Court Administrator, who is mentioned in the anonymous letter. Ms. Yanez also received a copy of the anonymous letter and finally tracked it down to Mary Fish. Ms. Yanez told Gillespie that the information Ms. Fish provided was wrong, not accurate, and that Gillespie should not send Ms. Yanez correspondence as stated in the letter. This anonymous letter is highly irregular and an ex parte communication in violation of the Code of Judicial Conduct.

Judge Cook Unlawfully Proceeded July 12, 2010 After Gillespie Moved to Disqualify

12. The transcript of a hearing July 12, 2010 shows that Gillespie made an oral motion to disqualify the judge, but the judge continued the hearing anyway, contrary to

law. Gillespie became ill and had to leave the hearing, but Judge Cook continued the hearing ex parte contrary to law. The record shows that in Gillespie's absence Judge Cook failed to consider Plaintiff's First Amended Complaint submitted May 5, 2010 during case management discussions with Mr. Rodems.

Judge Cook Has An Actual Conflict With Gillespie

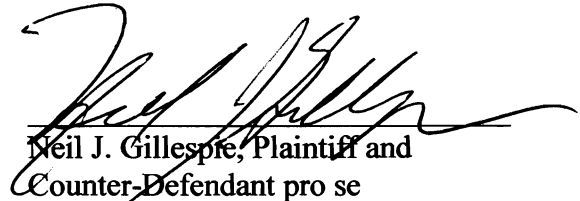
13. On July 12, 2010 Gillespie submitted Notice of Claim against the 13th Judicial Circuit pursuant to § 768.28(6)(a), Florida Statutes. Judge Cook is a named defendant. The transcript shows that Judge Cook was dismissive of the notice and told Gillespie to contact Court Counsel David Rowland. Because Judge Cook is not fully advised in this lawsuit, she does not know that Gillespie already contacted Mr. Rowland about this issue by letter January 4, 2010 and Rowland did not respond. (Exhibit E), Gillespie spoke with Rowland yesterday and he still did not respond.

14. Within hours of Gillespie filing his Notice of Claim, Mr. Rodems submitted "Defendants Motion For Proceedings Supplementary For Execution". Mr. Rodems claims Gillespie's choses in action belonging to the judgment debtor are property rights reachable by a judgment creditor in proceedings supplementary. Because Judge Cook is a named defendant, she cannot rule on Mr. Rodems' motion due to her conflict.

15. Judge Cook has been lawfully informed that Gillespie plans to file a lawsuit naming her as a defendant. Judge Cook has a conflict in any matters relating to Gillespie.

16. Gillespie does not seek another judge in this matter. When the lawsuit is filed in federal court, Gillespie will move to remove this action to federal court. For the reasons set forth in the Notice of Claim, the 13th Judicial Circuit is unable to lawfully adjudicate this matter against a favored law firm and officer of the court.

The undersigned movant certifies that the motion and the movant's statements are made in good faith. Submitted and Sworn to this 23rd day of July, 2010.

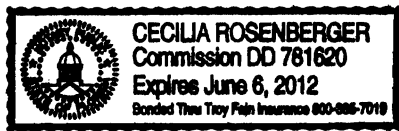



Neil J. Gillespie, Plaintiff and
Counter-Defendant pro se
8092 SW 115th Loop
Ocala, Florida 34481
Telephone: (352) 854-7807

STATE OF FLORIDA
COUNTY OF MARION

BEFORE ME, the undersigned authority authorized to take oaths and acknowledgments in the State of Florida, personally appeared NEIL J. GILLESPIE, known to me, who, after having first been duly sworn, deposes and says that the above matters contained in this document are true and correct to the best of his knowledge and belief.

WITNESS my hand and official seal this 23rd day of July 2010.



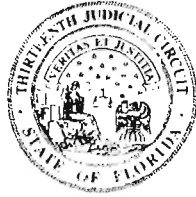

Notary Public
State of Florida

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mail to Ryan Christopher Rodems, Barker, Rodems & Cook, PA, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602.



