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***** CHIPS OFF THE OLD BENCH *****

**ROBERT W. PATTON: Tireless Student in Pursuit of the Law
(1911-2000)**

This is a two-part history question:

- Q. What did Honus Wagner and Ty Cobb have in common in 1911?
- A. Both won a baseball batting title in the majors, Wagner capturing that honor in the National League, and Cobb taking the crown in the junior circuit.
- Q. What is the common link between Ronald Reagan from Illinois and Robert W. Patton from North Carolina?
- A. Both were born on Monday February 6, 1911, and each achieved notoriety in different ways in places far removed from the state of his birth. Reagan, in California, became the 40th president of the United States, and Patton, in Florida, became probably the most honored and respected judge to serve in modern-day Hillsborough County Circuit Court, especially in light of his relatively brief tenure in office (1964-1978).

Patton was a man whose career as a judge proved that his life, as someone said of Thomas Jefferson, was one of the mind. A native of Wilmington, North Carolina, he was the only child of Ellinora O'Keef (of Liverpool, England) and Robert Patton, whose earlier history is rather obscure. In his early childhood, his parents divorced, and for the balance of her life, the mother and son were closely bonded. The judge never married.

Mrs. Patton and her son, Robert, moved to Tampa by way of Jacksonville about 1924 or 1925. Local directories show that when Robert was admitted to the Florida Bar in 1933 he and his mother were resident at 2904 Angeles in the old Palma Ceia section of Tampa. They were later joined by his devoted aunt, Dolly O'Keef, who had worked for the ACL Railroad in Wilmington and Jacksonville. Robert lived in the small but comfortable home at that location until his health failed a few years before his death on April 7, 2000.



From time to time in his story, the writer may revert to the personal pronoun rather than the more comfortable use of the third person. I am reminded that E. B. White, wondrously gifted essayist and writer with the "New Yorker" magazine, preferred to use "I" rather than "We" which was favored by the magazine. The latter practice, said White, "gave the impression that the stuff was written by a set of identical twins or the members of a tumbling act." White's example (but without a trace of his talent) is adopted in deference to my long friendship with Bob Patton (affectionately known as Pat).

My association with him dates back to January, 1949. My wife, young daughter and I rented a house a few doors away from the Patton home. As I did not own an automobile, Pat was kind enough to offer me a ride downtown in the morning on weekdays in a Studebaker which I believe belonged to his aunt. Something about that make of automobile impressed me so that when I thought I could afford a car, I discovered several years later a great looking Studebaker convertible at Ray B. Cralle Co., probably the best-running auto I ever owned.

After Ellinora and son, Robert, settled in Tampa, she began working as secretarial assistant to an attorney, Edwin R. Dickinson, and worked for him the balance of her working life outside the home. Robert soon joined Boy Scout Troop 23 sponsored by Hyde Park Presbyterian Church. Included in his mother's personal effects upon her death was a yellow clipping from the Tampa Daily Times dated December 16, 1926. It was a picture of the lads in the troop in their uniforms accompanied by a story relating that they had raised more funds in the community chest campaign than any other troop in the city. In addition to Patton (a bit older and taller than most of his fellow scouts in the picture), other later prominent Tampans shown were Alonzo Regar, Shields Gay (Deputy Tax Collection for Hillsborough County), James Taylor, Jr. (Clerk of Circuit Court), and G. Syd Lenfestey (businessman).

Patton was in the first graduating class at Plant High School. While in his teens and still in school, he acquired a reputation for having a deft touch with a pool cue. There was a respectable neighborhood billiard parlor on South MacDill Avenue which he and his buddies frequented. When Judge Patton and Judge I. C. Spoto were honored at the December, 1978 Bar Association luncheon meeting upon their retirement, the late William Gillen, a contemporary and a distinguished lawyer, was called upon to pay homage to Patton. In addition to extolling the latter's judicial record, he described Patton as "the most outstanding pool and snooker player in the area." His prowess on the green felt evidently didn't stunt his intellectual growth for he entered Duke University in the fall of the same year. His two Wilmington cousins, Fannie & Herbert O'Keef were also students at Duke. He was always a creditable student but there is no record that he earned special recognition as a Blue Devil. Cousin Fannie, on the other hand, was a notable achiever, being V.P. & Secretary of the Woman's Athletic Association, Glee Club member, and on the staff of the "Chanticleer," a campus publication. Pat is known to have played the saxophone in a local small

orchestra. He and I shared an interest in traditional jazz, but he told me once that he could read the music but couldn't "fake" (meaning to improvise around the melody). I assured him that I had the same failing playing trumpet in a high school R.O.T.C. band in high school. It has been said that jazz is America's only real contribution to the music art form, and one veteran player reportedly said that if you don't feel it, don't try to explain it.

