

## **SALFI: BRILLIANT ON THE BENCH OR OBSESSED BY CRUSADES?**

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To those who love him, Seminole-Brevard Circuit Judge Dominick Salfi is a fearless crusader in the never-ending war of juvenile drug abuse, an undaunted champion of the American ethic that criminals should pay a price for wrongdoing.

To those who hate him, he's a power-hungry judicial godfather who forces his own social and moral philosophies on a legal system not designed to recognize them.

To those who see the 48-year-old judge as both innovative and eccentric, he is a sincere, sometimes brilliant, jurist with a keen knowledge of case law and a penchant for meticulous detail.

Salfi is clearly the most controversial judge in Central Florida and, perhaps, the state. Critics say Salfi's rigid perception of his judicial role produces a courtroom atmosphere unlike any other in Central Florida.

At the core of the controversy is Salfi's unique approach to the law and the requirements -- of his own making -- that he imposes on people who appear in his court. Many lawyers who have practiced before Salfi say his requirements are abusive and excessive, but supporters say his methods are innovative, on the cutting edge of judicial reform.

Perhaps the most telling criticism aimed at Salfi by lawyers is that he drags cases on for far too long -- up to three years in some cases -- with the result that the price of justice is raised to intolerable levels for many who end up in his court.

Salfi has clashed with officials at every level of the system, from the state's advocates for abused children to clerks who process paperwork for the circuit court in Sanford.

The 5th District Court of Appeal at Daytona Beach has been sharply critical in reviewing his decisions, overturning two of them last Thursday. When the

appeals court removed Salfi from a child custody case in 1983, it said his handling of that case was "shocking and disappointing."

A number of people incensed about the way he handled their cases filed a complaint in January with Florida's Judicial Qualifications Commission, which is investigating Salfi. The commission has investigated Salfi in the past, however, and found no reason to discipline him.

Criticisms of Salfi's methods have made news on a number of occasions in recent years. There was, for example, the time a group of people unhappy over the way he handled their cases paid for a billboard calling for his impeachment.

### **A LITANY OF COMPLAINTS**

To examine Salfi's record in detail, The Orlando Sentinel interviewed nearly 40 Orange or Seminole county attorneys who have appeared in his court. Also interviewed were court personnel, officials of court-related agencies and more than a dozen area residents who have appeared in Salfi's court.

Most of the attorneys commented on the condition that they would not be identified.

The majority say they are unhappy with Salfi's brand of justice. Some say they will no longer handle cases in his court. Others say they charge clients double what they normally would if they draw Salfi as a judge. A few believe he does not belong on the bench.

They complain that Salfi:

-- Prolongs court cases by holding unnecessary hearings that delay a final ruling and force people to pay higher legal fees than they would if their cases were decided by other judges.

-- Imposes sentences, particularly in drug-related cases, that are far too harsh for the nature of the crime. Some observers question whether Salfi, whose daughter had drug abuse problems, is too emotional about the subject to handle drug cases fairly.

-- Becomes emotionally involved in domestic and juvenile cases, often acting as an amateur psychologist who plays "mind games" with defendants.

-- Discriminates against women in domestic cases by awarding insufficient alimony or child support. Salfi had another judge close the court file after he and his former wife, Doris, were divorced in 1984.

-- Demands a high level of unneeded paperwork, which increases both the cost and time spent in litigation.

#### SALFI'S VIEW OF HIMSELF

Salfi, a judge for 15 years, faces his critics with soft-spoken resolve. He said his job is to uphold the law and to determine the truth and that he has done nothing illegal.

"My job isn't to please attorneys," he said. "To be criticized by attorneys because we get to the truth isn't fair."

Nor does Salfi see himself as controversial. He says every judge has his own idiosyncracies and "maybe I have more than others. Mine, I hope, are recognized as that," and not as attempts to misapply the law.

"Even when I don't agree with the legal process, I follow it. I'm not saying I haven't made a mistake. I'm not infallible."

Yet Salfi is a man who believes in himself and in the positions he has taken.

