



Smith, Horace, Jr  
7th Circuit  
MIGS/AV  
Ormond Beach  
67/42  
w/m

### JUDICIAL NOMINATING COMMISSION APPLICATION FOR APPOINTMENT

DATE: 11/25/09 E-mail: hsmith@daytonalaw.com

1. Name: Horace Smith, Jr. Attorney #: 105948

2. Judicial Nominating Commission(s) requested: Seventh Circuit  
(Specify whether Supreme Court, District Court of Appeal or Circuit - list all that apply)

3. Are you applying for reappointment? Yes  No

4. Number of years admitted to The Florida Bar: 42 Martindale Hubbell rating: A

5. Home Location: (list all) Ormond Beach Volusia 7th 5th  
City County Circuit DCA

6. FL Driver's License #: S530-320-42-422-0 Social Security #: [REDACTED] Age: 67

7. Have you ever used or been known by another legal name? Yes  No  If Yes, explain:

\*8. Sex: Male  Female

\*9. Race: White, Non-Hispanic  Native American / Alaskan Native   
Hispanic American  Asian / Pacific Islander   
African-American

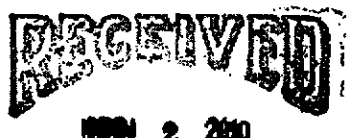
10. How did you learn of this vacancy? Bar Association

11. Can you discharge the responsibilities of this position, with or without accommodation? Yes  No

12. Commissioners are subject to Florida Financial Disclosure Laws. Are you willing to file the appropriate forms?  
Yes  No  The form can be viewed at [www.ethics.state.fl.us](http://www.ethics.state.fl.us), Form 1 and is required after appointment.

13. Cellular Telephone Number: [REDACTED]

\* This information will be used to provide demographic statistics and is not requested for the purposes of discriminating on any basis.



NOV 2 2009

GOVERNOR'S APPOINTMENTS  
OFFICE

# QUESTIONNAIRE FOR JNC APPOINTMENT

PLEASE TYPE OR PRINT  
SUBMIT A SEPARATE QUESTIONNAIRE FOR EACH APPOINTMENT

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11/25/09  
DATE COMPLETED

1. Name: Mr. Smith Horace Jr.  
Mr./Mrs./Ms. LAST FIRST MIDDLE / MAIDEN

2. Business Address: 444 Seabreeze Boulevard 900 Daytona Beach  
STREET SUITE # CITY

15200 Florida 32115 386 254-6875  
POST OFFICE BOX STATE ZIP CODE AREA CODE / PHONE NUMBER

3. Employer, Firm or Agency: Smith, Hood, Perkins

4. Residence Address: [REDACTED] [REDACTED] [REDACTED]  
STREET CITY COUNTY

[REDACTED] [REDACTED] [REDACTED]  
POST OFFICE BOX STATE ZIP CODE AREA CODE / PHONE NUMBER

Specify the preferred mailing address: Business  Residence  Fax#: 386-257-1834

5. A. List all your places of residence during the last five (5) years.  
[REDACTED] [REDACTED] 1984 Present  
ADDRESS CITY & STATE FROM TO

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.  
None  
ADDRESS CITY & STATE FROM TO

6. Since what year have you been a continuous resident of Florida: 1955

7. Are you a United States citizen? Yes  No  If No, explain:

If you are a naturalized citizen, date of naturalization:

8. Date of Birth: 11-22-42 Place of Birth: Orangeburg, South Carolina

9. Social Security Number: [REDACTED]

10. Driver's License Number: S530-320-42-422-0

11. Are you a registered Florida voter? Yes  No  County of registration: Volusia

12. Education

A. High School: Seabreeze -Daytona Beach, Florida Year Graduated: 1961  
 (NAME AND LOCATION)

B. List all post-secondary educational institutions attended:

NAME & LOCATION	DATES ATTENDED	CERTIFICATES/DEGREES RECEIVED
Florida State University	1961-1964	Bachelors of Arts
University of Florida	1964-1965	
Guilberland School of Law at Samford University	1965-1967	Juris Doctor

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No

If Yes, list:

A. Dates of service: \_\_\_\_\_  
 B. Branch or component: \_\_\_\_\_  
 C. Date and type of discharge: \_\_\_\_\_

14. I am presently: Sole practitioner  In a 2-10 lawyer office  In a 11-35 lawyer office  In a 35+ lawyer office   
 Other  Please explain: \_\_\_\_\_

15. Admitted to practice before which courts? Florida Supreme Court  
 U.S. Court of Appeals 5th & 11th Circuits, U.S. Federal District Court,  
 Middle District of Florida and U.S. Supreme Court

16. I practice predominately in the following fields (if trial, specify plaintiff/prosecution or defense):  
 Marital & Family Law  
 Criminal Defense

17. List any area(s) of certification:  
 Marital & Family Law - 1985 - present  
 Criminal Law - 1985 - 1992

18. List any Florida Bar appointments presently held or previously held within the past three (3) years:  
 None

19. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation or ordinance? Yes  No  If Yes, give details: Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.

