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Morison Buck

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ROGER DENIS FLYNN:
A SOONER WHO LEFT HIS JUDICIAL FOOTPRINTS IN FLORIDA LATER
1914-1972

On August 2, 1975, the *Tampa Tribune* reported the death the day before of Retired Judge L. L. Parks. He presided in Hillsborough County Circuit Court continuously from 1923 until his retirement in January 1961. He was 84. He had been for a time a patient in Bay Pines Veterans Hospital. Judges come and, like all mortals, go, but for many years Judge Parks was, in terms of length of service, the most senior judge in the State of Florida.

Roger Flynn’s destiny of serving as a Circuit Judge became a reality when he announced on December 17, 1959, that he would be a candidate in the forthcoming primary for the judgeship held by Parks. The latter, through his attorney, Cody Fowler, announced in Dec. 19, 1959 that he would retire for health reasons in early January 1961. The opinion of most political observers was that Parks would have been a heavy favorite to retain his seat regardless of his opposition. No other lawyer challenged Flynn, and he not only captured the post on his first attempt, he was reelected without opposition after successive terms until his death on December 13, 1972. During his time in judicial office Flynn was fortunate enough to have utilized the
services of a highly competent and loyal judicial assistant, Lois Walsh, who now resides in Pottsville, Pennsylvania.

Judge Flynn was born in Sapulpa, Oklahoma July 21, 1914 to James Davis Flynn and Edna Loring Flynn. Sapulpa was a small community just south of Tulsa. In golfing lingo which Flynn who loved to play golf would understand readily, Sapulpa was only a “lob wedge” from Tulsa. His birthplace was first settled by Creek Indians in 1850. Then, in 1886, Frisco Railroad established a train station there. It is said that there were flags of eight nations flown over Sapulpa from time to time: Spain, France, England, Mexico, Choctaw Indians and the United States of America.

At some point in his early years, Roger relocated to Tampa, Florida. Details of his youth are sketchy as both his parents and his siblings are long deceased. His sister-in-law, Stella Flynn of Tampa, widow of Roger’s brother Dr. John D. Flynn, and Roger’s older son, Roger, Jr. who now lives Colorado Springs, Colorado are still in close contact. The last named family members have contributed substantively to information about the judge’s personal history and their efforts are appreciated.

What brought the Flynn family all the way from a little town in Oklahoma to Tampa? This question was asked of both Roger, Jr. and aunt, Stella Flynn. Their responses essentially were that the future judge’s father owned a newspaper in Oklahoma, was a civil rights advocate for blacks. That circumstance, coupled with his deep Irish Roman Catholic heritage evidently caused serious conflict with the Ku Klux Klan. As a consequence, he was threatened and forced
to relocate his family outside the state of Oklahoma. The judge’s older sister, Virginia, was already living in Tampa at the time and the latter location was the most logical choice for the move. In 1966, several years after commencement of his judgeship, Flynn prepared a biographical data form for use by local newspapers. According to that material and surviving family members, the judge’s elementary education was completed in Oklahoma and St. Louis, Missouri. He later attended Jesuit High (then known as Sacred Heart) in Tampa. After high school he returned to New Orleans to attend Loyola University. While working for the local paper as a reporter during the day, he attended Loyola at night (5 nights per week, 3 hours per night) with a major in pre-law. From 1937 to 1942, he was a staff writer for *New Orleans Daily States* newspaper. His workaday life took a drastic turn when he was called to active duty in the U. S. Army on November 14, 1942. He became a First Sgt. and his major assignment was to a POW camp in Clarinda, Iowa. It was at the last location that he met his wife, Polly, born January 27, 1923 in Villisca, Iowa. She graduated from Clarinda High School in 1939 and worked as a legal secretary for 12 years, and in Civil Service posts during the Second World War. She was Past President of the Hillsborough County Bar Auxiliary. Her death occurred July 25, 1992. She was married to Roger since April 9, 1946. They raised three sons, namely, Roger Denis, Terrence Michael, and Timothy Patrick. This scribe has been able to contact but one of the boys, Roger, Jr.

