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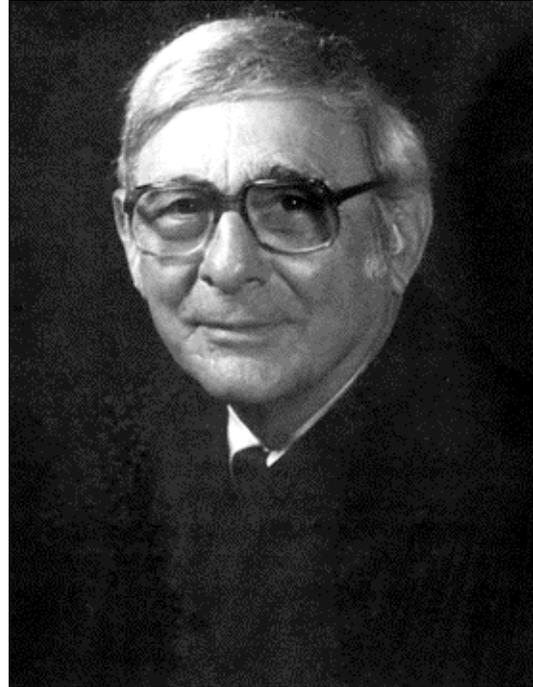
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Nick J. Falsone

From Police Court to Probate (1910-1998)



You won't find the name of Nick J. Falsone in Ernest Robinson's History of Hillsborough County. That's not surprising when you consider that Nick was just graduating from Hillsborough High School in 1928 - the year the book was published.

Nick was the last survivor of twelve children born to Joseph and Maria Falsone, natives of the island of Sicily. He was introduced to life at 1809 19th Street in Ybor City. He and fellow judge, I. C. Spoto, are believed to be the only 13th Circuit Judges of their generation who were natives of the Cigar City.

Hillsborough High's 1928 annual had beneath the picture of young Falsone, the legend: "One of the coming debaters," and that foundation in speaking "on his feet" was surely useful to him later in law and politics. One of his Hillsborough High classmates was Honorable Robert W Patton, distinguished retired judge (born one year later than Falsone). Patton graduated from Plant High, having transferred when the latter school opened its doors.

Falsone's father and mother surely had hardscrabble lives with the responsibility of raising such a large family. Their deaths before Nick reached age 15 made it imperative that he work and earn the money for his college tuition and expenses. Nick had learned to type on an old upright manual typewriter at his father's car dealership on North Franklin Street. His typing facility led to employment at the Agriculture Dept. at Gainesville. He took degrees in both business administration and law at the University of Florida, and he was ever after a loyal Gator football fan. While in college, he was a drill instructor in ROTC, member of the boxing team, and later coached freshman in the art of pugilism. Others in Nick's graduating class who later became prominent in law or politics or both include: George Smathers (U.S. Senator), Fuller Warren (Florida Governor), Red McEwen (Hillsborough State Attorney), Harry G. McDonald (Hillsborough Circuit Judge), Manuel Garcia (Tampa lawyer), and Hugh McMillen (Circuit Judge in West Palm Beach). Judge McMillen and his wife, Anne, became fast friends of Nick and Margaret Falsone. McMillen served for many years with distinction, and was called from time to time to substitute in Tampa. Upon being widowed, Mrs. McMillen moved to Tampa to live with her daughter, Anne Baldy and husband, Anderson (Trey) Baldy. Mrs. Baldy was an Assistant County Attorney before retiring to produce little Baldys. Her

husband is with the expansive firm of Holland & Knight.

Graduating in 1934 from law school and anxious to excel in the legal profession, Nick became associated with Paull Dixon, a respected, established lawyer in Tampa, who later became City Attorney in the Julian Lane administration. That turned out to be a good connection for him as later events would demonstrate.

Nick's interest in some form of judicial service, a natural evolutionary process for many lawyers, began to blossom before he was thirty. He decided to run for justice of the Peace, and when he announced his candidacy on January 20, 1940, he boldly stated: "(I pledge) to administer the duties of the office with such dignity that the Court of Justice of the Peace may be restored to its rightful place of respect in the public mind; to make it a useful piece of legal machinery instead of a fee-grabbing mill, closely akin to some forms of racketeering." He did not succeed in that inaugural effort - the first of only two defeats at the polls over four decades of public and professional life.

Undaunted by the results of his first exposure to the electorate ten years before, Falsone challenged the politically strong and entrenched Judge of Juvenile Court, Paul Kickliter, in 1950. Again, he fell short.

Meanwhile, prior to being elected County Judge in 1970, he engaged in an active law practice. He and the late Fred (Trapper) Saussy shared friendship and office space. Their offices were successively in Wallace S. Building, Western Union Building, and Exchange National Bank Building.

His career saw a six year hiatus with the onset of World War II. He was called to active duty in 1940 while serving in the Army Reserve as a 1st Lt. 24th Infantry Regiment; served in the Pacific Theater where he contracted malaria, a debilitating condition which caused him to run a low-grade fever for years.

After being returned to the states for medical treatment, he had interim duty as a battalion commander at M.I.T. He wound up as Chief of Contracts for Headquarters, 8th Service Command in Dallas.

Astrology enthusiasts will know that as Nick was born on September 12, he was a Virgo. Virgos, as the legend goes, tend to be fussy, have a keen enjoyment of beautiful things, and are thought to be able to do more than one thing well. Looking back over Nick's life and career, one tends to think there may be something to this business about the stars and planets. While he was on the assignment in Dallas, he demonstrated the fussy judgment and love of things beautiful expected of Virgo people when he met, courted and later wed his wife of 50 years, Margaret, a tall, stunning brunette.

