

# BROWARD COUNTY HISPANIC BAR ASSOCIATION JUDICIAL CANDIDATE QUESTIONNAIRE

1. **Full Name:** Betsy Benson

2. **Current County of residence.** Broward

3. **Date and place of birth.** May 14, 1959 Miami, FL

4. **Does your campaign have a website or Facebook page? If so, please list it.**

Yes. BetsyBensonforBrowardJudge.com

5. **List the colleges and law schools you have attended, including your dates of attendance and degrees awarded.**

Rollins College, Bachelor of Arts, 1981 Nova Southeastern University School of Law 1984

6. **Have you ever served in the military?** No.

7. **List where you have been employed since graduation from law school, including dates employed, your position and the nature of your employment responsibilities.**

Law Clerk	<u>Benson, Ray and May</u>	1 Fin'l Plaza #1600, FTL, 33301	1981-1984
Certified Legal Intern,	<u>State Attorney's Office</u>	Broward County Courthouse	1984
Asst. Public Defender,	<u>Alan H. Schreiber, P.D.</u>	Broward County Courthouse	10/84-12/88
Asst. Public Defender,	<u>Joe DuRocher, P.D.</u>	Orange County Courthouse	1/1989-10/92
Staff Attorney	<u>Legal Aid of Broward</u>	POB 120910, FTL 33312	1/93-10/94
Asst. Public Defender	<u>Howard Finkelstein, P.D.</u>	Broward County Courthouse	10/94-2004
Adjunct Professor			
Trial Advocacy course			
Lawyers Skills and Values			
Psychology and Criminal			2001-2003
Procedure	<u>Shepard Broad Law</u>	3305 College Ave. Davie, FL 33304	
	<u>Center, Nova Southeastern</u>		

Partner Amy McGrotty, Assoc. 524 SW 10th Ave, FTL 33312 2004  
Asst. Public Defender Howard Finkelstein, P.D. Broward County Courthouse 2005-present

**8. Have you ever been arrested? Explain.** NO

**9. Have you ever been convicted of a crime? Explain.** NO

**10. What is the general nature of your practice? Indicate areas of practice in which you concentrate or concentrated?**

I handle capital cases involving the death penalty for Howard Finkelstein, Public Defender

**11. If you are currently a judge, what type of cases do you typically preside over in your court?** I am not.

**12. If you are currently a judge, have any of your decisions ever been appealed and overturned?** N/A

**How many times in the last two (2) years? When and what case?** N/A

**13. What percentage of your litigation or trial experience was related to:**

- a. Civil? 10%
- b. Criminal? 90%

**14. How many cases have you tried to verdict?** About 100

**15. Describe three of the most significant litigated matters, which you personally handled and give the citations thereto, if the cases were reported.**

**Case:** State of Florida vs. Bruce Price

Case no. 10-170CF10A

Count 1, Second Degree Murder, Count 2 Attempted Second Degree Murder

Hon. Bernard I. Bober, Trial Judge

Assistant State Attorney: John Countryman, Esq.

Jury Trial June 24 through July 5<sup>th</sup>, 2011

This case had difficult defense facts. The police were called to Mr. Price's home and found him bloodied and beaten. He was being held at gunpoint by the victim of count II. Mr. Price confessed repeatedly to shooting the victim at the scene, on the way to the hospital, and at the

hospital over a two day period. My Motion to Suppress Mr. Price's Statement was granted, however, his spontaneous statements as to guilt were admitted. I was able to show that the forensics investigation was incomplete as much of the physical evidence was consistent with Mr. Price's having defended himself against a robbery by the 'victims'; Mr. Price's tenant and her boyfriend. Mr. Price was released from the courtroom.

**Case:** State of Florida vs. Terrence Taylor

Case No. 08-22027CF10A

First Degree Murder

Hon. Martin Bidwill, Trial Judge

Assistant State Attorney: Ms. Neva Smith, Esq.

Defense Team: Assistant Public Defenders George Reres, Esq., Melisa McNeill, Esq. and myself

Jury Trial May 30-June 15, 2012

Mr. Taylor was charged with bludgeoning a friend to death in furtherance of the crime of robbery. The State sought death in this case. Our mitigation investigation revealed that Terrence was the son of a drug addicted mother and an absentee father. Terrence was one of several children, all of whom were in and out of foster care. Terrence's one stable home, that of his Aunt Mozie was taken from him when his mother regained custody, only to lose him to the justice system. Terrence was arrested at age 15 for aggravated battery. We found the 'victim' in this case who said that the incident was mutual combat between two school boys, not a second degree felony. No one had consulted the victim when Terrence was committed to the juvenile justice system. Shortly after his release from commitment, Terrence was arrested for purse snatching. At sixteen years old, he was filed on as an adult and sentence to ten years prison. Within a year of his release, Terrence was arrested in this case. We made a presentation to the State Attorney's office that outlined the life of our client. Just one month before our trial was to commence, the State Attorney agreed that the death penalty was not appropriate in Mr. Taylor's case. The day we told our client that his life was not in jeopardy was unforgettable.

