

1-1-2000

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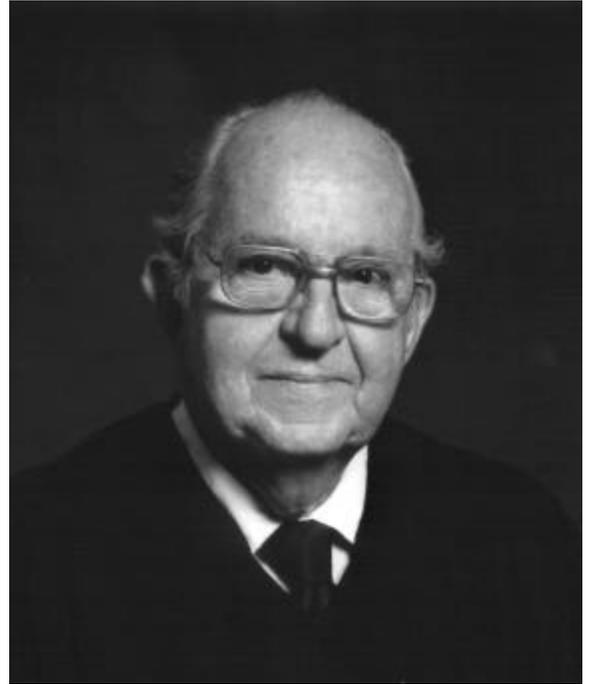
Buck, Morison, "Edward Francis Boardman: Judge Gregarious the first (1912-1990)" (2000). *Digital Collection - Florida Studies Center Publications*. Paper 2474.

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EDWARD FRANCIS BOARDMAN: Judge Gregarious The First  
(1912-1990)

We don't know by what name his mother addressed him but it was probably *Edward*. Mothers generally seem to prefer their son's given name, leaving nicknames to be bestowed by other family members or childhood friends; hence, *Ed* or *Eddie*. He thoroughly disliked Francis, his middle name. Sixty years after his birth he acquired the titles of "Judge" and "Your Honor." Still, it's hard to avoid the nickname additive, and the ladies associated with the Appeals Court where he toiled, including his loyal assistant, Jerri Myers, affectionately referred to him as "Teddy Bear." Friends and associated acceded to his desire to be known as just plain Eddie.



In a social setting his fluent wit and pungent quip reminded some, at least this scribbler, of Phil Silvers of Sgt. Bilko fame. There was something of New York in his speech, an eastern tinge acquired, no doubt, as result of his birth on August 23, 1912 and early years in New York City. Little known of his life outside Florida but we do know that the future judge's father, Ralph, was an iron or steel worker in the construction industry. Barbara, his mother, was an immigrant from Hungary, according to the judge's sister-in-law, Gertrude Myers, widow of Dr. Rex Myers, Jr. In the early 30s, the Boardman family journeyed south to Florida, settling in Miami, and Edward Francis Boardman became an adopted son of the Sunshine State.

Enrolling at the University of Florida in 1933, he earned his BSBA degree three years later. Boardman then moved on to Bryan Hall, site of the College of Law, and was awarded his LLB in 1938. As the rest of us experienced, it was later replaced with the more voguish JD diploma.

The first page of the 1938 Seminole's alphabetical roster of law grads lists Edward Boardman from Miami. It also includes three notables from Tampa: Delphin Arduengo (later a partner for years in Worker's Compensation with MacFarlane, Ferguson, Allison and Kelly); Manuel (Manny) Garcia, well known lawyer and political guru; and William S. (Billy) Rodgers, also in the MacFarlane combine for many years and the only survivor at this writing. James C. Adkins, Jr. also made the first page of the annual for that banner year. He later ascended to the Supreme Court of Florida from Gainesville, and as Chief Justice, played a key role in Boardman's judicial career down the road.

Boardman never did anything by half, and his achievements at the University of Florida read like a synopsis of the life of Jack Armstrong, the All-American Boy; to

mention only a few of the most impressive: Editor-in-Chief of the 1938 Seminole. Blue Key, Hall of Fame, and President of Chi Phi social fraternity. Lt. Field Artillery, R.O.T.C. All-Campus forward in Basketball, 1933; Handball Manager, and White Friars Dance Society (??). Opposite his smiling, winsomely handsome face in the Hall of Fame registry are accolades and superlatives: “Executive genius, machinations of politics, demon on the handball court, diplomatic, engaging personality, practical out look, he will scratch your back if you will not reciprocate.” Moreover, in 1938 this good-looking fellow had a luxuriant head of hair. The disappearance of those tresses in later life did not slow down the express train of his life.

Before being called into wartime military duty during which he attained the rank of Major in the Army Field Artillery, he had some military indoctrination during his pre-war years in Gainesville by serving as an ROTC officer.

