

Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "Derek Schroth" <dschroth@bowenschroth.com>
Cc: "Amy Hasselbring" <ahasselbring@bowenschroth.com>; "FBI Tampa Division" <tampa.division@ic.fbi.gov>; "FBI Jacksonville Division" <jacksonville@ic.fbi.gov>; "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Friday, April 22, 2016 10:53 AM
Subject: Re: Public Records Request

Dear Mr. Schroth,

Thanks for your response and comments. Glad you found helpful the suggestion on shifting the burden to the applicants to redact, which practice comes from the 13th Circuit JNC.

My work is unpaid with the Justice Network, including efforts with the JNC. I fund the website, blog, and video from my disability income, and borrowing from my generous brother.

Neil J. Gillespie

----- Original Message -----

From: [Derek Schroth](#)
To: [Neil Gillespie](#)
Cc: [Amy Hasselbring](#) ; [FBI Tampa Division](#) ; [FBI Jacksonville Division](#)
Sent: Friday, April 22, 2016 6:00 AM
Subject: Re: Public Records Request

Mr. Gillespie:

Fascinating observations. Hopefully you get paid more for your JNC work than I do for mine.

Great suggestion on shifting the burden to the applicants to redact. I will recommend to the JNC we adopt that practice. Thank you.

Derek Schroth
 Florida Bar Certified Expert in Business Litigation and Local Government Law
www.bowenschroth.com

On Apr 21, 2016, at 11:26 PM, Neil Gillespie <neilgillespie@mfi.net> wrote:

Dear Mr. Schroth,

Thank you for your response. You wrote in part,

"We are working on your request and will pull the records from storage, redact them and email them to you no later than April 26, 2016."

Thank you, that date is fine, you may provide me the records by email by April 26, 2016.

As I understand, the purpose of the PDF electronic application submitted on a CD or thumb drive is to allow uploading of the applications from the CD/thumb drives to a computer by the person managing the investigations, presumably the JNC Chair, or his/her designated Commissioner, to distribute the applications efficiently by email to all the Commission members for the purpose of investigating the applicants. So the applications may be found on the computer used to distribute them, subject to any retention schedule.

The practice in the 5th Judicial Circuit JNC may differ relative to managing the investigations, and distribution of the applications to the Commission members to investigate.

You may want to consider a practice used by the 13th Judicial Circuit JNC that requires applicants to submit redacted applications, see attached The Florida Bar news release May 12, 2015. That would save you the time and effort of redacting applications.

Applicants must submit a fully completed original and one copy of the application, along with a photograph attached to the original and to the copy, and one redacted copy of the application, along with a photograph attached to the redacted copy to Terri Gaffney, Chair, Thirteenth Circuit Judicial Nominating Commission, 1311 N. Westshore Blvd., Suite 101, Tampa, Florida 33607, no later than 5 p.m. on May 29. Incomplete applications will not be considered. Please remember to include the new Form 6.

In addition to the original and copies, applicants are requested to provide one electronic unredacted (PDF) copy of the application and one electronic redacted (PDF) copy of the application. The electronic applications may be submitted on a USB flash drive or CD-ROM. Any material redacted by the applicant must be limited to exempt or confidential information pursuant to Chapter 119, Florida Statutes, Florida's Public Records Law.

In 2010 I was an independent a civilian observer through my Justice Network of the 13th Judicial Circuit JNC. I attended the 13th Circuit JNC Interviews on June 15, 2010 in Tampa, Florida and produced a video with the help of volunteers. This is a link to the vimeo video <https://vimeo.com/99428271>

One issue involved two law partners in a small 3-partner Tampa law firm attempting to rig the JNC process, in my opinion, where one partner sought and was appointed as a Commissioner to the 13th Circuit JNC, and became Chair, while the other partner applied to the same JNC for every judgeship that became available over several years, as I recall. See Chief Inspector General Case #201003040004 June 2010.

The other issue was one recurring question to the applicants during the JNC interviews on June 15, 2010. The question suggested the Commission was seeking nominees who would not report wrongdoing by judges as required by the Rules Regulating The Florida Bar, Rule 4-8.3(b) Reporting Misconduct of Judges,

RULE 4-8.3 REPORTING PROFESSIONAL MISCONDUCT

(b) Reporting Misconduct of Judges. A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a

substantial question as to the judge's fitness for office shall inform the appropriate authority.

My observations, inter alia, are posted online,

<http://www.nosue.org/jnc-judicial-nominating-commission/>

"Would you like this garbage can moved closer in case you have the baby?"