The trial raised numerous issues regarding the reliability of cell site evidence, the credibility of a case based entirely on circumstantial evidence, and other evidentiary issues.

The jury found Mr. Taylor guilty as charged and he was sentence to life in prison without the possibility of parole. The appeal was denied in this case and Mr. Taylor is serving life.

**Case:** State of Florida vs. Elton Walters

Case no. 09-18637CF10A

Charge: 1. First Degree Murder, 2. Armed Burglary, 3. Armed Robbery 4. Sexual Battery

Hon. Jeffrey Levenson, Trial Judge

Mr. Steven Zaccor, Esq., Mr. Thomas Coleman, Esq. Assistant State Attorneys

Asst. Public Defenders Melisa McNeill, Esq. and myself – Defense

October 14<sup>th</sup> – November 7, 2013 Jury Trial, March 5<sup>th</sup> – March 13, 2013 Penalty Phase

This case involved a brutal murder where the State sought the death penalty. The case was very involved – we filed over 150 motions involving suppression of evidence, Florida’s death penalty process and its constitutionality, the aggravators the State intended to present, and the evidence we sought to put before the jury during the guilt and penalty phases.

Mr. Walters was 62 years old at the time of the murder. He had led an exemplary life; 35 years with Amtrak, a pension, 3 children, two grandchildren, a wonderful reputation in the Caribbean community in Dade County, and loving, close friendships from all over the United States and his home country of Trinidad.

The victim was a 92 year old woman who lived in the townhomes that Mr. Walters worked in as a maintenance man. She lived independently. She was found by her granddaughter after calls to her went unanswered. The evidence against Mr. Walters was substantial; forensic evidence placed his DNA at the scene, the items stolen from the victim’s home were in Mr. Walters’ truck, and Mr. Walter’s confession.

The jury found Mr. Walters guilty on two of the three counts.

The penalty phase in this case lasted over a week. We presented 34 character witnesses who testified that Mr. Walters had changed their lives for the better, that he continued to be a fundamental part of their lives, and that Mr. Walters’ death would deeply affect them. After deliberating for nine minutes, the jury unanimously recommended life without parole for Mr. Walters.

**16. Why do you want to be a judge (circuit or county)?**

County Court is the people’s court.

I am running for County Court Judge because I have handled thousands of cases over my 31 year career, all of which involved people. The people I represented needed a voice.

As a county court Judge, I want to help those who come to court without benefit of counsel. I have a unique perspective, and ability to help people, because of my 31 years as a lawyer dedicated to public service. My criminal law background will help me to minimize the likelihood of return to the system by attempting to solve the problem instead of just sentence the defendant.

I would also like the opportunity to help young lawyers. I have helped lawyers and law students for most of my career. We live in a time when it's hard for young lawyers to be of service. Law school often results in sizable debt, and it's easy to lose sight of the real reason to be a lawyer – to be of service to the client and the community, as opposed to a higher income. I would like to be a Judge who sets a tone of service in my courtroom.

**17. What qualities do you believe are most important in a judge? Explain how you have demonstrated that you possess those qualities.**

A good judge never forgets that she is there for the people who come before her and not the other way around.

In her courtroom, the litigants feel that all are equal and heard. She is sensitive to the needs of the parties.

A good judge sets a tone of formality but not distance. A good judge follows the law and legal precedent. I am a big believer in case law. The court should ask for legal memorandum on any substantive motion and review all that is presented as well as her own.

A good Judge has an even temperament and does not act as a third party, but a fair and impartial tribunal.

Over my 31 years as a lawyer, I have done my best to demonstrate these qualities. I have never had a complaint to my superiors from any Judge, or attorney. I have never been disciplined.

**18. Why do you believe that you are the best candidate for the seat you are running for?**

I believe that a candidacy for the bench is a little different from other positions. I do not feel I am running against anyone but rather am running for Judge.

I believe my commitment to our community, my extensive legal experience and my history of helping other lawyers have prepared me to continue serving on the bench. My Dad was a lawyer here in Broward for 53 years. He taught me that being a lawyer was not a privilege, but a commitment to others and the law.

My trial experience, my experience as a public defender and legal aid lawyer, my service to others through the local and state bar, the Florida Bar Speaker's bureau, the Supreme Court's Justice Teaching Initiative, my own nonprofit, 2-4 the show, (we give tickets to theater performances to needy kids), the Harbordale PTA, the Broward Public School's 'Meet the Masters' program and others, demonstrate my dedication to Broward.

**19. Describe your civic activities and community involvement for the past five (5) years, listing what years you participated in each activity or were involved.**

I have served on the Florida Bar Speaker's bureau; giving presentations to organizations throughout Broward on the law, and trial procedure.

I have served on the Supreme Court's Justice Teaching Initiative; which makes presentations on the Constitution and Bill of Rights to schools throughout Broward.