He met Virgie Deane McRae of Tampa at a fateful encounter on the handball court, and there is no serious doubt that they discovered something more important than slapping a small, hard rubber ball against the wall or walls of a handball court because they married on November 21, 1941. And it was a bond, which lasted until Virgie’s death in 1982. Only one of their adopted children now survives, Barbara Boardman, whose whereabouts are not known.

Starting in 1938, Eddie engaged in the practice of law in Miami as senior partner in Boardman & Bolles. After the war, he was beginning to become involved in a variety of public service assignments, a foretaste of things ahead: Municipal Judge (night court) 1950-52; Attorney, Dade County School Board, 1952-61; Attorney, City of North Miami; Asst. Attorney General, Southern District of Florida, 1961. During those same years he was an active Kiwanis Club member, chosen as President of the Miami Biscayne Bay Club in 1959. His devotion to Kiwanis continued after his move to Tampa and he served as President of Palma Ceia Kiwanis. He never outgrew or got too busy to be active in charities and his association with the Methodist Church (Palma Ceia Methodist in Tampa). The man simply had an affinity for leadership. His reputation for political acumen led to his being named in 1956 as campaign manager for Adlai Stevenson. Unfortunately for Eddie’s candidate, too many people liked Ike better than Adlai.

Boardman’s political fortunes surged forward when he was chosen by President John F. Kennedy to be United States Attorney for the Southern District of Florida in 1961. According to all accounts, the U.S. Attorney’s office under his management carried out its mission with great effectiveness. In late 1962, life took another turn for Boardman. The Middle District of Florida was established in Tampa, so he and Virgie went back to her hometown where they lived for the remainder of their lives.

The federal prosecutor’s office here, as elsewhere, had historically been identified with political patronage, so in 1961 it was the Democrats turn. One of the holdover assistants from the Republican years was Don Stichter of Tampa, now a busy bankruptcy specialist, who commenced his service in 1959. Calling Eddie Boardman, “ a fine boss who inspired respect and who managed his team of lawyers in fine style,” Don

laughingly recalls that when his 2 year old son, Scott, was introduced to Boardman, his first words were, "Hi, Boardie." Boardman, who still insisted that his staff call him Eddie, got a hearty laugh from that encounter. Another former assistant, Richard A. Hirsch (currently an active and skillful advocate in Tampa, and one of two Trustees (Edward I. Cutler, Esq. was the other) who administered a testamentary trust created by Boardman for the benefit of his children), has this to say about his experience serving under Eddie:

"I was proud to serve as an Asst. U.S. Attorney under Judge Boardman in the 60s and believe I can unequivocally state that he was well-regarded and respected... he expected every Assistant to be prepared during all proceedings.... He was not an individual who would second guess or criticize publicly his Assistants.... He was an accomplished handball player and would play at the YMCA across the street during lunchtime. We would joke that between 12:00 and 1:30 p.m. the judge could be found in the northwest courtroom."

Joe Mount, now with Immigration and Naturalization Service in New York and former Hillsborough County Attorney, has many stories about Eddie Boardman which focus on his irrepressible humor. He recalls that Virgie told a story about sitting at the head table where Eddie was the speaker. She was wearing a wig, fashionable at that time. When Eddie referred to her during his speech, he stepped over and yanked off her wig. Needless to say, it brought down the house.

This writer first met Eddie Boardman in 1965 while he was U.S. Attorney. The occasion was a joint appearance on opposite sides of the podium before the U.S. Circuit Court of Appeals for the 5<sup>th</sup> Cir. sitting in Jacksonville. The case: J. Adams Bruce v. United States – an appeal from his conviction of multiple counts of fraud. Boardman represented the government. Bruce was represented at trial by John R. Parkhill, a high profile lawyer with a good record of criminal defense over so many years. Out of money in the wake of the trial in Tampa, Bruce needed help so the writer agreed to brief and argue the appeal as a virtual *pro bono* undertaking. Boardman carried the day but in the process showed uncommon kindness and courtesy to his opponent, a lawyer of lesser ability with possibly a weaker case. Bruce was spared a prison sentence due to the benevolent intercession of Robert Evans, the wise and warm-hearted federal probation and parole officer who advised me that Bruce was too old to suffer incarceration. Bruce, a pioneer in the fruit juice canning industry and an extraordinarily intelligent individual, took a *pro se* Petition for Certiorari to the U.S. Supreme Court, but it was denied. (86 Sup. Ct. 1370).

When the political winds changed and a Republican administration took over upon the election of Richard Nixon, Boardman spent the next few years associated with the old Tampa firm, MacFarlane, Ferguson, Allison & Kelly. Along the way, he also did some work as an assistant state attorney in Hillsborough County in the administration of E. J. Salcines, another of Eddie's proteges in the U.S. Attorney's office, who is now a judge in the 2<sup>nd</sup> District Court.