After two years as an undergrad at Duke, followed by two years in law school at the University of Florida, Gainesville, he came home to Tampa, living and working here for the rest of his life, with the exception of about two years in the practice of law in St. Petersburg during the period between 1937 and 1939. I never heard him speak about that interlude in Pinellas County, but the 1938 Polk directory lists him as having an office in the 7th Street Arcade on Central Avenue, with no listing before or after that year. Bob Baynard of the well-known St. Petersburg family appears to have opened an abstract and title insurance company in the location, and it is believed that Bob Patton made a temporary connection there to assist the Baynard enterprise get started. His earliest connection in Tampa began in 1936 when he had space in the Ferlita Building, 516 ½ N. Franklin, corner of Twiggs, now the site of a Walgreen's store. His mother's boss, E.R. Dickinson also had an office in that building on the 2nd floor. His next significant move took him to Madison Drug Building in a second floor set of offices above Madison Drug Store & Restaurant at the corner of Franklin and Madison Streets (now an Eckerd Drugs location). He shared the space with two other lawyers. While not a partnership, the trio practiced under the name, Massari, Patton & Spicola. Frank Massari became heavily involved in the International Bank of Tampa, and he also participated as an actor in Tampa's Little Theater productions; G.C. (Tom) Spicola devoted much of his time to the Tampa Smokers baseball team, which he owned. Patton was all lawyer.

The law, according to famed political write, Theodore H. White, is a profession "which requires one to be tough about abstractions, quiddities, quoddities, and the sanctity of signed contracts." That definition fit Robert Patton like it was specially designed for him. Early in his practice, he developed both a huge talent and keen interest in all manner of real property transactions. Over time he became a widely recognized expert in the examination of abstracts of title (before the advent and dominance of title insurance). He was known for his ability to write meticulous opinions on the merchantability of title to real property, to draft documents pertaining to land and improvements, e.g. deeds, notes, mortgages, options, leases, and any other documents involving land.

When World War II came along, Robert Patton expected to be called into service, and he was sent to Camp Blanding as a potential inductee. He was not accepted, however, due to a heart anomaly. One of his old friends in Tampa, Bayard Angle, retired from the position of Collector of Customs to which he was appointed by President John F. Kennedy, and, moreover, a lawyer admitted to practice the same year as Patton, remembers fondly that one of his most

important and memorable ties to home while on sea duty with the Coast Guard was the frequent exchange of correspondence between the two friends.

Throughout his career as a journeyman lawyer, Patton always found time to be an active player in civic and social activities. Nearly every morning he would have coffee in the downstairs coffee shop enjoying the company of friends like lawyers, George Gonzalez, E.W. Monrose, O.D. Howell, Jr., Bayard Angle, and George Straus, a banker. Active in Palma Ceia Kiwanis Club (which met weekly at Cricket Tea Room, a fixture for years on Hyde Park Avenue and famous for fine food and ambience), he was named president in 1956. He also served on the Board of Directors of the Bar Association, supported American Heart Association, and as a merit badge counselor for the Boy Scouts.

Long ago, H.L. Mencken said that if he had his way, "No man guilty of golf would be eligible for any office of trust or profit under the United States, and all female athletes would be shipped to the white slave corrals of the Argentine." Happily, that dark slice of acerbity by Mencken didn't deter Bob Patton from enjoying many rounds of golf at Sun City Center and Diamond Hills golf courses in the early 1960s with friends like Henry Alfonso, Shields Gay, Dr. Marshall E. Smith, Val Foster, "Freddy" Fredericks, Bobby Frick and yours truly. One incident from those years stands out. Our foursome was starting off #10 at Sun City's original course. Patton was teeing off and taking a lusty swing, he somehow lost his grip on the driver and the club flew into the air and landed on the roof of a house nearly opposite the tee. Chagrined, he nevertheless went over in the golf cart and retrieved his driver. Patton was a sparsely-built, unathletic appearing fellow but he enjoyed sports. In the late 1940s and 50s his close friend Tommy Melville was field announcer for football games at Phillips Field and Robert spotted and identified players for him.