Always ambitious and energetic, Roger enrolled at Stetson College of Law in DeLand, Florida, and obtained his LLB degree in 1948 and was duly admitted to the Florida Bar. While an undergraduate, he became a member of Phi Alpha Delta legal fraternity.
“The luck of the Irish” means good luck, and is used when a person of Irish descent inexplicably beats the odds. Roger Flynn’s experience most of the time tells us that he indeed enjoyed the traditional Irish good luck. To illustrate, when he secured his law degree, the next major step was to find a connection which was beneficial and profitable. History proves that he made such a nexus when he took the opportunity to join with the late Nathan Graham and Paull Dixon in their firm soon to be known as Graham, Dixon and Flynn.

Roger’s later judicial assistant, Lois Walsh, reflects on her association with the law firm last named, as follows:

“I arrived in Tampa on Gasparilla Day, 1955, and two days later started working for the law firm of Graham, Dixon & Flynn, whose office was in the old Wallace S Building on Tampa Street. I worked primarily for Mr. Dixon, never saw Mr. Graham or much of J. Flynn either. Not long after that they moved their offices after the firm broke up and became Dixon, Flynn & Trigg to 720 Twiggs St., with Mr. Dixon’s nephew, Ballard Trigg, joining the firm, but never knew what happened to Nathan Graham. The other two girls who worked in the office, and whose names fail me, are probably still living but where? I worked, again, primarily for Paull Dixon, but when J. Flynn got the appointment or won the race for the judgeship, he convinced me that salary-wise and retirement-wise I’d be better off going with him; at first he wasn’t sure he was allowed his own secretary, or to share Vicki Contos, but somehow that was resolved, so in 1960 I left the firm; from that day on Mr. Dixon’s wife would have nothing to do with me, although Mr. Dixon and I remained good friends.”
Vicki Contos, just referred to by Lois Walsh, set a high standard for judicial assistants during Vicki’s tenure with Hon. I. C. Spoto, now deceased Circuit Court judge. Judges Spoto and Tillman occupied the suites of offices at the south end, 3rd floor of the Pierce Street Courthouse.

Some details relating to her dealings with Judge Flynn are:

“Here are my recollections about Judge Flynn. I hope you find some of it helpful, although in retrospect, I doubt it.

“You may recall that most of the time I worked for two judges at the same time: first with Judges Tillman and Spoto. When Judge Tillman died, Judge Germany replaced him. Judge Germany did not stay long, as he decided (as rumors went) that practicing law was more profitable than being a judge. When Judge Germany left, Judge Flynn replaced him, but he stayed a short time. He decided that he wanted to bring his office secretary (Lois) to be his judicial assistant. Judge Flynn was a nice person, but a forceful one. He had contacts with most, if not all, the County Commissioners, and he convinced them that each judge should have his own secretary. That’s when Lois came over and they moved into the office in front of mine (which later became Vernon Evans’ office). From that time on I worked only for Judge Spoto.
“Judge Flynn had not been in office long when he became dissatisfied with the carpeting in his and Judge Spoto’s offices. Again, he went to the County Commissioners and they saw fit to honor his request with new, beautiful blue carpeting.”

As was heretofore noted by Lois Walsh, she arrived in Tampa in 1955 just in time to find that Roger Flynn had been made a full partner in the firm of Dixon, Flynn and Trigg (all now deceased). After commencing the practice of law, Roger became deeply involved in numerous professions and service organizations, viz: President of the Legal Aid Society of Tampa (1957-1958); Chairman of the Hillsborough County Zoning Adjustment Board (1957-1958); President of the Hillsborough County Bar Association, 1959. He served previously as an officer and director of the Bar; Chairman of the Inter-professional Council. These activities and others were enumerated when he announced publicly in 1959 that he would be a candidate for Judge Parks Division of Circuit Court.