Boardman was relentlessly cheerful and his natural gift for social intercourse came into full flower on a two-week trip in to Tokyo and Hong Kong, which was sponsored by the Florida Bar in 1971. He and Virgie, along with about 14 to 15 other couples from Tampa (plus a full component of lawyers and wives from all over Florida), took the junket. During the second leg of seven days at the Mandarin Hotel in Hong Kong, several couples, including this scribe and his wife, Virginia, were thrown together. One midday, Eddie reported that Virgie saw an attractive building within walking distance which she thought (he claimed) was City Hall, and that we should proceed there for a buffet lunch. It turned out that we wandered into the most exclusive, members-only club in Hong Kong. Eddie, as always, on the point as the leader, told the *maitre'd* that our group were on the staff of "Her Majesty's Royal Fusiliers" and would like to dine. The Hong Kong Club was established in 1849 and had no Chinese on its membership rolls. And it was not until 1993 when the Chinese Club was opened that Asians, regardless of their station, had a comparable facility. Thanks to our leader's *savoir-faire*, we got admitted and had an excellent lunch. Our group had a blast – not to be confused with James Thurber's reference to a "blast" as a disease that suggests the effects of a noxious wind. The Tampa party's clique experienced no noticeable flatulence and there was nothing noxious about it.

Judge Boardman's journey to the 2<sup>nd</sup> District court was a circuitous one. In 1972 he participated in a spirited election contest with Municipal Judge Henry Esteva of St. Petersburg. Both wanted the seat being vacated by Judge William C. Pierce. Boardman was certified as the winner but his entitlement to sit was litigated for about three years, bouncing around between the District Court (1<sup>st</sup> DCA) and the Supreme Court. He remained on the job until finally in October 1975, the Supreme Court decided that the absentee ballots gave Boardman the win by 161 votes. The unanimous 17-page Opinion was the product of his old classmate, Chief Justice James C. Adkins Jr.

Eddie Boardman served with distinction as an appellate judge for 12 years, and during that time he wrote or contributed to 549 opinions. H.L. Mencken said that anyone who could think straight could write well. According to former colleague, Robert T. Mann, his opinions were written with lucidity and a solid legal foundation. Another, the Honorable John M. Scheb, who spoke at Judge Boardman's funeral service, said, "I likened his fairness to the impartiality of an automatic traffic signal."

Over the years of his judicial service, Judge Boardman was associated with a select group of people in the Lakeland headquarters. There was his faithful assistant, Jerri Myers, whom he teasingly called, "Miss America." He was also close to Deputy Marshal Velma Johnson. Jerri and Velma are still working full-time at the Court. Also, there are the fine lawyers who trained under his tutelage as law clerks, including Joseph Williams, A.J. Melkus, Elizabeth Wheeler, Billie Jo Owns, and Susan Dunleavy. The writer is indebted to all of the forenamed good people who responded to a request for anecdotes and stories in their storehouse of memories of their memorable association with Eddie Boardman. Susan Uneasy gives some details of an unusual case in which his understanding of the legal issues presented ultimately because the final word under Florida law. Here is her easy-to-read explanation of that case:

One case that Judge Boardman found troublesome involved a defendant who had shot and killed her husband during an altercation in their home in which the victim had struck the defendant shortly before he was shot. The defendant requested a jury instruction of self-defense, which the trial court denied, relying on a recent Fourth District opinion. Even more recently, the First and Third Districts had gone the other way. After long and careful consideration, Judge Boardman came up with a middle-ground proposal of a modified duty to retreat within one's own home when the altercation involved a co-occupant. That case was *Rippie v. State*, 404 So. 2d 160 (Fla. 2d DCA 1981), which the Florida Supreme Court reversed, *State v. Rippie*, 419 So. 2d 1087 (Fla. 1982), on the authority of its decision in *State v. Bobbitt*, 415 So. 2d 724 (Fla. 1982), in which Justice Overton dissented and agreed with Judge Boardman. I was very disappointed in our Supreme Court's decision in *Rippie*, and I think Judge Boardman was, too. However, 17 years later, in *Weiland v. State*, 732 So. 2d 1044 (Fla. 1999), the Florida Supreme Court receded from its decisions in *Rippie* and *Bobbitt*, and followed Judge Boardman's suggestion in his *Rippie* opinion. I was probably the only attorney in the Attorney General's Office who was pleased with the *Weiland* opinion (I was not involved in the *Weiland* case even peripherally), but I was pleased because Judge Boardman's reasoned judgment had at long last been vindicated.

Eddie Boardman was a unique judge with an ineffable personality, whose humanity and devotion to justice will not soon be forgotten.

Morrison Buck

LAST WORD:

Men who do good things are so much more valuable than those who say wise ones; because the order of human excellence is so often inverted, and great talents considered an excuse for the absence of obscure virtues.

Sydney Smith  
(1771-1845)