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Judson Clifford Cheatwood: diligent, fair-minded, wise, and good natured arbiter (1925-2007)

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JUDSON CLIFFORD
CHEATWOOD:

DILIGENT,
FAIR-MINDED, WISE,
AND GOOD NATURED
ARBITER
(1925-2007)

*He was courteous
at all times and to all
people, and he had the
rare and winning faculty
of always being interested
in whatever a man had to
say – a faculty which he
possessed simply because
nothing was trivial to him
which any man or woman
or child had at heart.*

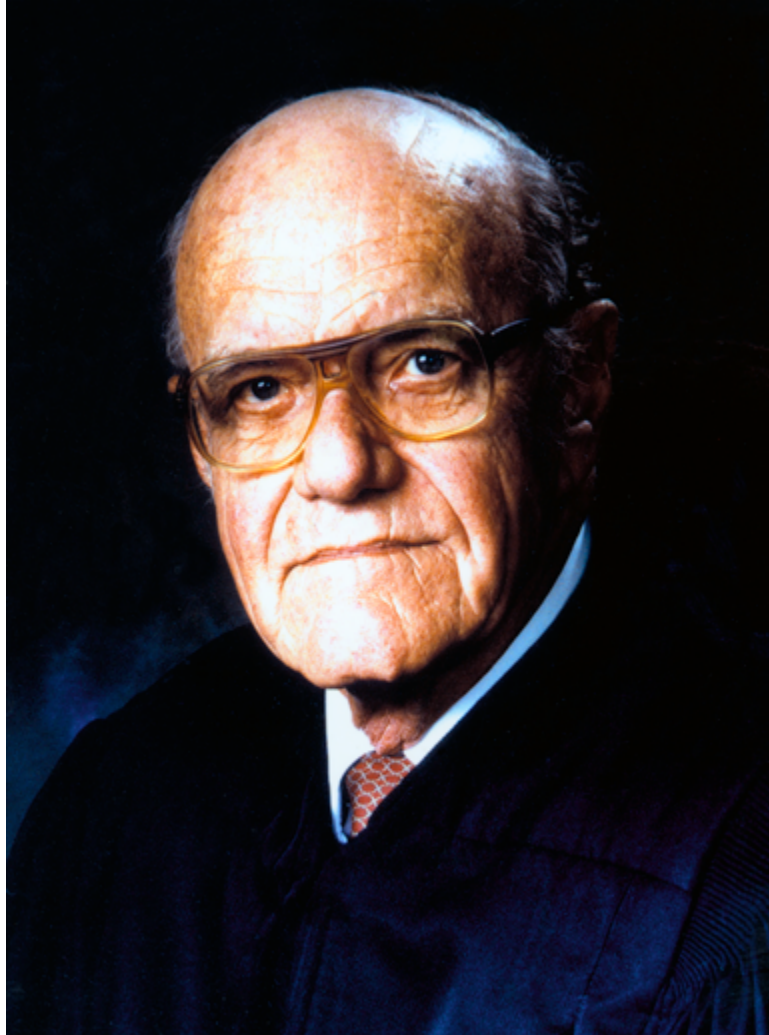
That might sound
like it came from an
eulogy for Judge Cliff
Cheatwood. But, it is,
rather a slice of an
extended tribute to a man
named Anson

Burlingame (1820-1870)
a U.S. Ambassador to

China and former member of Congress in the mid-nineteenth century. The praises came from someone better known to contemporary Americans- Mark Twain.

Cliff was the first-born child of Judson and Annie Cheatwood. He arrived on June 17, 1925 at Rome, Georgia where his parents resided. The family was not unaccustomed to moving about from time to time as the head of the household was a longtime Seaboard conductor. Cliff's only sibling was sister, Sue (Mrs. Erle) Ralls. Both children grew up in Birmingham, Alabama, and Mrs. Ralls still resides there. Cliff was christened Judson Clifford Cheatwood, somewhat of a 'jaw-breaker' for a youngster, and he has always been called "Cliff."

After serving in the U.S. Merchant Marine during W.W. II, he decided at some point that he wanted to make a career in law. Before he could enter a law school, he needed undergraduate college credits and by unstinting effort he met those requirements at the University of Alabama and University of Georgia respectively.