Neil J. Gillespie



ADMINISTRATIVE OFFICE OF THE COURTS
THIRTEENTH JUDICIAL CIRCUIT OF FLORIDA
LEGAL DEPARTMENT

DAVID A. ROWLAND

GENERAL COUNSEL

July 9, 2010

Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481

Via E-Mail: neilgillespie@mfi.net

Re: ADA Accommodation Request
Gillespie v. Barker, Rodems & Cook, Case No.: 05-CA-007205,
Thirteenth Judicial Circuit, General Civil Division

Dear Mr. Gillespie:

This is a response to your July 6, 2010 ADA request for accommodation directed to Gonzalo Casares, the Thirteenth Judicial Circuit ADA Coordinator. You request the same ADA accommodations previously submitted on February 19, 2010. Your February 19, 2010 ADA request was a request for the court to take the following case management actions:

1. Stop Mr. Rodems' behavior directed toward you that is aggravating your post traumatic stress syndrome.
2. Fulfill case management duties imposed by Florida Rule of Judicial Administration 2.545 and designate the above-referenced case as complex litigation under Florida Rule of Civil Procedure 1.201.
3. Offer services, programs, or activities described in Judge Isom's law review article – *Professionalism and Litigation Ethics*, 28 Stetson L. Rev. 323, 324 (1998) – so the court can “intensively” manage the case.



Neil J. Gillespie

July 9, 2010

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4. Enforce Judge Isom's directives imposed on February 5, 2007 which require both parties to only address each other by surname when communicating about this case and require parties to communicate in writing instead of telephone calls.
5. Allow a 180-day stay so you can scan thousands of documents in this case to PDF and find and hire replacement counsel.

As ADA Coordinator, Mr. Casares can assist in providing necessary auxiliary aids and services and any necessary facility-related accommodations. But neither Mr. Casares, nor any other court employee, can administratively grant, as an ADA accommodation, requests that relate to the internal management of a pending case. All of your case management requests – that opposing counsel's behavior be modified, that the court fulfill its duties under Rule 2.545, that the above-referenced case be designated as complex, that your case be "intensively" managed as suggested by Judge Isom's law review article, that Judge Isom's previous directive regarding communication between parties be enforced, that your case be stayed – must be submitted by written motion to the presiding judge of the case. The presiding judge may consider your disability, along with other relevant factors, in ruling upon your motion.

Sincerely,



David A. Rowland

cc: The Honorable Martha J. Cook
Ryan C. Rodems, Counsel for Defendant
Gonzalo Casares, ADA Coordinator for the Thirteenth Judicial Circuit

Trade of the Week



Mike Turner

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St. Petersburg Times
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May 13, 2009

Teen girls honored as 2009 'Young Women Of Promise'

By Times Wire

Tampa Prep's **Hilary Sedgeman** was born near deaf, and some doctors told her parents they should learn sign language because she would never speak.

Sixteen years later, Sedgeman, who lives in Valrico, spoke to the prestigious Athena Society last week about that prediction, having clearly proved them wrong.

Her mother, Hillsborough Circuit Judge Martha Cook, fought back tears as Sedgeman told the story.

"Booker T. Washington once said success is to be measured not so much by the position one has reached in life, but the obstacles they have overcome in striving for it," Sedgeman explained.

The Athena Society named Sedgeman as one of its 2009 Young Women Of Promise. I make it a point to attend the annual luncheon under the guise of wanting to write about what always proves to be an impressive collection of accomplished young ladies in their junior year.

Of course, that's malarkey. I selfishly attend to learn more about the Women Of Promise because they bless me with inspiration. Like so many young people in our community who quietly make the right choices in the face of adversity, I leave the Athena luncheon each year armed with a renewed sense of hope.

They minimized the supposed problems in my own life. If these talented teens can succeed at such a young age, what excuse do I have? What obstacles do I have?

Consider Sedgeman's story. After years of persistence, Sedgeman not only speaks well and efficiently reads lips, but she also participates in her high school's chorus competitions.

Now, she wants to work as a special education teacher.

"I want to pay it forward by helping kids who are differently-abled," Sedgeman said. "I want to work with kids who, like me, have obstacles they have to overcome. I believe with God's help, they, too, can become successful in life, no matter how big those obstacles are."