He cites with particular pride his efforts to pass the 1973 law that reformed the penalties for possessing drugs, the 1978 revision of the Juvenile Justice Act and the 1982 shared parenting law that gives parents equal access to children of divorce.

That work record and a firm belief in Salfi's "good heart" prompted a group of area attorneys to throw an appreciation dinner for him last November at the Sweetwater Country Club. About 200 attorneys attended.

"Salfi's mistakes are of the brain, not the heart," said an attorney friend. "He has no ax to grind, he's not malicious, he's not out to get anyone."

Salfi is convinced that his bench work -- including his so-called harsh sentences -- is a positive force. He says he gets thank-you letters every week from people he has sentenced.

"I showed them they needed to stand up to issues in their life they have been ignoring," he said. "If the public had a choice, they would want a judge who cares enough to take time to help them through the crises they are going through."

He credits his "Because I Care" platform for his 72 percent re-election victory in 1978. Last year, he ran unopposed.

#### RUSSO: 'HE BURNS THEM UP'

Many, however, say that Salfi cares too much. Some attorneys criticize Salfi's inability to compromise, his inordinate attention to detail and unique demands.

"We can't keep an attorney in front of Salfi for long . . . he burns them up," said Seminole-Brevard Public Defender Jim Russo.

Russo said that the last four public defenders he has assigned to work in Salfi's court have ended up with health or marital problems because of the stress and heavy workload.

Too many of Salfi's cases last a year, he said, explaining that defendants often go through six or more sentencing hearings before the judge sentences them -- a process unique in Central Florida.

Salfi is the only judge in the area to use a detailed sentencing format that he designed. He requires defendants in criminal cases to produce a written plan recommending both punishment and rehabilitative alternatives before he sentences.

Writing the plans often turns into a "desperate attempt" to second-guess Salfi, who rarely approves a plan the first time it is presented, attorneys say.

"Salfi has lost sight of the economical practice of law," said one attorney. "A tremendous number of attorneys feel this way, but we don't throw rocks in this profession."

Attorneys who call Salfi's rules and regulations "expensive and oppressive," say they follow them to the letter. "To succeed in Salfi's court, you do things his way," said one. "I have learned the rules and I abide by them."

#### THE JUDGE AS PSYCHOLOGIST

What bothers these attorneys the most, however, is not so much what Salfi does, but how he does it.

When asked to describe Salfi's courtroom technique, many attorneys relate a similar scenario:

A first offender appearing before the judge is told that he is facing five years in prison. The judge then gives the defendant a chance to redeem himself and reduce that sentence by developing a plan "to clean up this mess."

Salfi may suggest that the defendant volunteer to serve weekends in jail before he is sentenced. Because jail officials can not legally accept defendants who have not been sentenced, the defense attorney must prepare a voluntary incarceration motion for the judge to sign.

Salfi also requires defendants to make restitution, write letters of apology, perform community service work -- and include jail time in their plans.

If the attorney isn't familiar with the process, he and his client can find themselves returning to court again and again in an effort to get the plan right.

Several years ago, the public defender's office drafted a 3 1/2-page form letter for their clients spelling out what Salfi's plan requires.

"As the judge indicated, you must design a plan to 'clean up the mess' you've created," it reads. "If you fail to do this, I will be unable to help you and you should expect to receive a prison sentence . . . or at least a lengthy jail term."

Critics say Salfi doesn't understand that 90 percent of those in his courtroom are too intimidated by the system and too emotionally distraught to grasp the subtlety of his psyche-probing approach.

"He's like a sage taking people through the five levels of consciousness," said one attorney.

From another: "If I want a judge to be a psychologist, he's good. Problem is, there aren't many cases where I want that; it's not a judge's job."

Salfi, however, argues that it is part of his job to be perceptive, to ask questions. And he says the time he spends on cases deters repeat offenders.

"If the additional time I take winds up saving the system another arrest, an investigation by the state attorney and the victim pain, then I would say that time is well spent," he said.

