

Honoring the Heroes Among Us - Anthony S. Battaglia



In his personal Curriculum Vitae, Tony proudly declares that he has "...dedicated [his] life to the practice of law and the service of my clients."
This is no exaggeration; it's the way he lives and breathes our profession; it is his life.

The Heroes Among Us Award is reserved for those special and extraordinary attorneys who devote their time and lend their talent to the community. I'm proud that Anthony S. Battaglia is the 2009 recipient of this award because for almost six decades, he has positively impacted thousands of lawyers, clients and members of this community and the Tampa Bay area. Before listing his many achievements, however, I want to share a personal story.

In the early 1970s the Battaglia law firm had gained a reputation as an office where eager law students could apply their academic knowledge to the real world of lawyering. From real property to criminal law and business litigation to wills, the firm did it all, and law clerks were given the opportunity to work hand in hand with its talented attorneys. In that era, law students were permitted to close real estate transactions. In the two and a half years I clerked for Tony, I closed over a hundred condominium purchases. This experience, on top of the legal research involved in the diversity of legal problems presented by the firm's client base was incredible.

In mid August 1974, I was beginning a third year as the law clerk for Mr. B (*as he was then called*). I was honored by the opportunity and I relished my daily contact with such a great lawyer. But my heart was heavy with the knowledge that I had run out of money and student loans, and that I would drop out before the beginning of my senior year. Since childhood I wanted nothing else but to be a lawyer and it was clear that my dreams would be delayed if not dashed.

As the summer came to a close. I was working in the firm's library when Tony roared in, wadded up a legal memo and threw it across the table at me. "This is crap!" he yelled. "What the hell is going on with you?" I was embarrassed, but I told him that I had to drop out of Stetson. He then altered the course of my life by unilaterally directing the firm's bookkeeper to issue checks for all of my senior

year's expenses. "You'll sign a note and pay me back when you graduate and get your ticket. Now go finish that memo the way it should be written. We have work to do for the client."

After 35 years, my eyes still moisten and my throat lumps as I reflect on that moment of my life. Tony Battaglia is my hero. In 1974 I swore that I would never forget him and that it would be my mission to tell and retell this story, not only to honor him, but to give breath to the possibility that I and others would be motivated to emulate his generosity. And the reason I want to tell it here is because Tony's pride would never allow him to tell anyone about what he did to help me or another lawyer. He's happy to frame and hang newspaper articles about the firm's and his achievements, but to take credit for helping someone *outside of the attorney client relationship* is simply not his style.

Of course, I'm not the only fortunate sole to have made his acquaintance. I'm just one of hundreds of law students and lawyers that have had the fortune to cross Tony's path in life. For a recent birthday party, the lawyers at the Battaglia firm prepared a chart listing over 100 attorneys who have worked in his office at one time or another. At least double that number have clerked there as well.

Tony's quiet philanthropy and leadership are deep. He has served as a trustee of CASA, Chairman of the Pinellas County Arthritis Foundation, chairman of at least two opera companies, been a member of the Florida Public Service Commission, and was a Committeeman for the Republican National Party. This last post is perhaps his proudest civic achievement. Appointed during the Eisenhower Administration in 1956, he was the youngest person to ever hold that post in the United States. With the appointment came international travel to virtually every country in the world. The framed keys which line the walls of his office are souvenirs of those travels. He dodges compliments about his involvement in philanthropic organizations



by Leonard S. Englander



with a simple response: “They come to me and I serve because I believe you have to put something back in.”

With a career that began with a 1953 graduation from the University of Florida, when he was inducted into the Hall of Fame and Florida Blue Key, Tony has been practicing for more than 56 years and has deservedly been identified as one of the Best Lawyers in America. After graduating, he cut his teeth trying criminal cases in Miami’s U.S. Attorney’s Office. The 1953 case load of a Miami U.S. Attorney did not consist of the drug-related matters which clog the federal criminal judicial system today. Instead, Tony explains that “Wager and Tax Stamp” (*gambling*) violations and moonshining (*alcohol*) were his steady diet. He was ultimately transferred as the chief assistant to the Tampa U.S. Attorney’s office where he noticed a pile of files gathering dust. He immediately pressed these to trial and only years later did he realize that his defendant was Santos Traficante, the southern mafia kingpin. After several highly successful years he moved to private practice with Carl and Emerson Parker in St. Petersburg, Florida, which quickly enjoyed a bustling real estate practice in the late 1950’s boom years.

