



BREAKING NEWS

One dead, several injured in hazmat situation near University of Texas campus

Ugly PBC judicial campaign pits Diana Lewis and Jessica Ticktin

LOCAL GOVT & POLITICS

By [Jane Musgrave](#) - Palm Beach Post Staff Writer

Updated: 12:41 p.m. Friday, Aug. 8, 2014 | Posted: 7:00 a.m. Friday, Aug. 8, 2014

WEST PALM BEACH — Judges in Palm Beach County rarely face opposition when their terms run out.

But don't tell Circuit Judge Diana Lewis.

For the second time since she easily won election to an open seat in 2002, the West Palm Beach native who has a political pedigree most candidates would envy faces opposition. And the campaign has been ugly.

Jessica Ticktin, a 35-year-old divorce attorney who heads up her father's Deerfield Beach-based law firm, has blasted the 61-year-old Lewis for her appellate record and the way she treats litigants and lawyers in her courtroom.

With Ticktin pouring \$200,000 of her own money into the campaign and chasing Lewis as she moved from one open seat and then back to her own, it feels like a grudge match. But, Ticktin insists, there was no single incident or case that made her decide to go after the jurist who took the bench the same year Ticktin graduated from law school.



**Where
the races
stand**

Get the latest news in
presidential, state and
local politics. **Read»**

Jessica Ticktin

“It’s not just me or my law firm,” she said. “It is a problem many, many attorneys in Palm Beach County and out of county attorneys have experienced with this judge. They and their clients were treated unfairly and inappropriately. Her demeanor is a big problem.”

A recent survey of attorneys and comments by some who have seen her behavior on the bench back Ticktin’s assessment. However, other attorneys are lining up behind Lewis and questioning why someone with Ticktin’s limited legal background, a lawyer who has never tried a case before a jury, would think of running for the circuit bench.

When, a week before the qualifying period ended, Circuit Judge Sandra McSorley announced she wouldn’t seek another term, Lewis jumped from her seat and filed paperwork to run for McSorley’s seat. Ticktin responded by saying she would switch seats, too. By the time qualifying closed, Lewis and Ticktin had returned for a one-on-one race in Group 14.





Diana Lewis

In hopes of silencing Ticktin's criticism of the longtime jurist, a Lewis supporter filed a complaint against Ticktin with the Judicial Campaign Practices Commission of the Palm Beach County Bar Association. However, even though the commission unanimously found that Ticktin's comments about Lewis "appeared" to be misleading, Ticktin said she would do little to change her message.

"The truth is the truth," she said.

The flap is mainly over her use of the results of biannual surveys the county Bar Association takes, asking its members to evaluate local judges. In the most recent survey, 147 of the 216 attorneys who responded said Lewis' judicial demeanor needs improvement. Almost half — 99

— gave her similar marks for impartiality and 74 said she should do more to enforce standards of professionalism. The results were similar in surveys conducted in 2011 and 2009.

Related

2014 Elections

Election central

Over the years, some judges have dismissed the surveys as little more than popularity contests. Lewis said she gives them some credence.

“I think in some respects it’s valuable,” she said. “Those who have something negative to say about a judge, it’s a way for them to vent their feelings.”

She admitted she is sometimes short with attorneys. “I expect lawyers to be prepared, to know how to write an order,” she said. “If they don’t, I hand it back to them. ... I don’t want my name associated with something that looks (unprofessional) and doesn’t follow what the chief judge has put in place.”

She said she suspects most of the complaints come from lawyers, like many of those in Tickin’s office, who appear before her on foreclosure cases. Many are ill-trained, never having had the advantage of being mentored by older lawyers, she said.

Further, the cases themselves foment discord. “I’m in a division where no one’s happy. The banks aren’t happy. The borrowers aren’t happy,” she said. “But often there’s not a whole lot I can do. The mortgage isn’t being paid. The taxes aren’t being paid.” The cases have famously piled up and have to be resolved.

She said she agreed to help out with foreclosures to reduce a huge backlog. She would prefer to spend her time exclusively in probate court, where the lawyers are skilled and the issues are interesting. “Like (former) Judge Mary Lupo said, it’s family court without the sex,” she said.

