

## Commentary

### Broward's unseemly spectacle could have been avoided

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By: Hector Lombana

**T**he 2010 Broward County judicial election has become symbolic of all that one can identify as negative in an elective system for trial judges.

The Broward judicial races have descended into a soap opera involving blind personal ambition, ethnic and racial targeting of judges, and a benefit-collecting unemployed lawyer who is hoping to end a bad economic streak by unseating an African-American judge as a way to earn a six-figure salary.

What resulted in Broward becoming the laughingstock of judicial elections? The answer: a leadership failure among Broward lawyers and the voluntary bar associations. Their inability or unwillingness to engage in the supervision of these elections has substantially contributed to the present situation.

The various Broward voluntary bar associations have failed to work together to establish informal ties and mechanisms to assure that rogue candidates or ethnic targeting of judges will fail to succeed.

In fairness, one can argue that the degree of insanity now prevailing in the Broward races was hard to predict and difficult for the voluntary bars to prepare for. I would counter that the handwriting was on the wall in 2008, when every Hispanic judge with a Latin last name was challenged and defeated.

The assistance given these candidates in 2008 by Broward lawyers and bar associations, including minority bars was tepid, to say the least, resulting in the wholesale defeat of sitting Hispanic judges.

Once the "blood was in the water," the previous Broward taboo against challenging judges was swept away, resulting in the present shameful melee.

Broward County presents particularly difficult challenges for the election and retention of minority judges, causing its courts to be on the verge of losing the little ethnic diversity presently represented on the bench.

For example, in 2008, a lawyer of African descent and Jamaican origin ran against a Hispanic candidate and posted no pictures of himself in any of his campaign signs, leading the majority of Broward voters to vote for the "Anglo" name and against the Hispanic. There was little outcry from the bar associations, including the minority bars, when this tactic was employed.

Elections of Hispanic judges are made all the more difficult by the absence of a monolithic Hispanic voting bloc, as in Miami-Dade County, that is capable of mobilizing to prevent the defeat of minority judges.

That voting bloc has also been effectively mobilized to defeat unqualified minority candidates who challenged worthy "Anglo" judges.

Now that there is a challenge to all minority judges, not just Hispanics, there is a huge "hue and cry" for fairness from all sectors. This sense of indignation was notably absent in 2008, when only Hispanics were targeted.

The key to maintaining order in Miami-Dade judicial elections has been the informal partnership between the Cuban American Bar Association, the Florida Association for Women Lawyers, the Dade County Bar Association and other minority bar associations. This has resulted in informal mechanisms of peer pressure, fundraising, campaign practices supervision and political activism that have historically succeeded in dissuading and defeating unworthy candidates for judicial office.

The purpose of this comment piece is not to criticize the Broward County Bar or its association, or to bask in the past successes of Miami-Dade County in judicial elections.

Rather, it is to suggest that the bar leaders and lawyers in Broward County need to be galvanized into leadership, concerted action and planning to prevent the shameful spectacle of 2010 from occurring again.

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