

**The Florida Bar**  
**Criminal Law Section**  
**April 3, 2012 Teleconference**  
**Minutes**

1. The meeting was called to order at 12:10p.m.
2. Attendance- Present telephonically were the following council members: Hon. Lisa Porter, Susan Hugentugler, David Rothman, Sheryl Lowenthal, Douglas Duncan, Ann Finnell, Jeffrey Harris, Calianne Lantz, Richard Polin, Scott Richardson, Harvey Sepler, Joel Silvershein, Brian Tannebaum, George Tragos, Larry Turner, and Hon. Angelica Zayas. Also present during the meeting was Board of Governors liaison, Michelle Suskauer, and Paige Graham, Florida Bar liaison. A quorum was declared though attendance was not required.
3. Chair Porter noted that the meeting was being held to decide on the recipient of the Selig Goldin award, though voting would be accomplished through e-mail directly to the secretary of the council to maintain anonymity.
4. Harvey Sepler, Selig Goldin Committee Chair, reported that the subcommittee met by phone and narrowed down the nominees to three very worthy candidates. Everyone has been sent a packet containing bios of all three candidates in addition to a list of the previous award winners. The three nominees are Judge Barkett, Brian Cavanagh, and Robert Josefsberg. Harvey Sepler noted that some may want to consider how many defense attorneys, judges, and prosecutors have won the award. George Tragos stated that while a balance was preferred for the makeup of the executive council, he did not recall such considerations when deciding on the Selig Goldin award winner. Dave Rothman noted that such considerations should not apply since most all winners in the past have been one, two, or all three.
5. David Rothman spoke on behalf of nominee Robert Josefsberg. David said that when he first began the practice of law 30 years ago, Bob Josefsberg was the first person he consulted with on any issue, including ethical and professionalism issues, and still consults with him. He is well known throughout the state and nation and epitomizes the class and professionalism that a criminal trial attorney should have. He was well respected as a prosecutor and now as a defense attorney. He worked for former Governor Graham and is a moderate who no one views as either a prosecutor or defense attorney. Josefsberg won the Tobias Simon award two times, an NACDL award, and has participated in numerous high profile cases. Bob Josefsberg is about 72 years old. His stature would bring even more credibility to our section.
6. Harvey Sepler spoke on behalf of Judge Barkett. He outlined her history on the circuit bench in West Palm Beach, the Fourth District Court of Appeals, the first woman and later chief justice on the Supreme Court of Florida, and now on the Eleventh Circuit Court of Appeals. She is brilliant, has a good heart, and has a sound perspective on the issues and people before her. She would be an outstanding recipient.

7. Joel Silvershein spoke on behalf of nominee Brian Cavanagh who has been a prosecutor for about 30 years in the Broward County State Attorney's Office. He is presently the chief of the homicide division, prosecuted economic crimes and always represented the people of Broward County with distinction. Brian Cavanagh conducts himself with an eye towards preserving the integrity of the profession and fairness in all proceedings. He has been involved in cases where despite the fact that arrests had been made, he investigated further, found issues, and took action accordingly. Brian, at 6'6, is an imposing figure, but is a gentle and kindhearted person. He exemplifies what a lawyer should be. Susan Hugentugler also spoke on behalf of Brian Cavanagh noting that as a career prosecutor, he is the essence of professionalism. He always does what is right; not necessarily what is popular or expedient.
8. Harvey Sepler questioned whether we, as the executive council, think the Selig Goldin award should be based upon a local role model, which is marvelous, or whether we are looking for someone who makes a difference in the criminal justice system in a broader sense? Harvey believes it is someone who made an outstanding contribution to criminal law in Florida. Paige Graham, Florida Bar Liaison, read the following criteria from the Statement of Purpose and Standardized Procedures for the Selig Goldin Award, "To recognize a member of the Bar who has made a substantial contribution to the criminal justice system. It is immaterial whether the substantial contribution was made over an extended period of time or a short one."
9. George Tragos interprets this as someone having a broad impact on the criminal justice system. Harvey Sepler said there are many qualified persons who have no access to make changes in the entire system. George Tragos questions how anyone in the section could vote for someone that they had no familiarity with. For example, the local prosecutor may be fantastic, but there are opportunities for local prosecutors to make an impact on the system. Harvey Sepler stated that such a sentiment is a tricky thing. A person handling 100 cases a day may not have the time or the resources to do something outside of that. Therefore, are we looking at someone who exhibits certain qualities or someone who has made a stamp on the system outside of their local area? David Rothman stated that everyone on the phone call takes time to participate and so can others. We should be looking for special people who we would want to emulate. Jeff Harris noted that he knows Brian Cavanagh and that Brian is unique in his personality and in the quality of justice that he tries to advance as a homicide prosecutor. He has tried several homicides against Brian. Brian is not out to win, he is out do to what he thinks is correct. Jeffrey Harris has even seen him nol pros murder cases where he was not convinced a conviction could be had. That doesn't take away from what David said about doing work outside the office, but Jeff Harris doesn't think you could have a fairer prosecutor. George Tragos thinks the award winner should have a broader impact.
10. The Chair then asked for those who wanted to cast their votes on the call to do so, but that others could e-mail their votes to the secretary. The Chair requested that all cast their votes by the end of the afternoon so that she could include the result in her annual report.

11. David Rothman, as Chair-elect of the Innocence Project, invited all to attend a gala in Miami on April 28 benefiting the Innocence Project. He is hoping for broad attendance for this very worthy cause. The meeting was then adjourned with members who did not cast votes during the conference to e-mail their votes to the secretary.
12. Following the phone conference, the Secretary, Susan Hugentugler, reported that the winner of the 2012 Criminal Law Section Selig Goldin award was Robert Josefsberg. The final votes were as follows: Robert Josefsberg – 13, Brian Cavanagh – 7, Judge Rosemary Barkett – 5.