Cliff enrolled in Stetson University College of Law then in Deland, Florida and earned his law degree in 1951. Note: The law school complex relocated to Gulfport in 1954, and later established the Stetson Tampa Law Center on the site of the former Tampa Police Court at 1620 N. Tampa Street. The latter now offers a night class law program at 1700 N. Tampa Street. In the post-war era, Cheatwood and others (like this scrivener) with military service could enter law schools in Florida with but 60 semester hours (2 years) of college credit required. The GI bill was a big boost for an ex-serviceman or woman.

After law school, still unmarried and with no dependents, Cliff took a job in Pensacola as an insurance adjuster. Following that assignment, he became house counsel for a steel fabricating company in Birmingham, Alabama. But, as it has been said often before, he had been in Florida long enough to get some sand in his shoes, and he clearly yearned to settle in the Sunshine State.

It was not mere coincidence that brought Cliff and his own family to Clearwater Beach sometime during the mid-fifties at the same moment. Some might call it luck or fate; but this scribe prefers to think of it as destiny. Deane, a lovely young woman with great charm and warmth of personality was staying with her mother from Greensboro, Georgia at a hotel on Clearwater Beach. As things developed, Cliff and some of his family members were staying at the same hotel. While sitting around the hotel's swimming pool one afternoon, they discovered that both were then living in Tampa. Cliff, obviously attracted to Deane at first sight, boldly asked her if he might call her about a date. Later, after they married, he enjoyed a laugh about her being a "pickup on the beach." And so they were wed in Tampa in 1957, and for more than a half-century had a wonderfully comfortable and loving life together.

Cliff was survived by his wife, Deane, and daughters, Claudia Ann Frank and Susan Marie Thedford; and grandchildren, Louis Robert "Bobby" Frank III, and Claudene Virginia Frank, James Judson Thedford and Merial Alexandra Thedford, all of Tampa.

In addition to his undying devotion to this family, Cliff was a man of deep religious faith; a longtime member, Sunday School teacher, deacon and trustee of First Baptist Church of Temple Terrace where grieving family and friends assembled for his funeral services on January 23, 2007.

Going back in time and reflecting upon his memorable career, we know that Cliff's professional roots were first planted in Tampa when he became associated with the small law firm of Kickliter & Sidwell about the mid-1950s. Paul Kickliter was for many years the sole Juvenile Court judge in Tampa. His office was in the Hinson building on the northeast corner of Franklin Street at Madison in downtown Tampa. Kickliter ultimately teamed up with Ben Sidwell (later a Circuit Judge presiding over Probate & Guardianship matters beginning about 1975), and they established an office in

Tampa's Western Union Building. Later on, Kickliter became a State Senator and withdrew from any connection with Sidwell & Cheatwood law firm.

H. Guy Smith, a fine lawyer who now heads up a flourishing law firm in Lakeland, was recruited by the firm last named in the late 1960s. His heartfelt feelings about his association with Cliff Cheatwood follow:

“After practicing law for two years in Tampa, I was invited to join the firm of Sidwell & Cheatwood and did so in 1969. I became a partner in the law firm approximately two years later and the firm was thereafter known as Sidwell, Cheatwood & Smith, P.A.

Cliff was a mentor to me of the first order. Over the 40 years that I have been in the practice of law I have had several partners and associates, but I have never had one quite as memorable as Cliff Cheatwood. When I think of Cliff Cheatwood I think of integrity, intelligence, gracious at all times, caring, humble, resourceful, loved the practice of law and serving as an outstanding Circuit Court Judge, and a loving and dedicated husband and father. Truly, Cliff Cheatwood was one of the finest men I have ever known.

I am sure that since I had practiced law for such a short period of time before joining Cliff, I tested him to the extreme in all of the above qualities that I know Cliff possessed. However, he never showed any irritation, impatience or ungentlemanly behavior in helping me to learn the practice of law. I do recall one situation when a client, significantly older than me at the time, became demanding and somewhat threatening to me and I frankly did not know how to handle the situation. I remained quiet for a few minutes, gathered my thoughts and then immediately checked to see if Cliff was in the office. Thankfully he was in the office, so I excused myself and recruited Cliff to come to my office and help me deal with the situation. Of course, Cliff came to my rescue and immediately was able to satisfy the demands of the client and rescue me from what was a very painful situation.

