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Column

Judicial Profile

HON. ALAN. S. GOLD U.S. DISTRICT JUDGE, SOUTHERN DISTRICT OF FLORIDA

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IN AN ERA when federal judges are faced with a pressing workload, highly politicized issues, and declining federal resources, Southern District of Florida Judge Alan S. Gold shines as an example of a jurist who insists on excellence, impartiality, and propriety in his work. For nearly 10 years, Judge Gold has served the people of southern Florida as a federal judge by tackling cases that have had a profound impact on one of America's fastest growing regions, its businesses, and its residents. According to his colleagues and members of southern Florida's legal community, Judge Gold has done so while upholding the values central to the American system of justice. In fact, Judge Gold has devoted his entire career to the system of justice in this district -- one of the nation's busiest -- both as an attorney and as a judge. During his time on the federal bench, Judge Gold has had the distinction of presiding over some of Miami's most influential and publicized cases.

In 2003, he presided over *United States v. Acuna*, a case involving 13 current and former members of the Miami police force who were indicted on federal charges, including conspiracy, obstruction of justice, and perjury in four different shootings of unarmed suspects. Two of the officers pleaded guilty, and the remaining 11 went to trial. After a two-and-a-half month trial and two-and-a-half weeks of jury deliberations, the jury convicted four defendants, acquitted three, and remained deadlocked on four others. Three defendants were found guilty after a second trial. The case, as well as Judge Gold's extensive order for the first trial, gained national media attention.

Judge Gold also presided over one of the nation's largest class action cases, *Allapattah Services Inc. v. Exxon Corporation*. In 1991, approximately 10,000 Exxon dealers filed a class action lawsuit against Exxon Corporation, alleging that Exxon intentionally overcharged them for fuel purchases. The first trial resulted in a hung jury, and a second trial, in 2001, resulted in one of the largest compensatory damage verdicts ever awarded by a South Florida jury. That verdict, however, was only one step in the lengthy proceedings of the case, which required extensive analysis of the relatively rare context of post-verdict class action procedures. The case was hotly litigated at every stage and involved multiple appeals, including one to the Supreme Court, which affirmed Judge Gold's decision. Only recently has the case resulted in a classwide settlement of over \$1 billion.

Judge Gold is widely known for his sharp intellect, diligence, and conscientiousness. These qualities have earned him the admiration and respect of Miami's legal community. The judge's outstanding commitment to his work is exemplified by a story about his days in private practice. To attend a hearing on an injunction issue, Judge Gold had to fly to Key West in a small plane. He was preparing on board when the plane caught fire. As he heard the pilot calling, "Mayday! Mayday!" Judge Gold's first thought was "I'm going to be late for the hearing!" (His second thought was "I'm going to be permanently late.") Fortunately, the plane made an emergency \*17 landing and no one was hurt.

Although his career is centered in southern Florida, Judge Gold is a transplant, like many South Floridians. Born in New York City, he moved with his family to Miami in 1957, when he was in the eighth grade. Many former New Yorkers were living in Miami, so he was able to fit right in. He fell in love with his new home and remembers thinking that it was paradise, especially for a young man, who could find plenty of opportunity.

During the summers, Judge Gold worked as a counselor at a summer camp in North Carolina. There he met his future wife, Susan Fine, after graduating from high school. The two attended the University of Florida together, put themselves through college by working as camp counselors during the summers, and were married during their senior year. In 1966, Judge Gold graduated with high honors and returned to North Carolina with his wife to attend Duke University Law School; Susan obtained a position teaching elementary school there. He later obtained an L.L.M. from the University of Miami.

Upon graduating from Duke in 1969, Judge Gold returned to Florida to begin what would become a lifelong career of tackling issues that were important to Miami and its residents. He first worked as a law clerk for Chief Judge Charles Carroll on Florida's Third District Court of Appeal. Following his two-year clerkship, he served as an assistant attorney for Dade County from 1971 to 1975. During his years as a county attorney, he litigated on behalf of the county on a wide range of cases, from land use and tax matters to civil rights. One high-profile civil rights case involved eight members of the Vietnam Veterans Against the War, dubbed "the Gainesville Eight." Undercover FBI agents had infiltrated the organization and claimed the group had planned to incite violence at the 1972 Republican National Convention in Miami Beach. The defendants claimed that their plans were only to defend themselves from violence planned against them by the government, and a jury acquitted the Gainesville Eight of all charges. When prominent attorney William Kunstler filed a civil rights case against the government, Judge Gold was tapped to represent Miami-Dade County, and he resolved the case favorably.