Since then, and in addition to his valuable real estate counsel, he also found the time to build and develop Bardmoor Country Club, apartment and condominium complexes and develop subdivisions for housing. Tony has been associated with high visibility criminal defense cases such as those of U.S. Representative Richard Kelly, Pinellas County Commissioner A. Oliver McEachern, Pasco County Sheriff John Short and the Reverend Henry Lyons to name just a few.

Tony’s work habit is relentless and imaginative. If you’ve never had the opportunity to work with Tony preparing for or trying a case, you’ve missed something. The *Kelly* case was born of the Abscam scandal. The FBI charged that Kelly had taken influence money from its agents who

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posed as Arab sheiks. They were buttressed by the national media’s nightly replay of a black and white film taken by hidden cameras showing Kelly in the ABSCAM Mansion in Washington, DC stuffing \$25,000 into his pockets. Kelly’s choice of the imaginative Battaglia was perfect. Tony argued that Kelly was simply trying to catch the criminals himself - *in a reverse sting*. It’s the type of a defense which only a confident lawyer could argue.

Pasco County Sheriff John Short was accused of official misconduct and unlawful compensation. Short’s reputation, career and life in shambles, Tony rolled up his sleeves and secured a complete acquittal. I fondly remember this case because at the time I was Tony’s clerk and he had me place my 5’6” frame in the lineup. Recently, Jim Denhardt, one of the prosecuting attorneys assigned to the case, related to me something that Tony never shared; I was almost ID’d!

Tony is sui generis. There have been other lawyers who are just as smart or hard working perhaps, but somehow Tony is bigger. Even the media senses this. In its introductory story on the Lyons defense team, the St. Petersburg Times described Tony as “...resplendent in a grey jacket and a red show handkerchief.” TV News anchor John Hatfield referred to him as “The lawyer who gets ‘em off.” In an age of specialization, the fact that he could handle criminal jury trials, draw condominium documents before there was a condominium act, negotiate corporate take overs and write wills, leaves one in awe.

He has led an incredible array of legal organizations, serving as President of the St. Petersburg Bar Association, President of the U.S. Attorneys Association for the Middle District of Florida, and Chairman of the Federal District Courthouse for St. Petersburg. He’s been a member and Chairman of the Grievance Committee for the United States District Court for the Middle District of Florida, Chairman of the Judicial Nomination Committee and a member of the

Florida Bar’s Board of Governors.

In *Taming of the Shrew*, Shakespeare wrote that we all should “do as adversaries do in law, strive mightily but eat and drink as friends.” Tony practices this with his impeccable professionalism. He may beat you or you may beat him, but you can always count on having a glass of vino or a cup of coffee with him anyway. He takes the legal profession seriously and he will be the first to stand tall to defend it and pinch you if he thinks you are staining it.

I recently asked Tony if there was any particular moment which stood out in such an outstanding career which will soon span seven decades. “Leonard” he instantly replied, “I’ve been blessed with so many wonderful moments, I can’t single one out as the greatest.”

In ancient testament its been written that there are three crowns: the crown of the law, the crown of priesthood and the crown of royalty, but the crown of a good name surpasses them all. Anthony S. Battaglia, you have given your life to the profession, to your clients and to the community. Your deeds are great and your name is great. You are clearly a Hero Among Us.

Leonard S. Englander is a founding member of Englander & Fischer, P.A. He received his B.A. degree from the State University of New York at Oswego in 1971 and his J.D. degree from Stetson University College of Law in 1975. Lenny specializes in business litigation and is Board Certified in Business Litigation by The Florida Bar. He served on the bar’s Business Litigation Certification Committee for 5 years and was its 2005-2006 Chairman. Lenny has served as trustee, director and officer in a variety of community organizations including CASA, The Florida Holocaust Museum and Temple Beth El among others and is currently a member of the Board of Trustees of the St. Petersburg Bar Foundation.