Nick's appetite for politically-connected legal work took an upturn in late 1959, and never diminished for the rest of his productive life. City Attorney Paull Dixon added Falsone to his staff of assistants. In 1962, the Tampa Times reported on a disputatious exchange between Falsone and State Attorney, Paul B. Johnson with Constable Malcolm Beard on the fringe of the argument. According to the story, Municipal Judges Bob M. Johnson and Walter Burnside, Jr. (both now deceased) thought they should have the authority of committing magistrates. Falsone supported their position, citing a recent Attorney General's opinion on the issue. He also publicly commented, "(State Attorney) Johnson is not only way out of line in his attack of this plan, he's got no business getting into the situation." Falsone, according to the Times, "rapped Constable Beard and asserted that Beard's office would not be circumvented one iota. On the contrary, he will automatically be included in the area." Despite the Assistant City Attorney's backing, the

effort to enlarge the jurisdiction of the city's municipal judges failed. Nevertheless, that same year Nick's services for the legal department were praised by the Clerk and City Council.

Nick's next round of public service came when he was appointed Assistant State Attorney under Paul Antinori. His star was in the ascendancy, it would appear, because when Municipal Judge James P Calhoun advanced to become a judge of Juvenile Court in 1968, Mayor Greco favored Nick with appointment as Calhoun's successor. Probably his most notorious City Court case was *City of Tampa v. Janis Joplin*. Joplin was charged with two counts of obscene language during her concert at Curtis Hixon Hall. She never appeared, her lawyer entered a plea of *nolo contendere*, and Judge Falsone fined her \$204.

In 1969, one of *Tampa Times'* most popular columnists, Bob Turner, who featured stories on local political topics, reported that Thomas A. Miller, Sr. (then a Workers' Compensation Judge) was "politicking for a newly created County Judge's seat." Nick J. Falsone, Turner said, was "considering the race." Those two contended, and the final tally was: Falsone, 27,452; Miller, 15,951. Joseph Gross finished third.

No doubt energized and encouraged by his success in the above mentioned election, Nick announced his candidacy for a Circuit Court judgeship, Group 14, in July, 1972. Due to the amendments to Article V of the Constitution which became effective January 1, 1973, County Judges were elevated to the Circuit level. He was elected without opposition and served continuously in Probate, Guardianship and Trust Division, an area in which he was especially interested and experienced, until his involuntary retirement at age 70.

Judge Falsone was the subject of numerous news stories in late 1979 and through the first quarter of the following year. Nick badly wanted to serve out his full term but could not due to constitutional circumstrictions. He got the help of Representative Lee Moffitt and Senator Pat Frank who sponsored a constitutional amendment to allow all judges to complete their term regardless of when they reached the mandatory retirement age. Judge Falsone and Judge Sam Silver of Miami were two of the would-be beneficiaries. Their hopes were dashed when Dempsey Barron, powerful chair of Senate Rules Committee blocked the proposal from coming to the floor. Barron was quoted as saying, "It would be simpler to pass a bill to make that judge (Falsone) two years younger than to get the constitutional amendment on the ballot." That was that, and Nick was obliged to retire on September 12, 1980.

Charles Scruggs, who served with Nick on Municipal Court and is a former Circuit judge himself, confirms what Nick's friends and colleagues know: "About 90% of his casual conversations centered on his exploits as a duffer. Nick and the late Judge Roger Flynn played a lot of golf together and were continually playing practical jokes on one another. The most important things in Nick's life were his God, his beloved wife, Margaret, and the law (with golf a close fourth)."

Nick and Margaret spent a lot of time on the links at Palma Ceia Golf and Country Club. One of his two aces (holes in one) occurred about 16 years ago on the short but tricky Par 3 - 4th hole, while the Falsones were playing with Dr. Robt. Coffey and wife, Sally. This scribe remembers one vivid experience on the same course when Nick and I were in the same foursome on Saturday. As Nick was preparing to hit his tee shot on the 9th hole, a golfer (unnamed home builder) walking down the adjacent 3rd hole, separated

by a pond and about 70-80 yards from the 9th tee, hollered at Nick: "How's the crooked judge?" Nick's countenance hardened, his face turned red, and he strode off the tee brandishing his driver in the direction of the wiseacre. Nick bawled him out in no uncertain terms, but after a few tense moments, the offender apologized. That episode occurred about the time of the public scandal involving two Hillsborough County judges. Nick took some kidding about his golf swing. Conventional wisdom for golfers is to keep the right arm close to the body on the backswing. Nick's arm and elbow would fly out like a chicken wing (the Colonel Sanders syndrome). It didn't bother Nick, that was just his style, and it in no way lessened his enjoyment of what has been described as a game designed by the Devil himself.

Nick was a warm and cheerful individual who made friends easily. He knew everyone who was anybody in Tampa; and his fluency in Spanish and Italian, and his praiseworthy performance in different responsibilities over the years made him a potent factor in Tampa's political landscape. As long as judges are elected, politics in the broad sense will be always a significant element in the process.

After his retirement, except for a series of back and hip surgeries in his last years, Nick and Margaret lived *la dolce vita* - a well deserved break in the fever of life for a man whose intellect, integrity, temperament and experience made him an everlasting credit to the judiciary of Hillsborough County.

Morison Buck

Afterword:

Nothing is often a good thing to do, and always a brilliant thing to say.

- Edward Bennett Williams, famed trial lawyer