While at the county attorney's office, Judge Gold also used interpleader actions as an innovative means to resolve a group of intergovernmental disputes. At the time, he was representing the county's Water and Sewer Department in cases involving regulations that the Environmental Protection Agency was developing. Although the county had existing contracts for sewage treatment, state and federal rules regarding treatment affected those contracts and ultimately required the county to impose a moratorium on permits for new construction projects. As a result, lawsuits flew. In a case challenging the denial of such permits, Judge Gold joined all municipalities in the lawsuit and claimed impossibility as a defense. In the course of the lawsuit, the amount of gallons of sewage that the department could handle was so low that the sewage had to be allocated. As a solution, Judge Gold interpleaded gallonage, much as an insurance company would interplead a fund.

Following his work at the county attorney's office, Judge Gold went on to private practice at Greenberg Traurig, where he worked for 17 years handling cases involving land use, environmental law, administrative law, and general litigation matters. Colleagues who worked with him at Greenberg Traurig are quick to express their admiration. One former associate, Kerri Barsh, remarks that Judge Gold was her first mentor and formed the way in which she approaches and considers a case. "In his practice, Alan was intense, hard working, giving a lot of attention to preparation and detail, yet he was always kind and treated everyone with respect."

Judge Gold began his judicial career in 1992 as a state circuit court judge, serving in both the family and criminal divisions. He left private practice for the bench at the peak of his career as an attorney, revealing the personal sacrifice he was willing to make in order to pursue public service. In 1997, Judge Gold was nominated for his federal judgeship. While in Hawaii on vacation, he received a call from Sen. Bob Graham, informing him that his nomination had been confirmed.

On the bench, Judge Gold holds fast to the ideal of fairness. Jurors, he believes, should believe that the judge and the lawyers have done their best to prepare the case well and to present it fairly and therefore conclude that the justice system deserves their faith. To achieve that goal, Judge Gold works with the adversaries' lawyers and "pre-tries" cases by ensuring that they are completely prepared before the trial, with the issues analyzed and the evidence ready. He then drafts his rulings carefully and explains his rationale so that the parties understand their rights and obligations. At trial, he does not run a clock but ensures that time is not wasted, often by simply noting the situation at a sidebar. "Lawyers," he observes, "are themselves concerned when they realize that the jurors' eyes are rolling."

Judge Gold has served as a mentor for his law clerks, who uniformly hold him in the highest esteem. One former clerk, Jay Munir, is quick to describe the judge as a role model and offers glowing praise: "Judge Gold's fairness, decency, ethics, and

patriotism are obvious to everyone who works for him. I was always struck by the fact that attorneys who appeared before him, whatever the outcome of their case, always had the kindest words to say about the judge.” He goes on to say, “There are many times when I am faced with a challenging situation and I consider what \*21 action Judge Gold would take in my situation.”

Judge Gold also serves as a teacher and role model to the greater legal community, offering his wisdom and advice at seminars and bar functions. His chief advice to trial attorneys is: “Be true to who you are, because the judge and jury will see who you are. Successful lawyers are honest and straightforward, and explain complicated issues in a straightforward way. Above all, be honest to the jury. They know honesty, and reward it, and they know dishonesty, and punish it.”

The community of southern Florida is proud to have Judge Gold among its ranks of distinguished federal judges. The judge's commitment to serving justice in Miami is exemplified by his lifelong dedication to the city and its justice system. His courtroom is a place where all participants -- lawyers, parties, and jurors alike -- can expect to find the highest standards upheld with decency and diligence.

#### Footnotes

- [a1](#) *Tucker Ronzetti is a shareholder at Kozyak Tropin and Throckmorton PA in Miami. He concentrates his practice in complex commercial and class action litigation. Previously he served as an assistant county attorney for Miami-Dade County, handling trials and appeals in labor, civil rights, and commercial cases. Marissa Hornsby provided valuable assistance in preparing this profile.*

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