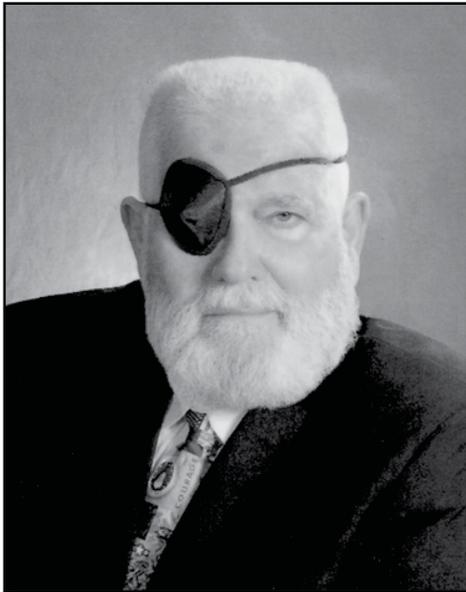


Honoring the Heroes Among Us - Judge Thomas E. Penick, Jr.



“People, you must remember, are awfully complex creatures, and you may be in for some surprises if you divide the cast into heroes and villains.”

--Robert Penn
Warren

Judge Thomas E. Penick, Jr., Circuit Court Retired, has never thought of himself as an innovator, an initiator, a founder, an organizer, an advocate, a student, an educator, a scholar, a coach, a mentor, a leader or a hero. He would agree with Robert Penn Warren that the naming of heroes is a futile exercise. Following a review of Judge Penick's thirty-eight year pursuit of perfection through service to this country, the state, the community, and the practice of law, however, we find a person who is precisely all of those things.

Judge Penick is one of the few navigators to achieve the rank of Brigadier General in the history of the Air Force. His ability to chart the shortest course between a vision and the realization of that vision has been the hallmark of his legal career. In any undertaking, he has always persevered until the rest of us saw the path that was so obvious to him.

His “charting” experience began as a youth in West Palm Beach. Most people believe that Judge Penick got his nickname “Gator” because he is a graduate of the University of Florida. The true story is far more interesting. As a young man, he got a job on a surveying crew working in the swamps of South Florida. Those workers who were unfortunate enough to be chosen to wade into waist-deep water and hold a survey pole were called “gators,” and Young Tom Penick was one of those “chosen ones.” Since that time he has spent a lifetime surveying and charting courses for himself and others.

Selflessly, Judge Penick has worked to promote and communicate to the military, to the community and to the legal profession the constant need for ethics, civility, professionalism and excellence as part of daily life. Former Chief Judge of the Sixth Judicial Circuit, Judge David A. Demers once wrote about Judge Penick:

“... the general mission of Judge Penick is MAKING THE WORLD A BETTER PLACE.”

Judge Penick has never wavered from this mission. It would take more space than the space allotted to this article to discuss all the organizations, court programs, Florida Statutes, Florida Judicial Rules of Procedure, civic programs and projects and people that Judge Penick has influenced, taught, mentored, or advised. Likewise, he has inspired Young Lawyers, members of the Bar and the community as a whole. His contributions to the St. Petersburg Bar Association's Young Lawyers Section, the Probate Divisions of the Florida state court system and the probate practice, the Barney Masterson Inn of Court, and the St. Petersburg Bar Association/Foundation are worthy of special note.

Judge Penick has fond memories of his work with the Young Lawyers Section, including the Habitat for Humanity and Christmas in January projects. He recounted battling freezing rain and strong wind gusts at the Pier one particular year during the Christmas in January event to deliver toys to underprivileged children who had not received any gifts during the holidays. Just witnessing the eyes of a child who got to pick from a plethora of toys warmed the heart of a damp, freezing judge.

Whether it was mentoring young lawyers in the practice or as judicial interns, Judge Penick has dedicated a significant amount of personal time to improving the skills of new practitioners. There are a couple of generations of lawyers who appreciate the privilege of practicing law because he cared enough to show them where they were, where they needed to be and how to get there: navigating.

When he was assigned by the Chief Judge of the Sixth Circuit to be a judge



in the probate division, Judge Penick immediately recognized a need to cut through the rhetoric and resurrect ethics, civility, character, honesty, excellence and professionalism in the practice of probate law. He was able to accomplish his goals through relentless hard work, countless hours studying cases and researching the law, and challenging established practice.

In the late 1980s, the area of living wills had been neglected or carefully swept under the carpet. Not known for his timidity, Judge Penick navigated uncharted waters by ruling on the first cases concerning living wills. As a result, Florida became one of approximately five states with solid state and U.S. Supreme Court rulings as well as statutory guidelines for cases in this area.

Judge Penick's passion for the protection of citizens from predatory practices also made him a driving force for the reformation of probate law. He worked tirelessly for fourteen years as a probate judge and as the Sixth Circuit's Probate Administrator. Judge Penick's fervor for enhancing probate laws led many Chairs of the Conference of Circuit Court Judges to appoint Judge Penick to their cabinet as the Probate Chairman for the conference. In this statewide leadership position, Judge Penick was recognized as "the Father of Florida Probate".

The members of Florida's judicial, executive and legislative branches have often called upon Judge Penick for his knowledge and expertise. In 1991, Chief Justice Leander Shaw chose him to represent the State of Florida at the National Conference on Court-Related Needs of the Elderly and Persons with Disabilities. Recognizing his emerging leadership in Probate and Elder Law, Governor Lawton Chiles appointed him to the Governor's Task Force on Elder Abuse in 1995. This commission was

charged with advising the governor on ways to drastically reduce elder abuse in the State of Florida. In 1997, Senator Bob Graham called upon Judge Penick to lend his expertise to the Tampa Retirement Security Summit. The State of Florida was fortunate to have a jurist with the vision and dedication to make the laws more protective of the health, safety and rights of its most vulnerable citizens.

In addition, Judge Penick takes great pride in his accomplishments as a founder, leader, educator and mentor of the Barney Masterson Inn of Court. Today the Inn is a robust, enthusiastic and dedicated organization which adheres to the mission of the American Inns of Court: ensuring that the legal profession is an ethical and knowledgeable force, always engaged in making the world a better place.

As a former President of the Clearwater Bar Association, Judge Penick has had a career-long interest in developing outreach programs to provide legal services to the community and to help law students understand their moral obligation to give back. In 2000, he urged the St. Petersburg Bar Association to create a foundation that could perform that mission. The leadership of the St. Petersburg Bar agreed and formed a nonprofit foundation in 2001 whose mission is to fund, develop and promote efforts which enhance the legal profession and encourage better public understanding and access to the judicial system. At the same time, Judge Penick chose to make a donation to the newly-created foundation to fund a scholarship for a law student. Twice a year, the foundation selects a student at Stetson University College of Law who has distinguished himself or herself as a community volunteer to receive the Judge Thomas E. Penick, Jr Award for

Community Service.

Once again, Judge Penick's vision, leadership and persistence have made the world a better place to live for the citizens of Pinellas County. Through his scholarship and his tireless efforts, he is teaching young lawyers by example that service to the community and the legal profession is a professional obligation. Our community and our profession will continue to benefit because Judge Penick, the Navigator, charted the course for those young lawyers.