When asked if he could recall any specific occasions when he had any professional contact with Judge Flynn, A. Dallas Albritton, Esq. of Tampa, Past President of the Hillsborough County Bar Association responded:

“Two instances stick in my mind. The first is funny. Billy Fussell and I represented some homeowners who felt they had been done wrong by Bern Brown, a somewhat notorious developer. I forget how many clients we represented altogether but we filed suit against Brown asking for many kinds of relief including the appointment of a receiver. We used one of the primitive copy machines to copy deeds and other documents used as exhibits
to the complaint. The case came on for hearing before Judge Tillman. Roger Flynn had just had a hearing with the Judge and decided to linger to hear our exposition. Judge Tillman looked at our complaint and then proceeded to bawl us out because of the poor quality of the exhibits, saying that he could not read the brownish reproductions and that we needed to ‘get rid of that poor little machine,’ that the ‘rules say black on white and protect the judge’s eyes,’ etc. Our clients were present and we were greatly embarrassed. Roger was getting hysterical with laughter at our dilemma when Judge Tillman then said ‘And I’m appointing a receiver.’ He rose to his feet and said, ‘And I’m appointing you, Roger, as receiver,’ and then he began stalking from the room. Roger went from humor to absolute panic and then tried to protest that he couldn’t serve as receiver, etc. but the Judge brushed aside his protests and left the room and Roger was the receiver. Talk about a state of shock!

“The other thing I remember is that Roger was raised by his mother alone and that he had one or two brothers, one of which was a doctor or a dentist and who was an Olympic boxing champion. But the family was very poor growing up and I can remember Roger talking about how poor they were and how hard it was for his mother to make ends meet. He said that sometimes a school lunch consisted of two pieces of bread with a note saying ‘I love you’ in between the slices. There would not be anything in the pantry to spread on the bread. The fact that both Roger and his brother both became well-known professional men must have meant enormous sacrifice on the part of their mother, but a reward as well.”
Theodore C. (Ted) Taub shares his association with Flynn, J:

“One of my first jobs as a lawyer was as an associate for Rood, Dixon & McEwen. At the time (1968), Roger Flynn and Neil McMullen were in the process of donning their black robes as new Circuit Judges. They had been partners with Paull Dixon. Indeed, I ‘think’ (recollection getting dimmer as the years roll by) Roger and Neil were still physically at the office (720 Twiggs Street). So I got to know Roger and his wonderful legal secretary Lois Walsh starting there. Inasmuch as Ed Rood and Red McEwen had substantial trial practices I then had the opportunity to appear in Roger’s courtroom (sitting second chair most of the time). My memories of Roger bring an immediate smile to my face. He was a fine Judge and an even better man. Fun to be around and ran a tight courtroom.”

Veteran trial lawyer, William J. Terry, has this to say about his familiarity with Judge Flynn:

“I do well remember Roger Flynn. Judge Flynn was on the bench when I was admitted in 1970. I remember my first ‘solo’ hearing with Judge Flynn. I think I have been to other hearings where I was ‘second chair’ but this was the first hearing where I had to make the argument. For some reason that I do not remember, I was delayed several minutes in getting to the hearing. When I walked in late, Judge Flynn was sitting there with the other lawyer, and he proceeded to tell me in no uncertain terms that the law schools had failed to instruct young lawyers in their responsibilities to the Court, that it was unacceptable to be late, that the judicial time was important, etc., etc. After finishing this, he asked me
what I had to say about my motion, and needless to say that did not go very well. I was sitting next to the Judge’s desk. Just after I completed my argument, I looked over at his desk, which was covered with plate glass. Under the glass in large gothic letters was a sign that stated ‘Yea thou I walk through the valley of the shadow of death I shall fear no evil, because I am the meanest son of a bitch in this valley.’ That didn’t do anything to steady my nerves.

“I am pretty sure that I lost that hearing, but I eventually did win other hearings in front of Judge Flynn. Generally he was open-minded and fair in my practice before him.

“I do believe that Judge Flynn is probably going to be one of the more ‘colorful’ judges in the history of the circuit.”