"I witnessed the following while attending a Judicial Nominating Commission (JNC) interview in Tampa June 15, 2010 as a civilian observer. This was the 13th Circuit JNC, Hillsborough County, Florida. One commission member asked an applicant for judge if the applicant had seen any behavior from a judge in court that was unprofessional."

"The applicant responded that a judge said to a woman who was obviously pregnant and about to give birth, words to the effect "Would you like this garbage can moved closer to you in case you have the baby?" The judge was referring to a trash can in the courtroom."

"The JNC asked this question of a number of applicants. Some applicants responded with examples of judicial misconduct. Others applicants were evasive or brushed-off the question. My notes show that applicants who described bad behavior by judges to the JNC were nominated at a rate lower than applicants who did not describe bad behavior by judges to the JNC. Initially I dismissed this as coincidence."

"But in hindsight, and with the benefit of subsequent information, in my opinion it is possible that this question is used as a screening tool to eliminate applicants critical of sitting judges, to ensure that nominees, if appointed, will be team players and look the other way if they see another judge engage in misconduct."

I have not attended any interviews conducted by the 5th Judicial Circuit JNC, and do not have knowledge of the process or procedures used, or how the interviews are conducted.

Thank you again for your assistance with this matter.

Sincerely,

Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481
Tel. 352-854-7807
Email: neilgillespie@mfi.net

----- Original Message -----

From: [Derek Schroth](#)
To: [Neil Gillespie](#)
Cc: [Amy Hasselbring](#) ; [FBI Tampa Division](#) ; [FBI Jacksonville Division](#)
Sent: Thursday, April 21, 2016 9:30 PM

Subject: Re: Public Records Request

Mr. Gillespie:

I do not understand your email. The flash drives containing the PDFs are also stored in our upstairs storage with the applications. Please explain?

We are working on your request and will pull the records from storage, redact them and email them to you no later than April 26, 2016. Thank you.

Derek Schroth
Florida Bar Certified Expert in Business Litigation and Local Government Law
www.bowenschroth.com

On Apr 21, 2016, at 8:58 PM, Neil Gillespie <neilgillespie@mfi.net> wrote:

Dear Mr. Schroth,

Thank you for your response. Provide the records I requested, and for which I paid you \$15.

I appreciate the information that "The Governor's office retains the original or a master copy of each application." but it does not change or modify my public records request to you.

I understand Florida JNCs require an original signed application with attachments, one copy of the application with attachments, and an electronic copy of the completed signed application with attachments. The electronic copy of the application with attachments should be in PDF form and should be submitted on a CD or thumb drive.

So I do not understand your comment "I have to pull them from storage upstairs and redact them."

Attached is The Florida Bar news release September 7, 2015, "FIFTH CIRCUIT JUDICIAL NOMINATING COMMISSION ANNOUNCES CIRCUIT COURT VACANCY"

The Florida Bar news release September 7, 2015 reiterated the PDF policy described above:

"An original signed application with attachments, one copy of the application with attachments, and an electronic copy of the completed signed application with attachments must be delivered to Derek A. Schroth, Chair of the Fifth Judicial Circuit Nominating Commission. The electronic copy of the application with attachments should be in PDF form and should be submitted on a CD or thumb drive."

I was suspect of your demand for a cost deposit of \$15.00 in advance to email the applications to me for the remaining 17 redacted JNC applications, because I know the JNC requires a PDF electronic copy, and providing a PDF copy by email takes minimal effort.

A reasonable person might conclude as dilatory your comment "I have to pull them from storage upstairs and redact them.", and/or your offer to return my check (money order) so I can request them from the Governor's office:

If you prefer and need them sooner, I can return your check and you can request them from the Governor's office. The Governor's office retains the original or a master copy of each application.

I do not understand how the Governor's office can respond quicker than you, the JNC Chair, who has possession of a PDF electronic copy of each application, and can email them to me.

I am providing a copy of this email to the Federal Bureau of Investigation.

Provide the records I requested, and for which I paid you \$15.

Sincerely,

Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481
Tel. 352-854-7807
Email: neilgillespie@mfi.net

----- Original Message -----

From: [Derek Schroth](#)
To: [Neil Gillespie](#)
Cc: [Amy Hasselbring](#)
Sent: Thursday, April 21, 2016 7:40 PM
Subject: Re: Public Records Request

Good Evening Mr. Gillespie:

I have to pull them from storage upstairs and redact them. Thank you for your patience. If you prefer and need them sooner, I can return your check and you can request them from the Governor's office. The Governor's office retains the original or a master copy of each application. Let me know. Thank you.