I truly enjoyed my four years with Cliff Cheatwood in the practice of law and enjoyed a friendship with him that lasted until his recent death. My respect and appreciation for Cliff's contribution to my life will be remembered forever.”

John Gilbert of Tampa distinguished retired Circuit Judge and one of Cliff's closest friends, provided these thoughts regarding Judge Cliff Cheatwood:

I did not know Cliff well until our appointment to the bench in 1977. Cliff was a quiet man, devoted to his family and his church but seldom talked about himself. I did learn that he grew up in Birmingham, Alabama; had one sister and that his father was a locomotive engineer whose route was between Birmingham and Atlanta.

During WWII, he served in the merchant marine, traveling between USA and England, saw other ships in convoy sunk by the U-boats.

In one of his cases while presiding as Circuit Judge, he granted a summary judgment in favor of the defense. Plaintiff appealed. The 2nd District Court reversed at trial. The jury awarded a money judgment to plaintiff, whereupon on appeal by defendant the judgment was reversed. Cliff said: "they (District Court) finally got it right."

Cliff's hobby was playing golf. On many occasions we played at his home course in Temple Terrace. He was not a long-ball hitter but he was fairly good around the greens. He and I were lucky to play for two days at Augusta National. Although he had played at St. Andrews and other courses in Scotland, he told others that playing in Augusta was the highlight of his golfing career.

One of the brightest lights in what might be called Tampa's legal firmament is A. Dallas Albritton. He offers the following comments about Cliff Cheatwood:

"Cliff Cheatwood and Ben Sidwell were partners who practiced in the building at 220 Madison Street, First Federal Savings & Loan, on a floor below Albritton, Sessums. I know Ben and Cliff well. They were both excellent lawyers, very careful in their practice. Both had ambitions to be circuit judges, and both achieved their ambition. Judge Cheatwood became one of the most popular judges. He was kindly, could speak in a drawl, kindly pointing out to counsel where his case was deficient. He liked lawyers and he liked the law, and I think he was well-suited to be a judge because he enjoyed the substance of the law, what a case held, or what a statute was trying to do. He was unfailingly polite and kind to those who appeared before him. As you know, he was in General Civil whereas Ben was in probate, and many lawyers never went to Probate. At times, I thought he was entirely too polite with opposing counsel, but what do I know. He loved golf."

Robert W. Walkley who practices law in Tampa as Walkley & Walkley, the firm name initiated with his brother, the late Bruce Walkley, tells of a case in which he represented a woman who took a spill at a mall. She was totally unable to articulate what had caused her to fall except she did think it was a "soda." Defense motion for summary judgment was heard by Judge Cheatwood during the last week before his retirement. He listened to the arguments, including plaintiff's "if there is any possible issue" argument, and said: *Mr. Walkley, I'm going to do you a favor and grant defendant's motion."*

In early fall, 1977, Cliff reached what he likely considered the zenith of his legal career when Gov. Reuben Askew appointed him Circuit Judge for the 13th Judicial Circuit, and he served until his retirement in 1991. Along the way, the Young Lawyers Division of The Florida Bar selected him as the Outstanding Circuit Judge in the State of Florida. In 1983, he was chosen by his fellow judges in the Circuit to be Chief Judge, and he served with distinction for a full 2-year term. In 1984, the Hillsborough County Bar Association conducted a judicial poll and Judge Cheatwood received the highest rating of the 33 judges in the circuit. George Dukes, a retired Tampa lawyer of fine repute who is still vigorous at the age of 97, reports that Morris E. White, senior attorney

with Fowler, White, with whom Dukes was a senior associate, had insisted that Dukes go with White to the installation of Judge Cheatwood, stating: “ *He was a worthy lawyer who would develop into a good judge.* ” Mr. White’s forecast was entirely correct. Judge Cheatwood never had opposition when his name was on the ballot in the interim before his retirement.