In 1961, he and I made a deal with L.B. McSwain, who owned the two-story building at 605 E. Jackson Street, to lease us the east one-half of the ground floor. There was space for two secretaries, two private offices and parking for our cars. Perhaps his most valued client at that time was Real Estate Title Co. It was established about 1950 by Al Weiss, later joined by Val Foster. Both men had been key associates at Guaranty Title, and Bob Patton was from the outset a shareholder and attorney for R.E.T. Ultimately, after Weiss's death in 1960, under the leadership of Foster the company acquired the building at 607 Jackson and the business thrived at that location until it was bought out by American Title of Miami in 1978.

Patton's first opportunity in the public sector came when he served as an Assistant County Attorney under W.C. McLean who had a long career as County Attorney. After McLean's death, he became attorney for Hillsborough County and served in that capacity until his elevation to the Circuit bench under appointment by Gov. Farris Bryant in December 1964. According to courthouse pundits, Patton's appointment came about because Bryant's key man in charge

of patronage in the county wanted his job; and he got it. Be that as it may, the selection of Bob Patton was a wonderful addition to the judiciary of the 13th Circuit. To borrow a phrase from Yogi Berra, master of language, if almost any lawyer is asked whether or not Judge Patton exceeded his expectations, he could well say: "He's done even better than that."

Reflecting, perhaps, his British ancestry, Judge Patton was a quiet, reserved, private individual. Though he was rather unprepossessing in manner and appearance, young lawyers particularly tended to be nervously in awe of his serious mien, but that sense ripened into admiration and respect. If he found (as he often did) that an order or judgment didn't suit him, in form or in content, he would either telephone the attorney or interline or interpolate precisely what he wanted. Retired lawyer and former Chief Asst. Public Defender Tom Meyers recalls the time he submitted a final judgment of divorce using the Supreme Court approved form. The judge had him re-do the judgment to add the phrase, "a vinculo matrimonii" (terminating the bonds of matrimony) after the dissolution of marriage language. He required that phrase, he said, because one out-of-state appellate court demanded it to be included. Retired Judge Roland Gonzalez said that Patton was simply the best judge he had ever appeared before. Judge Patton's secret to success was no secret; it can be stated in three words: Work, work, and work (some more). He was seen in the Law Library more often than any lawyer in town. In 1980, he was honored by the Junior Bar Section of the Bar Association when presented with the first Outstanding Judge Award ever. From that time forward, the recognition given annually became the Robert W. Patton Outstanding Judge Award.

Phillip Morgan, versatile staff writer for the Tampa Tribune, reported on June 3, 1972 that Judge Patton had the best appeal court track record in the Circuit over a two year period. He was never reversed during that time. Veteran court clerk, Don Buchanan, now serving in the Plant City Division, told me that Judge Patton represented all that was good, respectable, and wholesome in the practice of law, and further that "he should have been serving on a much higher level than the state court...who knows, perhaps now he is."

His mother's little dog, a toy poodle named Mikey, became his joy, his comfort and his faithful companion after the voices and sounds of his mother and aunt were silenced. In late 1979, Tommy Eure, one of Tampa's favorite photographers, took a color photo (see inset) of Mikey. Enlarged, it was prominently framed over the



mantelpiece at 2904 Angeles. It was probably the last thing he saw as he left home to take residence in a nursing facility, never to return.

Not long before he died, Pat stated to me that he knew he was a miser because he had no interest in material possessions, fine foods and other things considered by most people to be the comforts of life, and he could have afforded them. One of North Carolina's best known authors, Harry Golden, suggested that the miser tries to deprive himself of sustenance in the same way that the alcoholic is trying to deprive himself of sense; that the miser subtly seeks death, a secret which he masks from himself by accumulation. I believe that Judge Patton who lived so conservatively during his life left a substantial estate. The distributees will be probably his cousins or their descendants, and Nancy Criswell, to whom he was devoted and who was helpful to him in many ways over the years. Nancy is the daughter of Tommy and Eloise Melville, both now deceased, who for many years operated Personnel Consultants, a job placement service in downtown Tampa.

British writer and editor, J. R. Ackerly, who had an intimate friendship over five decades with novelist E. M. Forster had this to say about his old friend:

"I would say that insofar as it is possible for any human being to be both wise and worldly wise, to be selfless in any material sense, to have no envy, jealousy, vanity, conceit or hatred (though he had anger), to be always reliable, considerate, and generous, Morgan (Forster) came as close to that as can be got."

Judge Robert Patton's family and friends would, no doubt, be satisfied with that encomium for him.

Morison Buck

LAST WORD:

Use what talents you possess. The woods would be very silent if no birds sang there except those that sang best.

Henry van Dyke