Former State Senator, David H. McClain, provides some insight into his experience with Judge Flynn:

“My recollection of Judge Flynn takes me back to when I was a rookie lawyer. I recall at a hearing Judge Flynn philosophically commented, ‘David, you don’t realize it now, but the law practice is such that you’ll be an old man before you know it.’ He was absolutely right, it seems like just yesterday that I started practicing law even though I have been practicing since 1961. He also commented to me on occasion that, ‘The way to learn about the law is to sit as a judge, you see a whole lot of different types of lawsuits from which you learn.’

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“Judge Flynn was always kind to young lawyers, and he tried to be helpful when he could. As a young lawyer, I tried a personal injury lawsuit before him on behalf of a plaintiff, and apparently I did not do a good job making a *per diem* argument. After the case was over, he called me up and kindly gave me a few good pointers on how to make an effective *per diem* argument. I have memories of Judge Flynn being a considerate and highly competent trial judge, who tried his best to be fair to both parties. What more could a lawyer expect of a judge.”

Former Judge, Chas. H. Scruggs, provides readers with an unvarnished and candid look at his friendship with Judge Flynn. It reads as follows:

“My first contact with Judge Flynn was in 1962. I was a law student interning at my father’s lawyer (and my future partner) Samuel Feinberg. I recall researching a point of law and being allowed to attend (as an observer) a hearing with later judges Cliff Cheatwood and Bin Sidwell on the opposing side. The argument centered on a decision I had found in my research, and I was able to hand the case to Mr. Feinberg and our side prevailed. Afterward, Judge Flynn called me aside and commended me for my research. His words of encouragement always stayed with me and inspired me to complete my legal education.

“After I was elected to the bench, Judge Flynn and I became friends and we occasionally spent coffee breaks and lunch hours in each other’s company. Roger was a great kidder
and liked to play practical jokes on his friends. For instance, he had an ongoing ‘back and forth’ with his buddy on the golf course, Judge Bob M. Johnson of Tampa Municipal Court. There was one occasion when ‘in fun’ Roger had the bailiff lock Bob in the 3rd floor holding cell as a payback for a gag Bob had pulled on him. When Pam and I adopted our son, the case was assigned to Judge Flynn’s division. Pam was anxious about the final adoption and said she wouldn’t rest easy until the Final Judgment was signed and sealed by the Court. On the way to the final hearing I related to her what a prankster Judge Flynn could say and warned her not to be surprised at whatever Roger might say.

Sure enough, at the conclusion of the hearing he announced his ruling with a stern judicial countenance: ‘I feel that I must deny your petition for adoption because I have personal knowledge of Charles Scruggs that convinces me that he would not be a fit father for this little boy.’ Then he broke into a big Irish grin and signed the decree.

Afterwards, Pam told me that if I had not warned her in advance of Judge Flynn’s propensity for levity she would have ‘lost it’ and probably fainted on the spot. Roger Flynn died about a month before I was sworn in as Circuit Judge. I’ll never forget the moment I received the news of his untimely demise. His death swept me with overwhelming grief, and it marked one of the few times in my adult life that I wept. For it was then that I realized that our Judicial Circuit had lost not only a legal scholar, but an administrator without peer, and I had lost a mentor and friend.”

Lewis H. Hill, III, experienced Tampa lawyer and past Bar President, offers a few comments about his dealing with Flynn, J:
“Roger Flynn was an active member of the Hillsborough County Bar Association, and I served with him on various committees and the Board. I only recall one instance when I appeared before him as Circuit Judge. The matter involved a family law matter—divorce. I represented the man, the woman was represented by her attorney. The proceeding concluded with a stipulation, as no children were involved. The husband agreed to pay alimony at the rate of $1000.00 per month, and final judgment was entered.