Here is some information about three other winners who live in the *South Shore and Brandon Times* area.

Robinson High's **Julia Couto** fluently speaks Portuguese, French and English. The IB student plays violin in Robinson's chamber orchestra and the Patel Conservatory Youth Orchestra. She attributes her success to her Brazilian parents, Angela and Freddie, who came to a new nation not knowing the language or culture but always sacrificing to give her the best.



"My mother always says, 'Julia, you will grow up and do everything I was not able to do,' " said Couto, who lives in Valrico.

Spoto High's **Jessica Conkey** fears public speaking. Or at least she used to. Despite that fear, Conkey accepted the challenge of the "It Oughta Be A Law" program. The exercise gives students a chance to go to Tallahassee and lobby for a law that they've crafted. The once-shy Conkey addressed legislators in a public forum.

"We had to make our voices heard among hundreds of people," Conkey explained. "To the outside world, we were just teenagers, but we were treated like any other adult lobbyist. It's an experience that changed my life."

An honor student, Conkey excels at writing and will serve as editor-in-chief of the school paper next year. She ultimately would like to become a psychologist.

Durant's **Somer Harvey** longs to be a reconstructive plastic surgeon, helping children with deformities. The honor student and Future Farmer of America president also raised a prize-winning swine for the Florida State Fair.

Harvey, however, is most proud of her work with the Girl Scouts. She will receive the silver award this year.

"It's not that it was for self-gain, but I was able to touch many younger girls' lives," Harvey said. "We were able to interact with each other, share values and help one another discover who we were."

Harvey says she has every intention of earning the Girl Scouts' highest designation, the gold award. She also wants to create a downtown Plant City walking tour to help stimulate the economy of her hometown.

Other winners: Gaither's **Laura Ackart**, Academy of the Holy Names' **Mallory Hogan**, Hillsborough's **Jennifer Le**, King's **Kelsey Nestor**, Blake's **Mariana Stavig**, Freedom's **Jerisa Upton** and Berkeley Prep's **Shantaviae Wynn**.

St. Petersburg Times



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Archives: News

Birthing Bad Legislation

By John F. Sugg

Published 04.12.2001

http://tampa.creativeloafing.com/gyrobase/birthing_bad_legislation/Content?oid=244

Hilary Sedgeman is a bright, happy 9-year-old. Her mom -- the only mother Hilary has ever known -- Martha Cook-Sedgeman, chokes up with happiness as she describes her daughter: "precocious," "honor roll student," "excels at everything."

Two weeks ago, Hilary was baptized along with her dad, Bill Sedgeman, at Bell Shoals Baptist Church in Brandon. "I was so proud," Mom recalls.

If it seems like a charmed life for blond-haired, green-eyed, dimpled Hilary, it is. But it didn't start out that way.

Hilary was born two months premature. Her birth mother exited when Hilary was 1 day old. There were clearly problems at birth, which would become apparent later as a 70 percent loss of hearing.

The Sedgemans, who had arranged to adopt Hilary before her birth, had to guarantee an unexpected \$100,000 in medical bills. "The costs were staggering," Martha recalls. When the adoption was final a few months after Hilary's birth, the Sedgemans' health insurance kicked in and paid 80 percent of the bills from that point on. But not a dime would have been paid by insurance had the adoption been delayed.

It could have been worse. In fact, if legislation before Gov. Jeb Bush becomes law, it will be worse -- horrible -- for thousands of Hilarys in Florida.

The fix-what's-not-broken law -- SB138/HB141, already passed by both houses of the Florida Legislature -- would devastate adoptions in the state. If it had been the law nine years ago, it would have been impossible for the Sedgemans to quickly adopt Hilary. They would have had to bear the full cost of the baby's medical bills for years. Although the Sedgemans -- she's a lawyer, he's chairman of a small bank -- have resources, Martha says, "I'm not sure we could have done that."

Instead, Hilary might have ended in the abysmal gulag of state agencies and foster homes. There are many fine foster parents. There are many who aren't. I know. I've got five adopted children, and I know their history of nine years in hell.