After his appointment to Circuit Court, his initial assignment was to the Felony Division where he presided over a number of capital cases, all highly publicized. Later, he was shifted to the General Civil Division. In the latter post, he heard the case generally believed to be the biggest scandal in Tampa’s history: “How greed and corruption killed the Metropolitan Bank of Tampa.” Judge Cheatwood signed the order which revoked the bank’s charter and led to multiple criminal convictions of fraud.

Following his death on January 18, 2007 in Tampa, a beautiful eulogy for Cliff was presented by his great friend and neighbor, Glenn Waddell. Those not present at his services can read it here:

It has been a pleasure for me to have known this good man for more than 40 years and to have been his neighbor in Temple Terrace. Cliff loved the companionship of his family, his friends and fellow lawyers and judges. Cliff used to have a client who would send him a bunch of stone crabs once in a while (always in season of course) and he would invite some friends over to the house, spread newspaper on a picnic table and serve those stone crabs. That was some kind of good! Cliff was very close to his mother in law, MeMe Townsend and whenever he could talk her into it, she would fry him up some oysters. I could smell them frying and would usually wander over to the Cheatwood’s for some of those wonderful oysters. They always fed me. Cliff got to where he enjoyed golf as much or more than fishing and he used to really enjoy a golf week-end with some friends at places like Howey in the Hills. It was often said that Cliff didn’t hit far but it was right down the middle. My tee shots looked like they were hit through the calf of my left leg. Cliff got a big laugh out of that and I got a trip to the ER. One of his most memorable experiences was a golf trip to Scotland with a group of lawyers. While in Scotland, he played the famous Old Course at St. Andrews. Cliff loved Scotland – the music, the food and the people. Cliff was also proud of the fact that he was able to play a round of Golf on the Augusta National Golf Course, where the Master’s is played. He and Deane had a chance to go to a Rose Bowl game in Pasadena, CA and they both enjoyed that trip, the game and the parade.

In 40 years time, a person learns a lot about his friends. That was my experience with Cliff Cheatwood who was a true friend to me. It is said that a person is quite fortunate, if in the course of his life he has one true friend. Cliff was that to me – he was my best friend. He had to have been because I borrowed most of his tools, which I couldn’t use.

My daughter, Laurie, the tool runner had to go to Cliff’s to borrow them and half the time, he wound up down here doing it himself. That way, he could take his tools back home. One time he told Laurie to go back down there and tell me to “Use elbow grease

on it” (to remove some rust). Laurie had never heard of elbow grease because I’d never used it. Cliff got a bit laugh out of that.

Judge Cheatwood possessed qualities which are rare today. He was kind, compassionate, slow to anger and had a built-in sense of fairness, and good old common sense. His honesty and integrity were unimpeachable. These character qualities made him an outstanding judge and an outstanding person.

Cliff was proud to be a southerner. Born in Georgia, and raised in Birmingham, he was a true southern gentleman. In fact, just the other day, a friend and former neighbor, Diana Pitman characterized him in those very words. My wife, Kay has for a long time described Cliff Cheatwood as a “prince among men.” He was!

About 30 years ago, a former law partner of mine, came into my office, closed the door and told me that he had been asked by the governor’s office for comments on the potential appointment of Cliff Cheatwood to the Circuit Court. He went on to say that he had never heard anything remotely negative about Cliff. He knew that Cliff and I were friends and neighbors and I told him that there was nothing negative about this man. Cliff Cheatwood was appointed to the Circuit Court of the Thirteenth Judicial Circuit by Governor Ruben Askew in 1977, and served with distinction and without opposition in that position until his retirement in 1991. After retiring, Judge Cheatwood continued to serve as a substitute judge and as a mediator as long as his health permitted.

Judge Cheatwood quickly became the favorite of the trial lawyers around here, especially the young lawyers to whom he was known not just for his intellect and legal knowledge but also for his patience, wonderful judicial demeanor, good humor and desire to help them learn. Among the honors he cherished the most being named by The Young Lawyers section of the Florida Bar as the outstanding circuit judge, state wide. Cliff’s approach to the law was a lot like his approach to life; keep it simple. He had a simple, straight forward approach to everything – if you don’t complicate it and people can understand it, it might just turn out to be right. I cannot ever remember Judge Cheatwood being overturned by an appellate court and he was asked to handle some huge, complicated cases. Cliff was honored by his fellow judges who elected him chief judge of this circuit and, to show you how the lawyers felt, in a newspaper poll where lawyers were asked to rate judges (anonymously, of course), Cliff Cheatwood finished first among 33 judges.