Approximately a year or so later my client’s business fell apart and he was no longer able to make the monthly alimony payment. A petition to modify and reduce the alimony payment was filed and a hearing was held before Judge Flynn. The Court took the matter under consideration although there was no dispute as to the testimony as to failure of the husband’s business, and his inability to make the $1000.00 monthly payment. Several weeks with no order from the court and my client continued to call me. I called the Judge’s secretary and this continued for several weeks with my client calling frequently. Judge Flynn’s secretary advised me that she brought the matter to his attention repeatedly without any success and suggested that I contact the Judge directly. I wrote what I consider a respectful letter to the Judge explaining my client’s financial difficulty. A few days later I received a phone call from Judge Flynn advising me that if I ever wrote him such a letter again he would hold me in contempt of court.”

For many years one of the most capable and experienced staff of the Law Dept. of the Clerk of Circuit Court was Don Buchanan, since retired. About Judge Roger Flynn, he offers:
“I was a Court Clerk in the early '70s and had the pleasure to work with Judge Flynn. He was very interesting to work with.

“I recall a civil trial once, where the juror in seat one was a very attractive blonde. She was wearing a miniskirt with no underwear. None of the people called to give testimony could concentrate on the attorney’s questions. The Judge and attorneys knew the reason they were having to repeat the questions, but no one wanted to dump the pretty juror. Finally, after some bench discussions, the Judge reluctantly agreed to have the lady change her attire during the lunch break, or she would be dismissed. None of the men in the courtroom were happy with this (including the Clerk) but sacrifices must sometimes be made in the interest of Justice. . .

“One time Judge Flynn called me to the bench in a gruff ‘Mr. Clerk!’ He had just dressed down a young attorney, and I knew he must not be happy with something I did. He handed me a folded piece of paper and said, loud enough for everyone to hear, ‘Look at this, Mr. Clerk!’ I opened the note and read a very funny dirty joke, causing me to laugh. ‘You think that’s funny, Mr. Clerk?’ he said loudly. ‘Sit down, we’ll talk later!’ Naturally, I was embarrassed, since the entire courtroom thought I just laughed at the Judge.

“One during roll call of the prospective jurors, I was mispronouncing several of the names. There were an unusual number of Middle Eastern folks in the gallery, and I was having a time getting the names right. The Judge looked over the bench and said, ‘You
better get the next one right, Mr. Clerk.’ Fortunately, the next name was a good old Anglo-Saxon one, and I was saved.

“I must say that once you got to know Judge Flynn he was enjoyable to work with. He had a dry sense of humor that confounded many people, but you knew a day in his courtroom would not be boring.”

Distinguished lawyer, Steve Sessums, of Tampa tells about handling a case where Judge Flynn was reversed on appeal:

“I never knew him as an attorney. I returned to Tampa to practice in 1961, and as I recall he was already on the bench.

“As a young lawyer, he seemed to like giving me a hard time. I responded respectfully as always, but it could be fairly intimidating. One thing I was a stickler for was appearing in Court on time. But on one rare occasion, when I was maybe 3-5 minutes late for which I immediately apologized, he dressed me down. I wasn’t happy but there was not much I could do or say.

“In time I think I gained his respect by being prepared on the facts and the law and by forcefully arguing my case. But I always had the feeling that personal relationships with older attorneys led him to rule in their favor when the law or facts really did not support their case.
“I took some satisfaction when he ruled against me in the case of Escobar v. Bill Currie Ford and granted a summary judgment. He seemed clearly wrong to me. I did not understand his reasoning and so I appealed and the 2\textsuperscript{nd} DCA reversed.

“Maria was Bill and Margo Krusen’s maid. She was riding on a City of Tampa bus on her way to work at their house on South MacDill Avenue when the accident occurred. The bus was heading west on Kennedy. At Armenia Avenue, a Lincoln Continental going south plowed into the bus without making any attempt to stop. Maria was hurt and never was able to work as a domestic again. She was a Cuban immigrant and depended on this for her livelihood.

“The driver of the Lincoln said the brakes failed. He had driven the car from Bill Currie Ford to try it out when the accident occurred, and he had no insurance. Bill Currie Ford produced a paper that the man had signed when he took the car on a test drive that said he was a purchaser and gave them $2 down to seal the deal. Of course, no agreement had been reached on the purchase price or on the credit terms of the purchase.

