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Morison Buck

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

**Benjamin C. Sidwell: Confident, Capable, Quick-Witted Individualist
(1918-2000)**

There's a small framed poster in the pro-shop men's room at one of Tampa's best known country clubs. It reads: "Time spent playing golf is not deducted from one's life span." Ben Sidwell's life is proof of the depth of that tongue-in-cheek proposition. His allotted span exceeded the coveted four score years; playing a lot of golf and with a passion for the game, he carried a low handicap. Before his entry into public service, he said, he was a four. This reporter played one 18 hole round at Temple Terrace with him years ago prior to his judgeship and can attest to his strength off the tee. Not a large man, he was nonetheless lithe and strong. His greatest accomplishment, however, was not his golf game but his progression from a high school dropout, who graduated ultimately from the night school at Hillsborough High at age 29 in 1947, to his appointment by Governor Reubin Askew as a Circuit Judge in 1974.



Less than three months before the signing of the Armistice ending World War I, the big news on August 25, 1918 in Monroe, Georgia – a small town just east of Stone Mountain – was the birth of little Benjamin Clay Sidwell. It's too late now to know how it came to happen but the family's relocation to Florida during Ben's early years may have been due to an early economic depression in Georgia beginning in the 20s. The only record from that period is his elementary school report card from 1929 reflecting above average grades in reading, spelling, and history. In golf lingo, his teacher Mrs. Willett graded his conduct as below par.

Sidwell worked as a machinist in the Tampa Shipyards, and as a consequence his World War II military service was delayed. The years 1944 and 1945 saw him on active duty in the Army Air Corps. He was honorably discharged from the service (all stateside duty) at Drew Field in Tampa in December 1945, as a Private First Class.

At some time along life's way, he decided he wanted to become a lawyer. Requisite college credit hours were earned at the University of Tampa during 1948-50. He was then accepted at Stetson College of Law in Deland prior to its establishment in St. Petersburg. One of his future colleagues on the Circuit Court was Phillip L. Knowles, who graduated from Stetson the year that Ben Sidwell enrolled. Stetson Law's records confirm that he was an excellent student, making "A's and B's." His LLB degree was conferred in 1952.

Making up for lost time, Sidwell made a good connection with a well-placed lawyer, Paul Kickliter, who also served as Hillsborough County's Juvenile Judge. At that time, the latter responsibility was not full-time. Their offices were in the Hinson Building above Jack Pendola's Men's Apparel at the corner directly across the street from the north side of the old County Courthouse built in 1892 and replaced in 1952. Kickliter later became a state Senator and over the years is reported to have acquired great wealth in real estate.

About 1956, Kickliter and Sidwell, with the addition of future judge, J. Clifford Cheatwood, moved into the Western Union Building, 505 ½ Twiggs St. It wasn't too long before the latter twosome blended into the firm of Sidwell and Cheatwood. Over time, lawyers Wallace Albritton, Russell Peavyhouse and Clifford Opp became associated on some basis with the firm. In 1969, H. Guy Smith, who now has his own firm in Lakeland, teamed up with the Sidwell/Cheatwood combine and they practiced as Sidwell, Cheatwood & Smith until 1973. The latter trio moved into the First Federal Building at 220 Madison Street, perhaps a better professional address. For many years, almost from the outset of his practice of law (and later as his judicial assistant) he had the services of a capable and attractive lady, Bessie Martinez. She tells that his forte was representing claimants in personal injury cases, and that Sidwell was successful in getting a number of jury verdicts, which were considered large in the context of that time.

Revealing pride in his experience as a young associate of Ben Sidwell early in his own career, H. Guy Smith says:

“Upon meeting Ben, I was immediately impressed with his intellect, candor and sense of humor. He was as effective as any lawyer I have known in 34 years in doing effective legal research. He was always sensitive to a high standard of ethics¼ Every year or two he would get the “new car fever” and would go out to the dealership and instead of negotiating with a sales person trying to get a better deal than the list price, he would be so anxious to get in the new car he would pay the list price, telling the sales person that if they would take the car and get it ready, he would buy the car on the spot.”

When able *Tampa Tribune* Staff Writer, Philip Morgan reported in late April 1974 that Sidwell had been appointed to the Circuit bench upon the retirement of Harry G. McDonald he noted that the new judge had worn the black robe briefly as an interim Municipal Court judge in 1958. The other nominees for the McDonald vacancy, by the way, were the late Morton G. Hanlon (who was also favored later with a Circuit Court appointment) and this scribe (who was also). Sidwell served for twelve years, drawing no opposition when he stood for election in 1974 and 1980 respectively. His career in the Courthouse, for all but the final year, found him serving in the Probate, Guardianship & Trust Division. His transfer to Juvenile Division by then- Chief Judge Guy Spicola may have taken place because of Sidwell's insistence of adhering to his schedule of taking one afternoon off a week for a golf game.

