

# JUDICIAL PROFILES

## Judge Timothy Osterhaus

By Ellie Neiberger



Judge Timothy Osterhaus is the newest addition to Florida's First District Court of Appeal. As he approaches his one-year anniversary on the bench in May 2014, he remains

a humble public servant, who is, above all else, committed to a role of judicial restraint.

### **Before Life in the Law**

Judge Osterhaus spent most of his childhood in Miami. His father was a school teacher (who later became a pastor) and his mother was a registered nurse. The second of five children, he was raised in a house where serving others was a part of day-to-day life.

Athletics was an important part of his life from the beginning. He was a dedicated soccer player and, during non-school hours, frequently could be found practicing with his father. His father was a former basketball and tennis coach, and the two shared a love for all things sports. When not playing soccer, Judge Osterhaus often could be found playing outdoors in the groves and fields near his home in southwest Miami or visiting with his grandparents, who lived close by.

When he was in eighth grade, he and his family moved to North Carolina, where he spent most of high school. Judge Osterhaus played soccer, tennis, and basketball at Charlotte Christian School (his jump-shot "definitely not" portending that of later CCS alum and NBA star Stephen Curry). Before his senior year of high school, Judge Osterhaus' family moved to Bristol, Tennessee. He made friends quickly at his new

high school by joining the football team and kicking his team into the state playoffs with a field goal on the final play of the regular season. After graduating from high school, Judge Osterhaus attended King College, a small liberal arts college in Bristol, where he played on the soccer team. He majored in psychology, believing that he could best serve others as a clinical psychologist. He liked the idea of helping people find solutions to problems as a counselor. After taking an introductory law course, he realized that he was passionate about the law, and could better serve others as a legal counselor.

After receiving his bachelor's degree, Judge Osterhaus spent a year traveling and doing volunteer work, and then headed off to law school.

### **The Beginning of a Career in Legal Service**

Judge Osterhaus earned his law degree from the University of Virginia. He enjoyed law school, but did not know which field of law he wanted to pursue by the time he graduated. He accepted a position as a law clerk to United States District Judge Kenneth Ryskamp in the West Palm Beach Division of the Southern District of Florida. His decision to clerk for Judge Ryskamp must have been driven by fate, since it is where he met his wife, Kristina, who was his co-clerk. There, he saw the law (which in law school always seemed somewhat theoretical) come alive for the first time.

After finishing his clerkship with Judge Ryskamp, both Judge Osterhaus and his future wife moved to Washington, D.C., where they had accepted positions with private law firms. For the next seven years, Judge Osterhaus' practice focused on administrative litigation involving

international trade and on general business law.

Within months of the birth of their third child, Judge Osterhaus and his wife set their sights on returning to Florida. He accepted a position with the Florida Department of Education ("Department"). The new position required them to move to Tallahassee, which they found to be an ideal place to raise children. (Today, they have four children between seven and eleven years old.) At the Department, Judge Osterhaus continued his work in administrative litigation, worked on rulemaking and policy issues, and got an expanded taste of appellate work.

When Attorney General Bill McCollum took office in 2007, Judge Osterhaus joined the Solicitor General's Office, where, for six years, he represented the state and state agencies in appeals before state and federal courts, including the United States Supreme Court. The Solicitor General's Office deepened his passion for appellate practice. He enjoyed working on complex cases involving a wide variety of substantive laws, which required in depth legal analysis. As Deputy Solicitor General, and later as Solicitor General appointed by Attorney General Pam Bondi, Judge Osterhaus worked on many notable cases, including Florida's challenge with 25 other states to the 2010 federal Affordable Care Act.

### **Joining the First District Court of Appeal**

In May 2013, Governor Rick Scott appointed Judge Osterhaus to the First District Court of Appeal, where he was reunited with Judge Scott Makar, his former colleague at the Solicitor General's Office. He views his role as an appellate judge as a restrained one: recognizing the parameters established by Constitutions, statutes, and prec-

edent, and allowing the law to decide the outcome of cases. He is cognizant each day that the judiciary serves a limited role in our system of government. Indeed, when Governor Scott appointed Judge Osterhaus, he remarked, "Through leadership and public service, Tim has shown a commitment to justice and Florida families. He is a diligent and careful constitutional lawyer who respects the rule of law and the separation of powers."

Based on his experience on the bench so far, he graciously shared the

advice he would offer to practitioners. First, he emphasized the importance of clear and concise brief-writing. Briefs should tell a story that's readily accessible. Sentences that are complex and require several readings are roadblocks in the way of your legal points. Practitioners should strive to simplify; even a ten-year-old should be able to understand your basic argument. Second, always hold moot court sessions to practice your oral arguments. This will help you prepare for difficult questions, bet-

ter understand what points you can concede, and, ultimately, present a more effective oral argument.

On behalf of all practicing attorneys in the state of Florida, we welcome Judge Osterhaus to the First District Court of Appeal.

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## Judge Daniel Sleet Second District Court of Appeal

By Raymond T. (Tom) Elligett



Born and raised in Charlotte, as the youngest of seven children, Dan Sleet knew he would need to find a way to fund his higher education. Furman University

recruited him with a full football scholarship to play defense, but when another player was injured, the coach converted the future judge to offensive guard. Judge Sleet was recognized as an A.P. All American, and twice named to the All Southern Conference First Team.

After earning his BA degree in history, Judge Sleet attended Cumberland School of Law, where he made the Dean's list, was a member of the ATLA Mock Trial National Championship Team, and a director of Trial Advocacy. Under a special program in Alabama, he also worked for two years as a Magistrate for the City of Birmingham, to help pay his way.

The magistrate position helped prepare him for his first job after law school. From 1987 to 1991, Judge

Sleet served as an assistant state attorney in Hillsborough County, during which time he tried over fifty jury trials, and over 500 non-jury trials.

From prosecuting, Judge Sleet joined what was then a four-person firm of Barr, Murman, Tonelli, Slother & Sleet. The firm grew to twenty-four lawyers when he applied and was appointed to the circuit bench in Hillsborough County in 2006 by then Governor Jeb Bush.

While on the circuit bench, Judge Sleet presided over 9,000 felony cases and over 135 jury trials. In late 2011, he moved to the family law bench, until being appointed to the Second District late in 2012, as Governor Rick Scott's first appellate appointment in this district.

While on the circuit bench, Judge Sleet read the parties' motions in advance and typically ruled at the hearing, rarely taking matters under advisement. On the appellate court, he says he is learning something new every day, and is always cognizant that they must have at least two out of three judges agree before they can issue an opinion.

Judge Sleet has taught trial advocacy as an adjunct professor at

Stetson University College of Law, where he has also served on the Trial Advocacy Board. He has been active in local public schools, including as a Justice Teaching volunteer. He is a master in the Herbert G. Goldberg Criminal Law American Inn of Court.

Judge Sleet and his wife Helen, also a lawyer, have two daughters. For non-legal activities, he enjoys traveling. He has visited Greece ten times, and describes Santorini, Greece as among the most beautiful spots he has seen.

From our discussion for this article, it is apparent the Judge Sleet approaches his new position with energy and dedication (when we spoke, he had already analyzed a United States Supreme Court opinion issued the preceding day, down to the issues it had addressed and had left unresolved). We are fortunate to have him continue his service to the citizens of Florida in his new role as a judge on the Second District.

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