“Judge Flynn found that Bill Currie Ford was not the owner of the vehicle as a matter of law and granted the summary judgment. Maria and the Krusens were crushed when this happened. Maria was left in a desperate situation. There were many witnesses as to her condition including Margo Krusen’s friends, Beverly Austin and Adela Gonzmart.
“Judge Flynn allowed as if it did not bother him to be reversed, but I never believed it.”

Past 80 and still active in the large firm of Holland & Knight after some years of service as Circuit Judge is John F. Germany, for whom the downtown County Library is named. When asked about his knowledge about Judge Roger Flynn, he responded:

“Your requirements limit what I can say. Roger did like to play golf, along with other things, and would be found at Palma Ceia on Thursday afternoons. He kept a current docket, which made him a hero with the trial lawyers.”

The most complete and comprehensive account of Roger D. Flynn’s judicial service is probably the one provided by Charles W. Pittman of Tampa, presently of counsel to Macfarlane, Ferguson & McMullen, now in its second century of practicing law in Tampa. Pittman was selected as a “Florida Super Lawyer” in 2006. His association with the firm formerly called Macfarlane, Ferguson, Allison & Kelly began after he graduated with honors from University of Florida College of Law in 1963. This scribe had experience with Pittman both across the counsel table and from the bench later on, and found him to be an aggressive and highly competent trial lawyer. He has some interesting observations pertaining to Judge Flynn, as follows:

“Judge Roger D. Flynn was a good-natured, portly Irishman. He had a little of the leprechaun and a little of the devil in him. He had a sense of humor, liked to laugh and could take a joke as well as give it.
“T. Paine Kelly, Jr. had a matter before Judge Flynn. Mr. Kelly was an extraordinarily gifted trial lawyer and had been captain of the Florida Gator football team in the 1930s. In a recess, Judge Flynn was reminiscing about a touchdown run from the Gator lore of the 1930s era. Judge Flynn said there was Paine Kelly out blocking ahead of the runner, good ole ‘Blockhead Kelly.’ Mr. Kelly retorted, ‘Well, like most blockheads, I was on the bench at the time.’ Judge Flynn enjoyed a little repartee.

“I enjoyed trying cases before Judge Flynn, both jury and non-jury. Judge Flynn let the lawyers try their cases, and he was a sound, capable judge, with one exception.

“In one case a lady had tripped over a carton of Pepsi in a supermarket. She sued the Pepsi distributor and the supermarket, which I defended. Plaintiff’s attorney called the Pepsi distributor’s deliveryman as a witness and asked him a question that called for the deliveryman to give his opinion about the negligence of the supermarket. I objected. Judge Flynn mused for a few seconds and overruled my objection. The deliveryman’s opinion was favorable to my client, the supermarket. Judge Flynn looked over at me, cocked his head and winked. Judge Flynn directed a verdict for the supermarket at the end of plaintiff’s case.

“The exception noted above invariably involved Ed Rood, a prominent plaintiff’s lawyer during the time that Judge Flynn was on the bench. Judge Flynn and Mr. Rood had a long-standing relationship, but I do not know the details. Judge Flynn visited Mr. Rood’s office building with some frequency, and in fact died there. An associate of Mr. Rood
told me that Mr. Rood told him that Judge Flynn might rule against him from time to time but never on anything significant. I believe that was an accurate statement.

“Charles Clark was a partner of mine and a very bright, capable trial lawyer. Mr. Rood represented a plaintiff whose decedent was killed when he rear-ended a concrete truck on U.S. 301. The case was assigned to Judge Flynn. Mr. Clark defended the concrete company. The jury returned a verdict for plaintiff for $20,000, as I recall. There were three egregious errors in the trial and defendant appealed. The Second District Court of Appeals reversed on one ground and said it was unnecessary to consider the other two grounds. *Hartstone Concrete Products Co. v. Ivancevich*, 200 So. 2d 234 (Fla 2DCA 1967).