According to his fellow judge, James P. Calhoun, Ben was comfortable with his reassignment to Juvenile where he served until he was rather decisively defeated by Susan Sexton in the 1986 elections. That was called a “surprising upset” by the local news media, particularly as Sidwell had prevailed over her in the Bar poll. Sidwell had complete confidence that he would be reelected, and told friends that when the

election was over he could go back to being the same mean SOB that he was before. His chief concern in that election, he told friends, was whether or not his friend, Phil Knowles, would overcome a challenge. Knowles won handily. Ben Sidwell was embittered by his unexpected defeat, and he never really recovered from the agony of that loss.

Sidwell's responsibilities in overseeing estates, guardianships and mental health matters (formerly in a separate office identified by a sign indicating "Lunacy"), brought some notoriety to his court over the years. Here are some of the cases drawing public attention:

(a) John Reaves: This former Robinson High School and University of Florida football idol had to be committed to a mental health facility for evaluation in 1980 after evidence of erratic behavior consistent with drug and/or alcohol abuse. Reaves was on the roster of the Minnesota Vikings at that time. The judge later revoked the commitment subject to the proviso that the court be furnished with periodic reports from any physicians later seen.

(b) In 1982 the *Tribune* published a story about Judge Sidwell's controversial order awarding a Tampa lawyer a full one-third of a monetary settlement for a minor against the State of Florida, which was approved by the legislature. Judge Sidwell found that the minor's guardian had contracted to pay the attorney (now deceased) 1/3 of any recovery. Although the legislature placed a cap of approximately 6 1/2 % on legal fees, Sidwell said, "the legislature cannot constitutionally impair the obligation of a valid contract."

(c) Gene Holloway: The former operator of Sea Wolf Restaurant in North Tampa allegedly disappeared in 1981 while at sea. His wife and others contended for the right to be conservator of his estate. A retired CPA was appointed after a closed hearing on this issue. Holloway later reappeared thus making further proceedings before the Court unnecessary. Meanwhile, the *Tribune* editorially criticized Sidwell for his action closing the aforementioned hearing. Frank Winkles, Holloway's lawyer, in a sort of sequel to the needless conservatorship responded to this writer's request of his recollections of the affair as follows:

"The interesting things I learned at that hearing was, in his will, Mr. Holloway requested to be buried in his Cadillac convertible, with the top down and a bottle of Jack Daniels in his hand! As a follow up you may recall that Mr. Holloway was indicted for mail fraud alleging that he burned down his house. After a multi-week trial he was acquitted of those charges. It was interesting that the house he was alleged to have burned had many different animal pans for his tigers and leopards, and each animal had its own hot and cold water shower and a color T.V. The jury thought it most entertaining."

Judge Sidwell was liked and respected by the attorneys who came before him. He got an 80.2% approval rating in the 1976 Bar survey – right at the top level; only three other judges rated higher. He was also very acceptable to the probate staff, like Mary Cummings, Lanelle Clifton, and Lorraine Thompson (now retired). Esther Demko, now retired chief of Mental Health, worked closely with him for more than 10 years. When she retired he wrote her: "Dear Esther (a/k/a Kelly, her nickname) Kelly, do I ever have great news for you. You're going to love retirement! I always suspected that I had a hidden talent for sitting on my behind, and I do. No wonder I liked the bench, it was made for me. You are one of the most

practical minded persons it has been my good fortune to work with¼ With warm personal regards, B. C. Sidwell.”

The judge’s private life was more turbulent, perhaps, than his public persona. From his several failed marriages, four to be precise, it might be concluded that the judge, to put it gently, had a woman problem. Or possibly, women had a problem with him. He was not married at the time of his death, and one of his colleagues remarked that the only time he ever saw Ben Sidwell really angry and upset was when wife #2 used his Visa card to pay a \$1,000 retainer fee for her divorce lawyer. In the last three years of life, Sidwell’s physical and mental health began to fail. As a result, his son filed a proceeding in the same department, ironically, where his father had worked with Mrs. Demko. That action culminated in the creation of a voluntary conservatorship by him with a guardian appointed for his protection.

It can be said with the same confidence, which the judge possessed that the judicial record of Ben Sidwell, in the jargon that golfers will understand, will be on the first page of the leader board.

Morison Buck

LAST WORD:

The whole object of education is, or should be, to develop mind. The mind should be a thing that works. It should be able to pass judgment on events as they arise, make decisions.

Sherwood Anderson