In it’s advisory opinion, the Bar panel also said Tickin’s contention that Lewis’ decisions have been reversed on appeal more often than other circuit judges is misleading. Tickin bases her claim on information from WestLaw, a legal research group. Of 165 cases Lewis decided that were appealed, 67 — nearly 41 percent — were reversed. That percentage is similar, and in some cases, lower than other judges who have been on the civil bench as long as Lewis.

But, Lewis said, it also includes cases that were reversed only in part. Further, some reversals aren’t because judges did something wrong but because rules or laws changed. “There are myriad reasons,” Lewis said. “I would be worried if a judge didn’t get reversed because that would mean they aren’t handling many cases.”

Aside from all the black smoke Tickin is spreading, Lewis said the real issue is experience. During her 20 years as a lawyer, she handled complex civil cases, defending hospitals and doctors. She also defended companies from product liability claims. As the daughter of Phil Lewis, the late Democratic Florida Senate president, public service was instilled in her at a young age.

“She’s got a huge learning curve,” Lewis said of Tickin. “The question is: Do you take a lawyer with 20 years experience, who is trained to handle jury and non-jury cases, out of the arena?”

While she only has been a lawyer for 10 years, Tickin said she was managing partner of her father’s law firm, supervising 24 attorneys in 10 offices statewide. She said she has participated in at least 100 hearings and bench trials, even though she may not have been listed as the attorney on all of the cases. Having achieved success young (she reports a net worth of \$3.1 million) she said she, too, wants to give back.

“I don’t want to run a negative campaign, but I have to bring this out,” Ticktin said. “If she does prevail again it’s a bad sign for Palm Beach County to have a judge with such a high disapproval rating on the bench.”

PALM BEACH COUNTY CIRCUIT JUDGE GROUP 14

Term: Six years. **Annual salary:** \$146,000

This is a non-partisan race, meaning all registered voters in the county can vote. Early voting is Aug. 11-24 and the winner of the seat will be decided on Election Day, Aug. 26.

DIANA LEWIS

Personal: 61, of West Palm Beach. Single.

Education: Bachelor’s degree, sociology, University of Notre Dame; master’s degree, education, Florida Atlantic University; law degree, University of Notre Dame.

Professional: Circuit judge, 2003-present; shareholder, Carlton Fields law firm, 1996-2003; shareholder, Gay, Ramsey & Lewis P.A., 1988-1996; associate attorney, Jones & Foster, 1985-1988; associate attorney, Metzger & Sonneborn, 1983-1985; associate attorney, Walton, Lantaff, Schroeder & Carson, 1982-1983.

Political: Elected to the circuit bench in 2002, re-elected 2008.

Quote: “I get up every morning wanting to come to work. I like what I do and I think I’m good at it.”

JESSICA TICKTIN

Personal: 35, of Boca Raton. Married, two children.

Education: Bachelor's degree, criminology, Florida State University; law degree, Stetson University.

Professional: Partner, The Tickin Law Group, 2009-present; partner/associate attorney, Law Office of Matthew Nugent, 2006-2009; associate attorney, Law Office of Mark Maynor, 2005-2006; associate attorney, Law Office of Patricia Alexander, 2004-2005.

Political: First run for office.

Quote: "It's not a fun thing to be involved in a campaign against a sitting judge. The powers that be insist that people vote for the incumbent. If I win that will send a message that those in power are not invincible."

NEED TO KNOW MORE?

Sign up for FREE Post newsletters. Travel, News, Golf and more. Choose your favorites and we'll deliver.

Reader Comments

Next Up in News



Drowning victims' boat removed from Stuart Beach

CDC: Evidence definitively shows Zika causes birth defects



5-year-old leads police to dead mother, injured father



Missing Tequesta boy's dad: Finding bodies or not, 'terrible either way'

U.S. touts successes against ISIL as Syria talks resume


More Stories

NEWS ▶

MARKETPLACE ▶

AFFILIATES ▶

ABOUT US ▶

© 2016 Cox Media Group. By using this website, you accept the terms of our [Visitor Agreement](#) and [Privacy Policy](#), and understand your options regarding [Ad Choices](#) . [Learn about careers at Cox Media Group](#)