“On retrial, Judge Flynn allowed Mr. Rood to call an unlisted ‘witness’ after defendant had rested, ostensibly as a rebuttal witness. This person purported to be an eyewitness to the crash, and gave extremely damning ‘evidence’ against defendant. The jury returned a verdict of $421,000 for plaintiff. Post-trial investigation showed that the ‘witness’ had been in jail in Highlands County at the time of the crash, which Mr. Clark disclosed in a motion for new trial. Mr. Rood set a hearing and brought the ‘witness’ with him to the hearing. Judge Flynn declared the ‘witness’ incompetent, which had the effect of neutralizing any testimony he might give as how he became a ‘witness.’

“On the motion for new trial, Judge Flynn said that the ‘witness’ only affected the liability part of the verdict and not the amount. Accordingly Judge Flynn ordered a new
trial on liability only, with the amount of $421,000 to stand if the jury found the concrete company liable. This order was not reviewable at that juncture of the case. The case was settled during the third trial (on liability).

“Another partner at the time, Charlie Luckie, Jr., also a very capable trial lawyer, had a ‘jailhouse’ experience with Mr. Rood. The case was tried in Dade City in the old Pasco County Courthouse. Mr. Rood represented to the court that a witness was in the armed forces and outside Florida. Mr. Rood was allowed to use the witness’ deposition without further proof of the witness’ unavailability. At that time, directly overhead the courtroom, was the jail where the witness was incarcerated. Mr. Luckie’s motion for new trial was denied and an appeal was taken. By chance Judge Flynn was visiting on the Second District panel that heard the appeal and Judge Flynn was assigned to write the opinion. Judge Flynn recommended ‘Per Curiam, Affirmed,’ which was accepted by the two district court judges. Mr. Luckie filed a powerful motion for rehearing. This was the first rehearing ever granted by the Second District; the judgment for Mr. Rood’s client was set aside, *Haverley v. Clann*, 196 So. 2d 38 (Fla. 2DCA 1967).

“While the motion for rehearing was pending, it is pretty clear that Mr. Rood got wind of the impending reversal. Mr. Rood contacted the insurance company directly, bypassing Mr. Luckie, which was not common practice at that time, and ‘settled’ the case shortly before the reversal opinion was published. (My recollection is that at the time of the ‘settlement’ plaintiff had died and no representative had been appointed to succeed him.
It was never clear to me how a lawyer can settle a case without a client.) Litigation over the validity of the ‘settlement’ ensued and the case was ultimately settled for real.

“Overall my memories of Judge Flynn are fond memories. I found him to be good-natured and my trial experiences were positive. I was only involved with post-trial and appeal matters in Ivancevich and Haverley. Judge Flynn exhibited an inordinate loyalty to Mr. Rood, but with that exception, Judge Flynn was a credit to the bench.”

Britt Whitaker, now a retired lawyer and scion of Pat Whitaker, legendary figure in Tampa’s legal history, provides the following story:

“Many years ago, a man was receiving a shave at a local barbershop with the subject of a local Circuit Judge came up. It so happened that at the same time the judge’s wife was in the shop getting her son a haircut. The customer was unaware of the presence of this lady and began berating the local jurist, her husband. The wife went home and told her husband what had happened in the barbershop and the judge issued a contempt order against the man. Well, the man became greatly concerned when he discovered he was in jeopardy of going to jail. As a consequence he employed attorney Pat Whitaker to represent him. The attorney filed a motion to vacate the contempt order and set it for hearing before the Honorable Roger Flynn, Circuit Judge. Whitaker had exhaustively researched the law and was therefore ‘loaded for bear.’ The moment of the hearing arrived with all of the principals present before Judge Flynn along with the TV and press representatives. As Mr. Whitaker, former member and past president of the Florida State
Senate, readied his papers and legal authorities on the counsel table, Judge Flynn announced that he had previously entered his order vacating and setting aside the insidious contempt order and that therefore there was nothing before the Court which was thereupon adjourned. Mr. Whitaker was left speechless with nothing for the media to publish!”