DATE	PLACE	NATURE	DISPOSITION
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20. Concerning your current employer, and for all your employment during the last five (5) years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

EMPLOYER'S NAME AND ADDRESS	TYPE OF BUSINESS	OCCUPATION/JOB TITLE	PERIOD OF EMPLOYMENT
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Smith, Hood, Perkins, et al 444 Seabreeze Blvd., Suite 900, Daytona Beach, FL 32118		attorney/shareholder	1988-present
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21. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No

If Yes, identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

POSITION	EMPLOYING AGENCY	PERIOD OF EMPLOYMENT
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Chief Assistant State Attorney	State Attorney's Office	1969 - 1982
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Attorney	7th Circuit	
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City Attorney	City of Bunnell	1976 - 1988
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22. Do you now, or have you, within the last three (3) years, been a member of any club or organization that, to your knowledge, in practice or policy, restricts membership or restricted membership during the time that you belonged, on the basis of race, religion, national origin, or gender? If so, detail the name and the nature of the club(s) or organization(s), relevant policies and practices, and state whether you intend to continue as a member if you are appointed by the Governor.

No

23. List any memberships in any national or local bar associations (include dates of services and any office held).

<u>ASSOCIATION</u>	<u>DATES OF SERVICE(S)</u>	<u>OFFICE(S) HELD</u>
Florida Bar Association	1967-present	Board of Governors 1986-1993
Volusia County Bar Association	1967-present	President 1977-1978

24. Do you currently hold an office or position (appointive, civil service or other) with the federal or any foreign government? Yes  No  If Yes, explain:

25. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If Yes, state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>OFFICE HELD</u>	<u>DATE OF ELECTION</u>	<u>TERM OF OFFICE</u>	<u>LEVEL OF GOVERNMENT</u>
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B. If your service was on an appointed board(s), commission(s), committee(s), or council(s):

1. How frequently were meetings scheduled?  
 2. If you missed any of the regularly schedule meetings, state the number of meetings you attended, the number you missed, and the reason(s) for your absence(s).

<u>MEETINGS ATTENDED</u>	<u>MEETINGS MISSED</u>	<u>REASON FOR ABSENCE</u>
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26. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes," give details:

<u>DATE</u>	<u>NATURE OF VIOLATION</u>	<u>DISPOSITION</u>
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27. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No   
 If Yes, list:

A. Title of office:	C. Reason for suspension:
B. Date of suspension:	D. Result: Reinstated <input type="checkbox"/> Removed <input type="checkbox"/> Resigned <input type="checkbox"/>

28. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If Yes, list:

A. Title of office:	_____
B. Term of appointment:	_____
C. Confirmation results:	_____

29. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If Yes, explain:

30. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If Yes, provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>LICENSE / CERTIFICATE</u> <u>TITLE &amp; NUMBER</u>	<u>ORIGINAL</u> <u>ISSUE DATE</u>	<u>ISSUING AUTHORITY</u>	<u>DISCIPLINARY ACTION / DATE</u>
105948	1967	Florida Bar	

31. Have you, or businesses of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No

If Yes, explain:

<u>NAME OF BUSINESS</u>	<u>YOUR RELATIONSHIP TO BUSINESS</u>	<u>BUSINESS RELATIONSHIP TO AGENCY</u>

32. Have members of your immediate family (spouse, child, parent(s), sibling(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No

If Yes, explain:

<u>NAME OF BUSINESS</u>	<u>FAMILY MEMBER'S</u> <u>RELATIONSHIP TO YOU</u>	<u>FAMILY MEMBER'S</u> <u>RELATIONSHIP TO BUSINESS</u>	<u>BUSINESS RELATIONSHIP</u> <u>TO AGENCY</u>

33. Have you been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name the agency or entity you lobbied for and the principal(s) represented:

<u>AGENCY LOBBIED</u>	<u>PRINCIPAL REPRESENTED</u>

34. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>ZIP CODE</u>	<u>AREA CODE / PHONE NUMBER</u>
David Hood	Box 15200, Daytona Beach	32115	386-454-6872
Daniel Hucks	U.S. 1, Ormond Beach	32174	386-299-3126
Richard Hill	1241 Vine Ave., Daytona Bch.	32114	386-252-2089

35. Name any business, professional, occupational, civic, or fraternal organization(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).


<u>NAME</u>	<u>ADDRESS</u>	<u>OFFICE(S) HELD &amp; TERM</u>	<u>DATE(S) OF MEMBERSHIP</u>
Civic League of Halifax Area,	Daytona Beach		1994-present
Rocky Mountain Elk Foundation,	Missoula, Montana,	Board of Directors	1987-preser

36. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If Yes, explain:

37. State your experiences and interests or elements of your personal history that qualify you for this appointment.

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Under penalty of perjury, I declare the foregoing facts are true, correct and complete to the best of my knowledge and belief.

Date: 11/25/09

Signature: 

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**RETURN COMPLETED APPLICATION TO:**

**EXECUTIVE DIRECTOR, THE FLORIDA BAR  
651 EAST JEFFERSON STREET  
TALLAHASSEE, FLORIDA 32399-2300  
Fax: 850/561-5826**

**37. During the 42 years of my practice of law, I have been an active trial attorney, having over 150 jury trials in all areas of the law, i.e., criminal, family, personal injury, real estate, probate, eminent domain and commercial. During that time I have had cases in front of every Judge in our Circuit and many Judges throughout the State of Florida. I have also argued many appeals to various appellate Courts.**

**During this time, I have experienced almost every type of judicial behavior and action. This allows me to view the qualities that a good Judge should possess. I have also had numerous experiences in interviewing employment candidates for attorney positions, as well as candidates seeking employment for NASA, IBM and other large contractors and companies.**

**Applying this experience to real life situations qualifies me to serve on panels which recommend judicial appointments.**