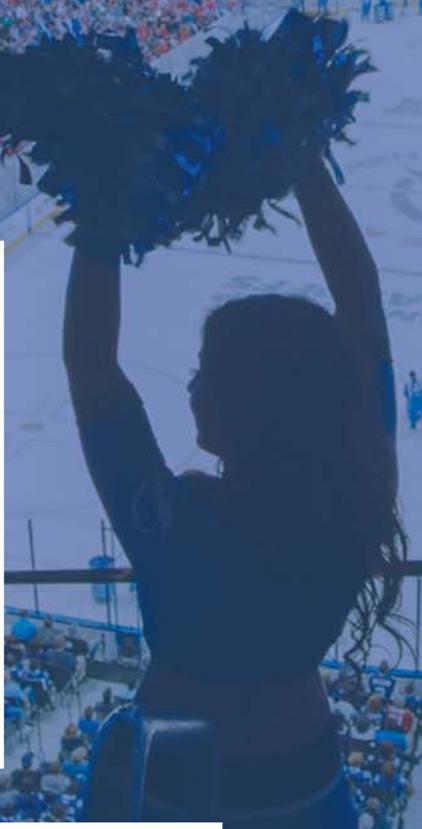


# LAWYER

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## ABOUT JIM . . . BRIEFLY

### Appellate Practice Section

Chairs: Jared Krukar - Butler Weihmuller Katz Craig, LLP; and Mariko Outman - Florida Second DCA



**J**im Birkhold was, superficially, a curmudgeon. At least some close friends have affectionately called him one, noting that Jim would probably approve of the description.

Jim, who had been the Second District Court of Appeal's clerk for 16 years, passed away suddenly and unexpectedly in August of this year. His death is a tragic loss to all who knew him. Despite Jim's gruff exterior, he was a generous, compassionate, and devoted man whose contributions to the Second District and the Florida court system will long be remembered.

Jim was known to dislike the limelight, and he had little patience for formality. But perhaps Jim — who loved to tell stories — would not mind so much if he were remembered by stories from those who worked with him.

There is no group at the court who will miss Jim more than the staff in the clerk's office. Many of these individuals worked with Jim for all or most of his tenure as clerk. They spoke of their deep fondness and respect for him. They described Jim as compassionate, honest, intensely devoted to them and to the court, witty, incisive, protective, helpful, and soft-hearted.

They spoke of Jim's willingness to assist anyone who requested

help. Jim spent considerable time — at the counter in the clerk's office or on the phone — responding to questions and concerns from attorneys, pro se litigants, and anyone else who called. The court's prisoner mail was particularly important to him. Jim regularly responded to inmates to explain the procedures or the obstacles they faced or to simply provide information about case progress. He wanted them to know that

someone was on the other end and had considered their problems. And Jim also helped those who did not ask. More than once, his staff saw him chase after homeless men and women who had been sleeping at the entrance to the courthouse — not to usher them away — but to give them money.

The staff in the clerk's office also had less serious stories to share. For instance, Jim repeated a tale about a life-sized plastic cow he displayed on his home patio. The cow had become mildewed in the Florida weather. To clean it, Jim pushed it into his chlorinated pool and sunk it to the bottom using bricks. But Jim did not account for the fact that his hollow, leaky cow



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would slowly fill with water and ultimately weigh as much as a real cow. Upon his discovery of the thousand-pound oversight, Jim recruited his wife, Christy, to jump in and help him wrestle the beloved bovine back to safety. The plastic cow vengefully pushed Jim back into the pool upon reaching dry land, while Christy stood by laughing.

Another time, Jim tripped over one of his many prized dachshunds and broke a finger during the fall. Jim's hand was

placed in a cast with his single, broken finger sticking out as a sore reminder of his (or his dachshund's) clumsiness. The situation became a running joke in the office — he carried his X-ray with him for days to illustrate his oral account of what had happened. One of his deputy clerks brought him a cake adorned with lady fingers, with just one sticking out.

Judges and staff attorneys, past and present, also spoke fondly about Jim. They too emphasized Jim's devotion to the court, his patience with and respect for the public, and the fact that he took pride in making the court and its

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procedures accessible to its litigants. But there were some fun anecdotes from them as well.

Jim was a baseball fanatic. He spent much of spring training attending Detroit Tigers games in Lakeland. He invited judges and staff to attend with him often. If he had tickets he could not use, he would give them to his staff by drawing names out of a hat.

Jim's interests were diverse. One staff attorney remembered that late one night, she heard something not entirely unlike music coming from Jim's corner of the courthouse. Jim had apparently taken up banjo lessons and was practicing at the court when he thought nobody was there. Jim never mentioned whether

his practice locale was by choice or by directive.

Jim was fond of reminiscing about his past. He once got a summer gig as an usher for NBC, and it was rumored that he twice was a member of the "Peanut Gallery" on the "Howdy Doody Show." When Jim learned that one of the newer staff attorneys attended the World Cup on his honeymoon, Jim sent him an email illuminating the "pitifully low-octane attack" of his own 1966 college prep school's soccer team. His email included a team photo with a young Jim Birkhold in a collared uniform and with a full head of well-coiffed, dirty blonde hair.

But the following anecdote is the one that most of those at the court thought best depicted the kind of person Jim was. Before Jim joined

the court, he was an assistant public defender. For many years, and until Jim passed away, he regularly visited a former client in prison who is still serving a life sentence. Jim provided his former client money and sent him books and other things. Jim remained this man's lifelong friend, even though he was unable to obtain the justice he thought this man deserved.

Beneath the surface, Jim wasn't so much of a curmudgeon after all. Rather, he was a great man, a devoted servant, and a loyal friend. He, and his many stories, will not soon be forgotten.

*Authors: Jared M. Krukar -  
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## BARNETT BOLT Congratulates Peter T. Kirkwood



Mr. Kirkwood was named the *Best Lawyer*<sup>®</sup> 2016 Tampa Non-Profit/Charities "Lawyer of the Year." This is his fourth time receiving this distinguished award – 2015 (Tax Law), 2014 (Trust & Estates) and 2010 (Tax Law).

We'd also like to congratulate eight of the firm's attorneys who were recently selected by their peers for inclusion in *The Best Lawyers in America* © 2016.

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