Deane describes Cliff as a simple man who loved the Lord, loved his family, loved the law and enjoyed the company of his many friends. Cliff was a humble man who would scold me for mentioning that he was honored for anything.

I missed out on the pleasure of appearing before Judge Cheatwood because right after his appointment we agreed it would be best to avoid any hind of impropriety. “Besides,” he told me, “you probably couldn’t get it right anyway!”

Last year, the members of the William Glenn Terrell Inn of Court renamed that chapter the J. Clifford Cheatwood Inn of Court. That was an honor of which he was most proud. After all, Justice Terrell was one of the Florida Supreme Court's most revered chief justices. Cliff was a founding member and a past president of the chapter which now bears his name. The Inns of Court is a prestigious, nationwide organization of judges and lawyers.

During the last few years physical problems brought a halt to many of the activities this man loved. He was homebound for several years and in more pain than most of you know. Cliff accepted this fate with grace, a good attitude and a wonderful spirit. One of the things Cliff missed most was not being able to romp with his grandkids, all of whom he adored.

I have to say a word about Deane Cheatwood, whom Kay and I describe as the world's best care giver. She took care of Cliff and never complained or said one negative word about it. For his part, Cliff remained positive and never became bitter. When Kay and I heard of Cliff's death, it brought to our minds the words of the Apostle Paul in 2 Timothy 4:7-8: "I have fought a good fight, I have finished my course, I have kept the faith: henceforth there is laid up for me a crown of righteousness, which the Lord, the righteous judge shall give me at that day...."

Kay and I are honored to count ourselves as friends of Cliff and Deane Cheatwood. We are going to miss him so much. There will be a void in our lives. We were blessed by knowing him and he enriched all our lives.

A light- hearted interlude provided by Steve Stuart, outstanding Tampa lawyer, of Stuart & Strickland, a small but prestigious firm:

If my memory is accurate, I recall that Judge Cheatwood was Chief Judge when a practice manual applicable to Hillsborough County was adopted. Kind of an informal guide for lawyers who appeared in the 13th Circuit, the manual contained suggestions for conduct at hearings, conduct among attorney and dress appropriate for hearings before the judges.

I was roaming around the first floor of the old courthouse on St. Patrick's Day morning waiting for a hearing when I spied my opponent, Jack Ryan, drinking coffee in the coffee shop. We had a hearing scheduled before Judge Cheatwood that morning. He was dressed in a bright green suite with a giant shamrock pinned to his lapel. He looked like a large leprechaun with a court file. A great opportunity for a joke occurred to me.

I knew that Judge Cheatwood had a wry sense of humor so I sped up to his chambers and asked to speak to him before the hearing. I told him about Ryan's outfit and suggested we play a prank on him – Cheatwood readily agreed.

At the hearing time, Ryan and I walked into the judge's chambers and sat down. I mentioned the matter we were going to argue but then said, "Your honor, look at Mr.

Ryan. I think we have a definite violation of the 13th Circuit dress code. I thought I would bring this matter to your attention!"

Without missing a beat, Cheatwood looked Ryan over and said, " Mr. Ryan, what in the world are you wearing? Aren't you aware of the dress code in force in this courthouse? What do you have to say for yourself?" Stammering, Ryan said, "But Judge, it's St. Patrick's Day, I'm a full- blooded Irishman and I've dressed up like this since I was five years old!"

"I don't care – I'm finding you in contempt of court for flagrantly violating the dress code. I'm probably going to have to put you in jail!!" Ryan was absolutely shocked and then Cheatwood began laughing and said, "Jack, don't worry – we're just playing a joke on you." All of us chuckled and Jack, visibly relieved, sank back in his chair. And I think the leprechaun won that hearing.

AFTERWORD:

It is certain that Cliff Cheatwood has long since received his reward. We know, each and every one of us, that to his ears surely have come those blessed words which he was born to hear: "Well done, Cliff Cheatwood, well done thou good and faithful servant.

Morison Buck