### DRUGS: A QUESTION OF CRUSADING

Nevertheless, there is systemwide concern over Salfi's handling of drug-related cases. Some believe he should not handle them because his strong anti-drug stance borders on prejudice.

These judicial insiders say Salfi's troubles began three years ago when his daughter Dawn, then 17, had a drug abuse problem and his endorsement of Straight Inc., a controversial drug treatment program, has affected his objectivity.

They complain that he often treats minor drug offenders as addicts and sentences them to overly stringent jail terms or orders them into intensive treatment programs they don't need.

Some attorneys say that even in cases not related to drugs, the judge probes relentlessly for evidence of prior drug use, often taking defendants back several years to the first time they smoked marijuana.

They point to Salfi's habit of asking young adults appearing in his court on drug-related offenses if they "do" beer, a term usually associated with illegal drugs.

"It's a blood bath in his court," said one attorney. "Show me anybody who hasn't had a beer, smoked pot or sniffed something. It's a matter of degree. I have a problem with a judge dictating morality."

Salfi has clashed repeatedly with representatives of agencies that appear in his court. Some officials with the state Department of Health and Rehabilitative Services were less than pleased when Salfi left the criminal division and returned to juvenile court in July.

"His return to the juvenile bench will set us back two years," said HRS attorney Doug Whitney. The agency, which goes to court to get custody of abused and neglected children and monitors juvenile lawbreakers, has clashed frequently with Salfi over his handling of juveniles.

Whitney said that several years ago Seminole County caseworkers flagged about 150 juvenile cases with "questionable" court orders in which Salfi may have overstepped his authority.

"About one-third were Straight cases where Salfi would order kids into the program," Whitney said.

Salfi points out that studies show drug abuse is one of Florida's most serious problems and is linked directly to many crimes.

"People who say this judge puts too great an emphasis on drugs are out of touch with reality," Salfi said. "I have never sent a kid to a drug program if there is no evidence of usage."

#### A CHARGE OF GENDER BIAS

Attorneys who specialize in domestic cases also are unhappy with Salfi. Some say they refuse to take divorce cases before him because of the time and cost involved and his unusual methods.

"When he forces people to swear under oath that they don't love each other, that's going too far," said one attorney who refuses to practice before Salfi.

Others who suggest that Salfi is biased against women point to his firm belief that women belong in the work force.

Alimony, Salfi responds, is the ability of one person to pay balanced with the needs of the other. "The law requires that a person be able to support themselves if they can."

Attorneys also criticize a complicated formula Salfi borrowed from Delaware to determine how much child support each parent must pay. Others say Salfi's 21-page shared parenting questionnaire forces parents to agree on every aspect of their child's life, ranging from discipline to babysitters.

Salfi says the formula he uses is the fairest method of determining child support when the parties can't agree.

He sees his parenting questionnaire as a format for settling disputes out of court. "We need to know if parents agree or disagree on these issues. Will they ask the court for a decision or are they willing to mediate it?"

Responding to the charge that he discriminates against women, Salfi pointed to a 1979 Florida Supreme Court ruling that said property should be divided equitably in divorce cases. He says he considers marriage a financial partnership in which equity starts at 50 percent and is adjusted according to need.

"I think what I'm biased against is people who take the position the law isn't applicable to them . . . men who say they earned all the money and their wife doesn't deserve any assets," said Salfi. "The same is true of women who want it all."

Whether they love him or hate him, Salfi's observers agree on at least one point: The judge's distinctive personality and style defy easy analysis.

Still, people try. Noted one longtime Salfi observer:

"Where Salfi goes overboard is nobody walks to the same drummer and nobody to a perfect beat. The man truly believes his drummer plays the best beat."

Monday: Taking on the system.

- Caption: PHOTO: Salfi's rules are law in his court -- some attorneys refuse to appear before him. DENNIS WALL SENTINEL PHOTO: Jim Russo
- Memo: Dominick Salfi HIS WAY This is the first of a series of articles on Seminole-Brevard Circuit Judge Dominick Salfi, a controversial judge known for his unusual demands and tough sentences. Today: Innovator or tyrant?
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