



Judicial Profile-Barry M. Cohen

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Can a person who watches 100 baseball games a year beamed to a satellite dish in Wellington be all bad? Perhaps, if he is a Yankee fan. (Just kidding, Judge). Barry Cohen gives you an immediate impression that: One, he is intelligent; two, he is extremely knowledgeable about criminal law; and three, that he is fair. In taking notes during the interviews, I kept writing the words "over qualified."

Our newly-elected County Court Judge, Barry M. Cohen, accurately described his qualifications to be a County Court Judge in his application to the Judicial Nominating Commission in 1989 as follows: "My selection would bring a well-balanced perspective to the bench. I have worked on both sides of the fence as a full-time prosecutor and public defender. My experiences have been in both the public and private sectors, giving me a unique understanding of everyone's problems concerns and expectations."

Barry M. Cohen was born in Manhattan in 1949. He graduated in the top 5 percent of his class in high school and in college in New York. He graduated in 1971 Phi Beta Kappa and magna cum laude. He then went to the University of Miami School of Law. He worked in the Dade County Prosecutor's Office for 2 1/2 years while he was in law school, and graduated in 1974. After graduation, he then followed his older brother (by three years), Hal, in to the Palm Beach County State Attorney's Office, where the brothers worked together for a short period of time. Hal had been recruited by Dan Hurley at George Washington University's Law School to come to Florida in 1971. Older brother Hal left to become a County Judge in 1976; and younger brother Barry remained in the State Attorney's office until 1977. He then left to work in the Public Defender's office for one year. He quit the Public Defender's office to go into private practice in 1978 and 1980 when he ran against the Public Defender, Richard Jorandby. Our new judge stated that this was the first time he found it to be a very humbling experience to get caught in the 1980 Ronald Reagan "landslide." After the election, he went into the wellknown firm of Green, Eisenberg & Cohen, where he has remained until his recent election.

He met his wife, Bonnie Sue, in college. She had spent some time as a hearing examiner on Social Security claims and is currently working as a paralegal advising elderly persons for the Palm Beach County Legal Aid Society. Prior to this last election, he had applied for and been nominated twice for appointment to the County Court, but had not been selected by the Governor. He decided to run for a vacant seat; and after campaigning for 6 to 8 weeks, no one filed against him and he ran unopposed in this last election.

Although our new Judge Cohen was affiliated with a very prominent civil rights law firm in the past 9 years, he restricted his practice mainly to criminal matters. He freely discussed the competitive nature of the present criminal law practice. First of all is the wide use of direct mail solicitation by lawyers. Secondly, the possible conflict of interest in being retained by a major party in a drug case, who then asks the lawyer to represent the lesser persons who usually do not have money to hire their own lawyer.

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Thirdly, the continuing problem that every person who receives free counsel through the Public Defender's office is not necessarily indigent.

One County Judge sits doing overload criminal trial work in Circuit Court felony trials, Peter D. Blanc. Our new Judge Cohen will take over Judge Blanc's County Criminal Division.

He makes an interesting point in describing how jury trials have increased into four full-time jury divisions in the D&D Centre doing mostly D.U.I. cases. Jury trials have multiplied because under the present status of the law in which a County Court Judge cannot withhold adjudication on the first D.U.I., there is a mandatory jail sentence on the second conviction, and even a lifetime license suspension on a fourth conviction. Added to this circumstance are various groups of interested citizens, like M.A.D.D. Sometimes it is easier for a State Attorney to go to trial, rather than to have to explain why he negotiated for a lesser plea.

We also discussed the new Florida law that requires the police to immediately suspend the license of any driver who has a blood alcohol content of .10 percent or who refuses to take a breathalyzer test or provide a urine sample upon the request of the arresting officer. The only saving grace of this new act is that the person receiving the suspension may get a 7-day temporary driving permit and has 30 days from the time of arrest to appeal the suspension. From 1978 through 1988, more citizens were arrested for D.U.I. than for any other offense. Although the nationwide trend shows a decrease in the number of D.U.I. arrests, Florida experienced a 3 percent decrease in D.U.I. arrests in 1989.

Barry M. Cohen will make a wonderful addition to our criminal justice system. Not many judicial aspirants have come on the bench with his qualifications, 20 years of criminal law experience, his intellect and his understanding of people. Perhaps some will argue that it is unfortunate that the Cohens only had two sons to send to Palm Beach County. We certainly could use more lawyers and judges like this.