The highly specialized medical care that was needed to save Hilary's life probably wouldn't have been available because she might not have been adoptable under SB138/HB141. The medical care provided kids in foster care is well, you wouldn't call it cutting edge.

In short, rather than a buoyant, brilliant child, Hilary might have been just a statistic -- another infant who died in an institution. Some nurses, maybe a caseworker, would have blessed her with their tears, but she'd be long forgotten now.



It might have played out as a slightly different tragedy. The legislation before Bush could encourage abortions. If it had been law when Hilary was conceived, she might not have made it past a few cells before her potential was snuffed. Nobody would have noticed. Nobody would have cared.

Especially the Florida Legislature. The senators and House members are far too busy pigging out on lobbyists' lobster and steaks to notice the plight of children.

SB138/HB141 is the brainchild (although it proves that in Tallahassee brains are in short supply) of state Sen. Walter "Skip" Campbell, D-Tamarac. From a few of his colleagues, lobbyists and others, I'm told that he is no friend of "women's issues." One lawyer called him the ultimate male chauvinist pig. In the Capitol nowadays, that's probably a badge of honor.

Campbell is also riding the crest of the anti-lawyer sentiment in the Legislature. The solons want to gut the influence of the Florida Bar on judicial appointments, and they want to stack the courts with judges who will bless the wholesale corruption and loony right-wing stampede of the Legislature. SB138/HB141 would shift much of the private adoption business from specialized lawyers to nonprofit agencies. The fact that the agencies often charge many times more than the lawyers, which would greatly deter many would-be parents from adopting, doesn't seem to bother the legislators.

I first heard about the bill in a phone call from Jeanne Tate. She's an adoption lawyer in Hyde Park. She was our family's adoption lawyer. Finding parents for kids and vice versa is her full-time passion. It also makes her a good living, I'm sure. But she could get a lot richer chasing ambulances. "This has never been about money," she says.

The key provision in SB138/HB141 gives birth fathers -- even if they sired the child during rape -- preference over all other involved parties, especially the child and the adoptive parents. Rather than place the burden on a father to come forward and claim his child, the mothers and prospective adoptive parents would have to conduct a search and place ads in newspapers in any city where the mother had lived or traveled to in the year before giving birth.

The father would have two years to disrupt an adoption. He could claim virtually any grounds to justify his tardy appearance -- even the old "my girlfriend didn't tell me." Grandparents and other relatives, even family friends of the father as well as the mother in some circumstances, could claim "rights" that trump those of the child and the adoptive parents.

Here's the sort of scenario that could develop. A couple wants to adopt. They pay for a pregnant woman's maternity care. They raise a baby for two years -- perhaps as with the Sedgemans, paying horrendous medical bills. Then the father pops up, claims his child. If the adoptive parents fight and win, they get to keep the child, but they pay their own legal fees. If they lose, they forfeit all the money they've spent on the child, plus they pay the father's legal fees as well as their own. In extreme cases, birth parents could use the law to extort money from adoptive moms and dads.

That's justice?

There are other insidious provisions in the law. Birth parents, even if they have agreed to relinquish a child, could revoke their decision at a multitude of junctures.

Tate feels strongly -- and the logic is impeccable -- that the law will cause a spike in abortions. Since a birth father must be tracked down for his consent before an adoption, the number of families interested in adoption will evaporate. Or, they'll go to other states. Many pregnant women in Florida will have no options -- other than abortion.

Only private adoptions would be affected by the law, not those where the child is a ward of the Department of Children and Family Services (DCF). Aside from the disparity of that, it's a trap. The law might be justified as encouraging would-be parents to go to DCF, which is suffering from an avalanche of children, due in part to other misbegotten legislation-without-thought-or-funding.

But I'd fear that hundreds or thousands of children who would have been spared DCF foster care will end up there. The mothers who can't find adoptive parents because of SB138/HB141 will simply dump the children on the state's doorstep.

The justification that Sen. Campbell and his allies have come up with is that the law addresses adoptions disrupted after a birth father shows up -- the "Baby Sam" and "Baby Emily" type cases that grab headlines. Campbell has touted his law, giving adoptive parents assurance that their child won't be taken by a birth parent. This is a real threat with minority and special needs babies.

