

COURTS

Lawyer seeks to stop judicial appointment

Interviews for 39 county seat hopefuls are set for next week.

By Jane Musgrave
Palm Beach Post Staff Writer

WEST PALM BEACH — In another salvo in a legal battle over whether Gov. Rick Scott or voters should fill a seat on the Palm Beach County court bench, attorney Gregg Lerman on Thursday asked the Florida Supreme Court to stop the appointment process.

With the local Judicial Nominating Commission set to interview 39 candidates for the county court seat next week, Lerman asked the high court to block the committee from sending any names to Scott for consideration.

In court papers, Lerman says he "seeks only to maintain the status quo" while the court decides whether Scott can appoint a replacement for longtime County Court Judge Laura Johnson, who resigned to run for circuit judge, or whether her successor should be selected by voters at the Aug. 30 election.

"The expedient and smart thing to do is stay the appointment process," said Lerman, who last week qualified to run for Johnson's seat. "There's no harm in holding off on it."

If Scott is allowed to select Johnson's replacement and the high court later decides that voters should make the choice, chaos could result, Lerman said. "We would have two judges for one seat," he said.

The governor's office didn't respond to an email asking for comment.

Lerman said he isn't trying to stop the nominating commission from interviewing



Attorney Gregg Lerman seeks status quo until ruling.

candidates on Thursday as planned. Through his attorney, Len Feuer, Lerman is asking the high court to either block the commission from sending Scott its top picks or bar the governor from making an appointment from the list.

At Scott's request, the commission is interviewing attorneys for two circuit judgeships as well as Johnson's seat. The circuit judge candidates are vying to replace judges Amy Smith, who resigned due to health reasons in March, and John Phillips, who announced he will step down on Oct. 31.

Lerman's request wouldn't affect those interested in the circuit court judgeships. Most of the 39 candidates said they are interested in either a county or circuit judge seat. Only three said they are interested only in Johnson's seat. Eight said they only want a circuit bench spot.

Scott claims the Florida Constitution gives him the power to appoint judges to fill all court vacancies. Since Johnson resigned four years before her term would have expired, there is a vacancy, he claims.

Lerman counters that Johnson resigned under the terms of the state's roughly 50-year-old resign-to-run law. She had to resign before she could qualify last week to seek a seat on the circuit bench. She was automatically elected when no one else sought the office.

However, she won't leave her current position or take

MORE NEWS ONLINE
Read the documents filed by attorney Gregg Lerman to the Supreme Court, and see the judicial applicant interview schedule.
myPalmBeachPost.com/lermandocuments.

over the higher post until Jan. 3. That is the same day either Lerman or former county Magistrate Thomas Baker, who also qualified to run for her seat, would take office. Therefore, Lerman claims, there would be no vacancy. On Tuesday, Lerman petitioned the Supreme Court to decide whether the governor or voters should choose, and the court gave the governor's administration until June 6 to respond. While the administration hadn't responded as of Thursday, Lerman said he has a smoking gun that solidifies his view that

voters should pick Johnson's replacement.

When Jeffrey Colbath resigned as a county judge in May 2002 to run for circuit judge, Secretary of State Katherine Harris said the resign-to-run law triggered an election to replace him. "Judge Colbath's attached resignation creates a vacancy in his current county court judicial office that is to be filled in the election in the Fall of 2002," she wrote. Supervisor of Elections Theresa LePore. "Therefore, you should accept qualifying papers for his current county court seat during the May 13-May 17, 2002 judicial qualifying period."

In a letter this month, current Secretary of State Ken Detmer said Johnson's resignation sets the stage for a gubernatorial appointment.

jmusgrave@pbpost.com

24/7 UPDATES

Breaking news • Weather • Traffic



PalmBeachPost.com



Stacey Konwiser feeds a Malaysian tiger at the Palm Beach Zoo in 2014. Investigations by the federal Occupational Safety and Health Administration, West Palm Beach police and the Florida Fish & Wildlife Conservation Commission into Konwiser's death remain open. BRUCE R. BENNETT / THE PALM BEACH POST 2014

Zookeeper

continued from B1

examiner stated Konwiser died of a neck injury.

The USDA also found a problem with sanitation around the tiger enclosure. Investigators discovered tree-trunk cuttings and other items piled along the keeper access area between the fences of the enclosure.

"These cuttings need to be cleared from this area to prevent a keeper from possibly falling against the fencing of the tiger enclosure," investigators wrote in the one-page report.

USDA spokeswoman Tanya Espinosa said many other agencies are involved with the overall investigation into Konwiser's death, but the USDA's job is to determine the welfare of the animal. Espinosa said her agency's investigation into the incident is closed.