Senior Judge, Ralph Steinberg, of Tampa, retired from regular work, continues to contribute to Tampa’s jurisprudence by serving both within the 13th Circuit and elsewhere as called. He provides a resume of his knowledge having to do with Roger Flynn, to wit:

“I believe that I first met Roger Flynn when he and attorney, Warren Cason, were assigned to examine me for admission to the Federal Bar of the Middle District of Florida. The examination took place at the office of Warren Cason in the early 1960s. It was a very informal and relaxed question and answer session and I soon realized that it was merely a formality instead of a test of my knowledge of federal law and procedure. Of course, I was relieved. Having prepared for the exam by studying federal law and procedure in some depth, I found myself better informed than the examiners and they admitted their rather basic questions were asked for their own use in litigation they were involved with.

“Judge Flynn had a very good sense of humor and was personable. As an attorney, I felt comfortable when I appeared before him. He would not intimidate attorneys or their
clients. He followed the law but he was also a practical person and would not required unnecessary work.

“When I was in my first year of law practice, employed by a very small law firm, I was assigned to represent a woman charged with driving while intoxicated by a Florida Highway Patrol officer. At that time (1960) traffic cases involving citations issued outside of city limits, such as the case I had, were presided over by a Justice of the Peace. As I approached the Justice of the Peace courtroom, Roger Flynn, attorney, asked me why I was going to that courtroom. When I told him why, he responded that attorneys do not go in that courtroom. However, when I attempted to cite a case to the judge discrediting validity of the results on a device known as a ‘drunkometer’ the judge stated that, ‘The Highway Patrol officers do not arrest people unless they are guilty.’ It was then that I understood what Roger Flynn meant.

“Roger Flynn enjoyed his work on the Court and had a reputation of keeping his docket of civil matters current. But he did enjoy having some fun along the way. For example, in April of 1972 (he died in December of that year) the Tampa Times published a photo of the rear of his late model Ford LTD which had a banner just above the license place reading: ‘Mafia Staff Car Keepa U Handsa Offa.’ When asked about it, the judge stated: ‘It’s my car, and I just decided to put it on.’

The judge’s oldest son, Roger, Jr. related a comic incident which occurred during his public service. It seems that he would occasionally receive death threats, and it prompted him to
carry a .38 revolver with him to and from the courthouse office on Pierce Street. One day, his secretary Lois Walsh, who had been with him for many years, received a death threat from an anonymous caller stating that he was going to shoot and kill Judge Flynn. Her immediate response was, “Well, you should be careful. He shoots back!” Anyone who knows Lois can understand her quick-witted comeback.

In addition to his judicial work, his chief outside interest was golf. There is no record of his handicap, but he enjoyed playing with friends, such as Bob Carlton (now deceased) and a group made up with A. M. (Bud) Alexander, Ernie Garrison, and John D. Medaglia. All of the latter other than Alexander are now deceased.

Lois Walsh reflects that Roger was considered a good judge, very laid-back but demanding of the lawyers when it was required. Good sense of humor but could criticize hurtfully when he deemed it necessary.

On December 13, 1972, while attending what can only be called a social function at the office of Edward B. Rood, Judge Flynn evidently suffered a massive heart attack there and died, at age 58.

Morison Buck

AFTERWORD: The distance that the dead have gone

Does not first appear
Their coming back seems possible

For many an ardent year.

Emily Dickinson
JUDGE-TO-BE AND FAMILY — Call it the luck of the Irish. Tampa attorney Roger D. Flynn yesterday was assured election as circuit judge of Hillsborough County when no one qualified against him for the $20,000-a-year job to be vacated by Judge E. L. Parks. When the lawyer returned home from the Plant City Strawberry Festival, wife Pauline, and sons Timothy, 2, Terence, 4, and Roger, 5, were ready with the VIP treatment.—(Times Photo by Vernon Barchard).