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Chips Off The Old Bench

Judge Lexie Louge Parks: A Profile

(1891-1975)

"It ain't a town and it ain't a city." So goes the opening stanza of a novelty tune years back. The composer might have had Lynchburg, Tennessee in mind. Lynchburg, lying within the eastern highland rim of the Volunteer State, is about 68 miles southeast of Nashville, and, in golf lingo, a medium iron north of Fayetteville. Go much further south and you'll find yourself in Alabama.

Lynchburg is best known as the birthplace of Jack Daniels Distillery, producer of the whiskey preferred by many fussy bourbon drinkers. It's been in continuous operation since 1866. Even though Lynchburg is county seat of Moore County, it is so small that the 1996 Martindale-Hubbell directory lists not one lawyer in practice there.

One of Lynchburg's lesser known exports was a budding young lawyer with the uncommon given name of Lexie. He always used his initials and was never known to have signed his name otherwise. Always, he was L.L. Parks.

He was born in Lynchburg in 1891, emigrated to Florida, and was admitted to practice law in 1914. For nine years he was associated with T .M. Shackleford, Jr. In the firm of Shackleford & Parks.

In 1923, at age 32, he was appointed Circuit Judge in this Circuit, one of the youngest ever to be so honored in Florida. Serving continuously for almost 37 years, he was lauded editorially upon retirement by both the *Tampa Tribune* and *Tampa Times*. He was elected President of the Tampa Bar Association in 1931.

So far as is known, he was re-elected as judge for successive terms without opposition, but his public service was not without controversy. For example, in 1932 in a lawsuit brought by Hillsborough County against W B. Dickenson, prominent Tampa lawyer, and others, defendants moved to disqualify Parks. The motion alleged that because plaintiff's principal witness was T .M. Shackleford, Jr., close friend and former associate of the judge (Peter O. Knight was a prime witness for defendants), Judge Parks would be biased in favor of the county. The motion was denied but on appeal, the Supreme Court held that if the technical requirements for disqualification had been met (they had), the judge should have recused himself. The opinion appears in 140 So. 459.

In 1953, another contretemps involving Judge Parks and a lawyer, Sam Bucklew (now deceased), came about when the Judge was accused of being so prejudiced and antagonistic to the lawyer that his client was consequently denied fair treatment. Parks entered an order questioning the sufficiency of the motion to disqualify but noted that Bucklew had prevailed in all the cases when he claimed he had suffered prejudice. The judge conceded that he had reprimanded Bucklew in trial for consistently repeating or echoing the answers of his witnesses to his own questions. The issue was resolved when the judge transferred the case to Division B (Judge Tillman).

In 1959, a Pinellas County neighbor of Judge and Mrs. Parks brought an action seeking to bar Parks from voting in a local election because they were allegedly not full-

time residents. (The Parks maintained an apartment in Tampa.) Judge Leavengood of the 6th Circuit ruled that Judge and Mrs. Parks had voted illegally in the town's last election. Judge Parks was quoted as saying he believed Leavengood's decision would be overturned on appeal. It was.

*SOME RECOLLECTION AND REFLECTIONS
REGARDING PARKS, J.*

Retired Judge James P Calhoun recalls that he was before Judge Parks on a labor relations matter, opposed by the late C.J. Hardee, Jr. Calhoun cited a Florida Supreme Court opinion that was somewhat apt, but not directly on point regarding the issue. Hardee then cited a U.S. Supreme Court case that was precisely dispositive of the question, and it favored Hardee's side. Judge Parks reportedly thought a bit, then said, "Boys, I've considered both cases that have been cited, but because I'm a state and not a federal judge, I'm going to side with Mr. Calhoun on this one."

Wm. Reece Smith, Jr., Esq., tells that he and Truett Ott tried an automobile accident case before Judge Parks. Truett represented plaintiff and Reece, the defendant. During an important part of plaintiff's case-in-chief, Judge Parks interrupted and asked the lawyers to approach the bench. There he said something to thus effect, "Boys, I just remembered tomorrow is the opening of the hunting season. You don't want to be trying a case then, do you?" Before the lawyers could recover, the judge turned to the jury and said, "Members of the jury, the Court will stand in recess until next Monday." Judge Parks then left the bench, assumed to be heading to the Gulf Hammock where he liked to hunt. That occurred on a Tuesday or Wednesday and thus, there was a long break in the trial. There is no record of an appeal from the judge's decision to postpone the case.

Leland Hawes, historian and popular feature writer for the *Tampa Tribune*, remembers Judge Parks from the former's reportorial years covering the courthouse. Says Leland, "He wasn't very warm or friendly with newspaper reporters."

On a personal note, having tried a limited number of jury and non-jury cases before Judge Parks, in the present Courthouse as well as the old one, I found Judge Parks to be a taciturn, unpretentious man with the experience and innate ability to separate the wheat from the chaff, and to look at and listen to a witness and determine whether or not he was telling the truth. Someone has said that if a judge can get the facts right, then the law will take care of itself most of the time. I believe that's where Judge Parks excelled.

L.L. Parks died August 1, 1975.

Today, there are thirty-five portraits of this Circuit's retired judges hanging on the walls of Court Room One. Judge Parks served longer than any of them.

- Morison Buck