Investigations by the federal Occupational Safety and Health Administration, West Palm Beach police and the Florida Fish & Wildlife Conservation Commission remain open.

OSHA said there's no timeline for when its investigation will be complete, but the scope of the investigation is beyond just the tiger incident.

"Inspectors are looking at

all areas of the zoo in regards to safety and health compliance. They are not just focusing on the tiger cage or any single area," spokeswoman Lindsay Williams wrote in an email. On Saturday, the Palm Beach Zoo is hosting the newly renamed Stacey Konwiser Memorial Save the Tiger 5K in West Palm Beach. The race begins at 7:30 a.m.

hwinston@pbpost.com

Auto Dealer Directory		PalmBeachPost.com/DealerDirectory		FOR MAPS, LINKS & MORE...	
Audi Audi Coral Springs 5555 N. State Rd. 7, Coral Springs 866-388-3424 www.audicoral.com	Cadillac AutoNation Cadillac West Palm Beach 2101 E. 55th St., West Palm Bch 561-845-5500 www.autonation.com	Honda JOHNSON HONDA 4200 SE Federal Hwy. 888-779-9975 www.johnsonhonda.com	Lincoln SCHUMACHER Lincoln of Delray 2102 S. Federal Hwy 888-696-4062 www.schumacherauto.com	Porsche BRAMAN PORSCHE For Sales & Service 2801 Okeechobee Blvd., W. Palm Beach Call 561-615-4600	Volkswagen SCHUMACHER VOLKSWAGEN 3031 Okeechobee Blvd P. Bch. Lakes/Okeechobee Blvd 561-683-3200 3720 Northlake Blvd Just East of I-95 561-622-8220 www.schumacherauto.com
Bentley Braman Bentley Palm Bch For Sales & Service 2901 Okeechobee Blvd., W. Palm Beach Call 561-684-6666	Chevrolet SCHUMACHER CHEVROLET 3720 Northlake Blvd Northlake Blvd Just East of I-95 561-622-8220 www.schumacherauto.com	Infiniti INFINITI Of The Palm Beaches 3101 Okeechobee Blvd Just W. of Palm Bch. Lakes Blvd 561-615-3300	Mercedes Mercedes-Benz of Delray 1001 Linton Blvd & Delray Beach Just East of I-95 on Linton Blvd. (877) 202-5113 www.mbdelray.com	Rolls Royce BRAMAN ROLLS ROYCE For Sales & Service 2801 Okeechobee Blvd., W. Palm Beach Call 561-684-6666	Subaru SCHUMACHER Subaru of Delray 2102 S. Federal Hwy 877-783-9072 www.schumacherauto.com
BMW BRAMAN BMW WEST PALM BEACH For Sales & Service 2901 Okeechobee Blvd 561-684-6666	Dodge SCHUMACHER Chrysler • Dodge Jeep • RAM of Delray 2102 S. Federal Hwy. 866-796-4275 www.schumacherauto.com	Jaguar APINE JAGUAR 1-800-493-0851 6602 N. Andrews Ave., Ft. Lauderdale, FL	Mini Braman Mini of Palm Bch For Sales & Service 2901 Okeechobee Blvd., W. Palm Beach Call 561-684-6666	Subaru SCHUMACHER SUBARU 3031 Okeechobee Blvd P.Bch. Lakes/Okeechobee Bl 561-683-3200 www.schumacherauto.com	Volvo SCHUMACHER VOLVO 5544 Okeechobee Blvd 888-902-9421 www.schumacherauto.com
BMW BRAMAN BMW FOR SALES & SERVICE 1555 N. Indiantown Rd., Jupiter 561-688-7000	Ford mullinax 3720 Northlake Blvd Just East of I-95 561-622-8220 www.schumacherauto.com	Lexus LEXUS of Palm Beach Serving Palm Beach & Martin Counties 3720 Northlake Blvd., West Palm Bch 561-683-2800; 888-633-2844	Mitsubishi SCHUMACHER MITSUBISHI 3027 Okeechobee Blvd Palm Beach Lakes/ Okeechobee Blvd 561-683-3200 www.schumacherauto.com	SUVs & Trucks SCHUMACHER GMC 3031 Okeechobee Blvd P. Bch. Lakes/Okeechobee Blvd 561-683-3200 3720 Northlake Blvd Just East of I-95 561-622-8220 www.schumacherauto.com	Professionals Get The Business To List Your Service Daily in The Palm Beach Post Business Service Guide ===== Call (561) 820-4343 www.palmbeachpost.com

	Like us on facebook			Follow us on twitter	The Palm Beach Post REAL NEWS STARTS HERE
--	------------------------	--	--	-------------------------	--