Tate comments: "There are about 8,000 adoptions each year in Florida. Can the legislature name eight, one-tenth of one percent, that were disrupted for those reasons last year? Can they point to five out of 80,000 over the last ten years? I don't think so."

An aide to Campbell who asked not to be named, called Tate's argument "disingenuous." There are many cases of adoption disruption that don't get into the news, the aide asserted.

Even if so, and I don't believe it, the big question is still unanswered. How are adoptive parents going to get "assurance" from a law that leaves a baby's status entirely in limbo for two years? Why would prospective moms and dads make the emotional and financial investment in a child knowing that for months or years the birth father could lay claim to the kid?

The answer is simple. Many children won't be adopted. If the Legislature really had wanted to help -- as the courts have urged -- it could have tightened the existing law, putting the burden on the man to quickly come forward and show proof of fatherhood.

That, of course, would have been compassionate, simple and effective, words that are anathema in Tallahassee.

Bush could sign the bill into law any day. You can e-mail him at jeb@jeb.org or fax him at 850-487-0801.

Editor John F. Sugg, who maintains that all Florida legislators are the progeny of a malevolent alien race that impregnated Earth women, can be reached at 813-248-8888, ext. 109, or at johnsugg@weeklyplanet.com.

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July 7, 2010

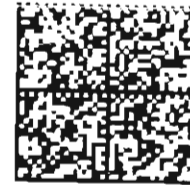
Mr. Neil Gillespie,

Your letter received by Judge Cook has been filed with the clerk and a copy sent to the Administrative office of the Court % of Ms. Nancy Yanez,

All further communication by you, with this court must come through her.



MARTHA J. COOK
CIRCUIT JUDGE
THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY COURTHOUSE
TAMPA, FLORIDA 33602



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VIA US CERTIFIED MAIL, RETURN RECEIPT
Article No.: 7009 1410 0001 5637 1467

January 4, 2010

David A. Rowland, Court Counsel
Administrative Offices Of The Courts
Thirteenth Judicial Circuit Of Florida
Legal Department
800 E. Twiggs Street, Suite 603
Tampa, Florida 33602

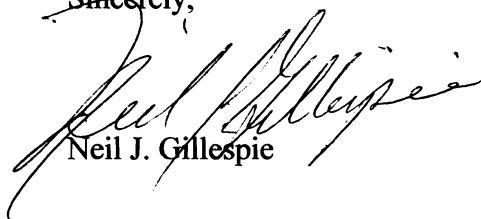
Dear Mr. Rowland:

This is a request for information and any related public records.

1. Please advise the undersigned if notice is required by Florida Statutes section 768.28(6)(a) prior to instituting an action on a claim against Thirteenth Judicial Circuit of Florida. If yes, kindly identify who is authorized to accept notice or service on behalf of the Thirteenth Judicial Circuit.
2. If notice is required by Florida Statutes section 768.28(6)(a), is one notice sufficient for the entire court, or are separate notices required for the HCSO for claims pertaining to security matters, or to the Clerk of Court for claims pertaining to the duties of the clerk? Is a separate notice required for claims pertaining to the ADA (Americans with Disabilities Act) office or coordinator?
3. Please advise the undersigned what effect a notice under Florida Statutes section 768.28(6)(a) would have on any litigation currently on the docket in the Thirteenth Judicial Circuit involving litigants now making a claim against the court pursuant to Florida Statutes section 768.28(6)(a)? What would happen to the existing litigation? Would that create a conflict of interest?

Thank you in advance for your cooperation.

Sincerely,


Neil J. Gillespie



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PS Form 3800, August 2006. See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
 David A. Rowland, Court Counsel/
 Administrative Offices of the Courts
 Thirteenth Judicial Circuit of FL
 Legal Department
 800 E. Huggs St. Suite 603
 Tampa, FL 33602

2. Article Number (Transfer from service label) 7009 1410 0001 5637 1467

PS Form 3811, February 2004 Domestic Return Receipt

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