I co-founded my own nonprofit, 2-4 the show. Our organization gets unused tickets to theater performances to children from groups like HANDY, Team of Life, BCKids, and others.

I have been a member the Harbordale Elementary School PTA, and my son's room parent..

I have volunteered the Broward Public School's 'Meet the Masters' program, teaching kids about art history.

**20. Please list noteworthy professional or personal accomplishments.**

The most important and difficult thing I have ever done was adopting my son Bond. I navigated the Russian government's paperwork, and flew to Russia, by myself, twice, for a total of six weeks to bring him home. It was the best thing I ever did. Being a single mother is tough, but so worth it!

I am qualified by the Florida Supreme Court to try death penalty cases.

I have been endorsed by the Hispanic Bar, the Puerto Rican Bar Association, the Sun Sentinel, the Fraternal Order of Police, the Police Benevolent Association, the National Women's Political Caucus and the AFL-CIO.

**21. Please list the federal and state courts where you are admitted to practice.**

Florida and the Southern District.

**22. How many times did you take the Florida Bar Exam?**

Once.

**23. Have you ever failed Bar exams in any state? If so, when and where? No.**

**24. Have you ever been investigated by a State Bar grievance committee or by the State Commission on Judicial Conduct?**

No.

**25. Have you ever been disciplined or reprimanded for your conduct as a lawyer or judge? If the answer is yes, please explain?**

No.

**26. Have you or your law firm ever been sued by a client? If so, please explain.**

No.

**27. Please discuss your view/opinion of proper judicial temperament.**

I believe a Judge should be pleasant and approachable, sensitive to the needs of the litigants, and always keep her cool. Above all, she should follow the law.

**28. If you are seeking election or re-election to a criminal court, discuss your view of plea bargains and when they should and should not be accepted.**

A Judge should always follow the law and legal precedent. A Judge is limited in her ability to become involved in plea bargaining based on the case law. A judge is never required to accept a plea bargain. I believe a Judge should sentence with an eye toward the future and try to minimize future criminal behavior.

**29. Tell us about any plans you have to improve the administration of the court or make it more efficient.**

I hope to make court more efficient by setting evidentiary and other hearings involving witnesses so that the wait for testimony will be minimal. I have seen too many witnesses wait for hours for a hearing and never get to testify. Matters involving witnesses should receive priority if at all possible. I hope to use skype or phone conference calling for hearing if the parties do not object. I believe that the Judge should stay as long as it takes for the parties to be heard. I will be on time and ready to hear matters on schedule. The court's time is the litigant's time too.

**30. Have you ever taught any law school courses or any continuing legal education courses? If so, describe the extent and nature of those teaching experiences.**

Yes. I have taught Intensive Trial Advocacy, Lawyer Skills and Values, and Psychology and Criminal Procedure at Nova Southeastern University School of Law as an adjunct professor. I have taught Trial Advocacy to lawyers through the National Institute of Trial attorneys. I have taught at the Advanced Public Defender College.

**31. List any significant pro bono work completed since graduating from law school.**

I have helped with traffic and family issues through Big Mama's Team of Life organization in Central Broward. I have been a pro bono Guardian and Guardian Attorney.

**32. List any leadership positions, or participation in any committees in voluntary bar associations and/or professional societies, which you believe to be of particular significance (e.g. judicial selection committees, disciplinary committees, grievance committees, etc.).**

I have not held leadership positions.

**33. List all organizations and associations, or professional societies, other than bar associations, of which you are or have been a member, including civic, charitable, religious, educational, social, and fraternal organizations.**

I am a member of the NAACP, the Wilton Manors Historical Society, the Wilton Manors Homeowner's Association and the Harbordale Elementary Parents' Association.

**34. What is your judicial philosophy?**

Follow the law and legal precedent. Work hard, help others, and seek justice.

**35. Describe what contributions you have made to the Hispanic community in the past five (5) years. I have worked with Hispanic Unity on some issues.**

I have attended the Hispanic Vote and the Hispanic Bar functions, and am proud to have been a Hispanic bar member since David Salomon was president. I do everything I can to reach out to the Hispanic community and to understand and help with the issues of this community.

**36. Are you a Member of the Broward County Hispanic Bar Association? Yes.**

**37. As a prospective judge, or as a current Judge, what do you consider your greatest strengths and weaknesses?**

I think that my greatest strength is my legal and life experience. I have the experience to try cases immediately and will relate to the litigants and their issues. I will help litigants without counsel and lawyers who are trying cases for the first time. I have the compassion and legal knowledge to rule based on the facts and the law. I think my greatest weakness will be the transition from lawyer to judge. I will have to remind myself that I am no longer the advocate, but now the impartial tribunal. I will adjust.

**38. Why are you the best candidate for the position you are seeking?**

Please see question 18.

**ON BEHALF OF THE BROWARD COUNTY HISPANIC BAR ASSOCIATION, THANK YOU FOR YOUR TIME AND COOPERATION!**

Thanks so much for your efforts in putting together the endorsement questionnaire and interviews.