

***** CHIPS OFF THE OLD BENCH *****

**OLIVER C. MAXWELL: Prudential Jurist
(1902-1982)**

Oliver Maxwell made his debut on December 31, 1902, at Beatrice, Nebraska. Beatrice is the site of Historical National Monument of America commemorating the first free grant of homestead in this country.



After working two years on the legal staff of Union Pacific, the railroad in Omaha, he moved to Haines City, Florida, where he commenced practice of law with the late Judge Robert T. Dewell and Luther W. Cobbey. The latter became his brother-in-law upon marrying Oliver's sister, Charlotte. Cobbey was the first President of the consolidated Tampa Bar Association and Hillsborough County Association.

In 1930, the former Nebraskans, Maxwell and Cobbey, moved to Tampa, establishing the two-man firm with offices on the 8th floor of Tampa Theatre Building. That association ended in 1942 when Maxwell volunteered for wartime military service with the U.S. Navy. He was accepted notwithstanding an earlier heart attack, and, at age 40, was an unlikely candidate for the draft. The future judge was known as Lt. Maxwell while in the Navy. Most of his duty was as a line officer, tracking aircraft at Curacao; but another heart flare-up led to his discharge in 1945. Meanwhile, Cobbey became County Solicitor and served until his death the same year that Maxwell came home.

In 1927, Oliver married Louise Leek of Gadsen, Alabama. They met while she was teaching school in Polk County. Theirs was a devoted union that was built to last, and it did, for almost three-score years. "Any weakling can make a boy, but it takes a man to make a girl;" so goes an old English proverb. Well, by that measure, Oliver scored high on the masculinity index, for the Maxwells had three daughters: Nancy Gentry, who still lives in Tampa and is retired from GTE; Charlotte, who died some years ago, and Eugenia, who is a practicing attorney in California. Some of us can remember her when she clerked in the Law Department of our Clerk's office. To their children and friends over the years, Louise and Oliver were known as Mommie and Poppie.

Otelia (Tillie) Rogers, a petite, demure lady, has fond memories of her work with Maxwell and Cobbey and her closeness with their families. She started with Maxwell in 1939, and resumed post-war when he became associated with the late Laurens Jones. His principal clients were Hillsborough County Teachers Association and the Cigar Makers Union. The firm handled

adoptions but never charged any fee – just out-of-pocket costs. A methodical craftsman, Maxwell insisted on reviewing drafts of most letters and all pleadings before filing. Maxwell was elected President of the Tampa and Hillsborough County Bar Association in 1946.

Although he never expressed any judiciary aspirations, he was one of three appointed circuit judges in late 1960. Judge Maxwell served two terms before obliged by law to retire. Only in 1962 did he have any opposition. W. Marion Hendry, late Justice of the Peace, coveted the seat and did surprisingly well, considering endorsement of the incumbent by both local newspapers, and the top-heavy approval of Maxwell in the Bar Association poll. The final electoral vote tally: Maxwell 32,253; Hendry 26,686.

Maxwell was a serious, hardworking student of the law. Because he often came to the courthouse before it opened, he was provided a key to the building. Anyone who practiced before Maxwell, as did the writer, can tell you how conscientiously he tried to apply the law correctly. In the bottom drawer of his desk in his hearing room, he maintained a handwritten, annotated notebook of appellate decisions for ready reference.

The most notorious case ever before Judge Maxwell had to be *State v. Sosa-Greene* - a tabloid-quality murder drama. It had a long run starting in 1965, with two trials in Orlando, where the trial was moved due to excess publicity. Judge Maxwell presided in both. In the first trial, the first-degree murder verdict indicated the jury found that Sosa had hired Greene to “wipe out” his stepfather - a baker named Martinez. Maxwell had the agonizing responsibility of imposing death sentences. After the Supreme Court reversed, a second trial also resulted in convictions, but with recommendation mercy, thereby calling for life imprisonment. According to a newspaper story, Judge Maxwell wept when he thanked the jury for its service, clearly relieved that his burden was lifted. Paul Antinori, former State Attorney, was the special prosecutor. A. Dallas Albritton and Arnold Levine represented Greene and Sosa, respectively, in the last trial. Sosa died in prison. Greene is, at this writing, confined in Polk Correctional.

Thanks is due to Marie Fernandez who set down, in writing, her vivid recollections of Oliver Maxwell – the man and the judge. For years, she served as his judicial assistant. She confirms what lawyers knew and what precipitated Judge Robert Patton, who was trying a case in adjoining Courtroom 5, to dispatch the bailiff to quell a disruptive disturbance in Judge Maxwell’s hearing room next door:

"He did lose his patience and temper toward the latter years, when he became completely disenchanted with the quality of attorneys being churned out of law school. Nothing upset him more than to be confronted with a lawyer who was not prepared or poorly prepared. He gave chance

after chance to them, then watch out, he blew his stack not unlike an actual volcano and sometimes with the same ferocity."

One of the Judge's proudest moments was when he was nominated Boss of the Year by Marie, and won the award from Tampa Legal Secretaries Association over other notables like County Judge William C. Brooker.

During his campaign in 1962 to be retained in office, he distributed cards at rallies in the customary format but having the catchwords in bold type along the bottom, "ASK ANY LAWYER."

One can usually measure the true character of an individual by asking his neighbor about him. Dr. Harry Vildibill reveals something of Oliver Maxwell's tender-heartedness. The Judge had an old Willys Jeep, which he parked at the Maxwell's home on Lake Chapman – a somewhat isolated location. One window had somehow been left open, and a Carolina wren had made a nest in the open glove compartment. Maxwell would not use the vehicle at all until the little bird had abandoned the nest. That is the same Jeep which Judge Maxwell was driving to the courthouse one day, says daughter Eugenia, when the machine was 16 or 18 years old, and the whole engine fell out. She points to this story as an example of what little value he placed on material possessions.

Here is what another longtime neighbor, Julia Moseley, had to say about him:

"Judge Oliver Maxwell was a man of the people. With a strong temperament and something of a temper, he served out justice that was as even-handed as they come...To Limonians, he was an unaffected man of the community, often showing up at the hardware store in khaki shorts and an old Army surplus shirt as he worked at some fix-it-up project. You would never have known then that he was a lawyer and a judge. He was a genial man, your neighbor, who stopped to speak to you and give you a smile. Yet behind that smile, lay the ever-committed intelligence of the lawyer."

Morison Buck

AFTERWORD:

A backwoods politician was making a speech in a small town in Texas, and he said, "I want you folks to know that I have always tried to serve the common man, of whom I am one of which."