Derek Schroth
Florida Bar Certified Expert in Business Litigation and Local Government Law
www.bowenschroth.com

On Apr 21, 2016, at 7:12 PM, Neil Gillespie <neilgillespie@mfi.net> wrote:

Derek A. Schroth, JNC Chair (2019)
Fifth Judicial Circuit Nominating Commission
BOWEN & SCHROTH, P.A.
600 Jennings Ave.
Eustis, Florida 32726
Telephone: (352) 589-1414
Facsimile: (352) 589-1726

Dear Mr. Schroth,

Attached you will find Proof of Delivery to Bowen & Schroth, P.A. for a cost deposit of \$15.00 in advance to email the applications to me for the remaining 17 redacted JNC applications.

Proof of Delivery shows the shipment was signed for by "Watson" on April 20, 2016 at 11:29 AM.

Kindly advise the undersigned when you plan to provide the records.

Thank you for your assistance.

Sincerely,

Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481
Tel. 352-854-7807
Email: neilgillespie@mfi.net

----- Original Message -----

From: Neil Gillespie
To: Derek Schroth
Cc: Amy Hasselbring ; Neil Gillespie
Sent: Tuesday, April 19, 2016 6:35 PM
Subject: Re: Public Records Request

Thank you Mr. Schroth. Payment has shipped and is due to arrive at your office tomorrow April 20, 2016 via UPS No. 1Z64589FP295147122, see attached. Neil J. Gillespie.

----- Original Message -----

From: Derek Schroth
To: Neil Gillespie
Cc: Amy Hasselbring
Sent: Tuesday, April 19, 2016 3:43 PM

Subject: RE: Public Records Request

Final. Send to and payable to "Bowen & Schroth, P.A."

Sincerely,

Derek A. Schroth

*Florida Bar Certified Expert in Business Litigation and
Local Government Law*

BOWEN & SCHROTH, P.A.

600 Jennings Ave.

Eustis, Florida 32726

Telephone: (352) 589-1414

Facsimile: (352) 589-1726

Florida Bar No. 0352070

Web Site: www.bowenschroth.com

From: Neil Gillespie [<mailto:neilgillespie@mfi.net>]

Sent: Tuesday, April 19, 2016 3:18 PM

To: Derek Schroth

Cc: Amy Hasselbring; Neil Gillespie

Subject: Re: Public Records Request

Good afternoon Mr. Schroth,

Thank you for a prompt response.

Where shall I send payment of \$15.00?

Is the cost deposit the final amount, or will there be any additional charges?

Sincerely,

Neil J. Gillespie

8092 SW 115th Loop

Ocala, FL 34481

Tel. 352-854-7807

Email: neilgillespie@mfi.net

|----- Original Message -----

From: [Derek Schroth](#)

To: [Neil Gillespie](#)

Cc: [Amy Hasselbring](#)

Sent: Monday, April 18, 2016 8:44 PM

Subject: Re: Public Records Request

Good Evening Mr. Gillespie:

Given the amount of work involved, I will need a cost deposit of \$15.00 in advance to email the applications to you. Thank you.

Derek Schroth
Florida Bar Certified Expert in Business Litigation and
Local Government Law
www.bowenschroth.com

On Apr 17, 2016, at 4:25 AM, Neil Gillespie
<neilgillespie@mfi.net> wrote:

Good Morning Mr. Schroth

Thank you for the information provided. The
list attached to your response shows 18
applicants. This is a new records request for
the remaining 17 redacted applications.

Sincerely,

Neil J. Gillespie

----- Original Message -----

From: [Derek Schroth](mailto:Derek.Schroth@bowenschroth.com)

To: [Neil Gillespie](mailto:Neil.Gillespie@mfi.net)

Sent: Tuesday, March 08, 2016 10:57 AM

Subject: Public Records Request

Good Morning Mr. Gillespie:

Attached is the information you
requested. Thank you.

Sincerely,

Derek A. Schroth

*Florida Bar Certified Expert in Business
Litigation and Local Government Law*

BOWEN & SCHROTH, P.A.

600 Jennings Ave.

Eustis, Florida 32726

Telephone: (352) 589-1414

Facsimile: (352) 589-1726

Florida Bar No. 0352070

Web Site: www.bowenschroth.com

<Payment to BOWEN & SCHROTH \$15 for Public Records
17 Redacted JNC Applications.pdf>

<Letter to Derek A. Schroth BOWEN & SCHROTH re Public
Records not received.pdf>

<PROOF OF DELIVERY TO BOWEN & SCHROTH April

20 2016.pdf>

<Fifth Circuit Judicial Nominating Commission Announces Circuit Court
Vacancy.pdf>

<THIRTEENTH CIRCUIT JUDICIAL NOMINATING COMMISSION ANNOUNCES
CIRCUIT COURT AND COUNTY COURT JUDICIAL VACANCIES.pdf>