

Judicial Profile The Honorable R. William Rutter, Jr.
By: Eric C. Santo

Judge R. William Rutter, Jr. is a self-proclaimed conservative, but his energy, cordiality and down to earth manner dispel any preconceptions that to be conservative is to be stuffy. A reputed (though unverified) descendant of Captain Kidd the young Rutter moved to West Palm Beach from Ohio at the age of six. He attended school locally at Northboro and at Palm Beach High School and continued his higher education without interruption at the University of Florida. In respect to the military services, he chuckled: "I didn't call them and they didn't call me. It worked out well."

At Gainesville, Judge Rutter earned a bachelor's degree and a masters degree in physical education. He stayed on at the university to attend law school and was the natural choice to defend several football players against allegations of cheating. His successful defense enabled them to participate in the Orange Bowl that year.

After graduating from law school in 1967, Judge Rutter returned to West Palm Beach and engaged in private practice for four years. Thereafter, he served as Assistant, and later County Attorney from 1972 until the time of his judicial appointment.

In 1978 the Judge left the County Attorney's Office for a position on the Circuit Court bench. Because of a unique matter of timing, he had to file for the upcoming election two days after he took office. Although now presiding in the Criminal Division of the Circuit Court, Judge Rutter's experience is primarily in civil matters. He professes not to have been a volunteer and expects to return to the civil division in about a year.

In comparing the two divisions in which he has presided, the judge notes that he prefers the civil division, especially the 8:45 hearings, because of the opportunity to meet so many members of the growing legal community. He equates the stress of sentencing to that of domestic cases, but points out that the most significant difference between the divisions is the posture of the proceedings:

"In civil cases, the judge is more in control. In a criminal case there obviously is a great concern for the defendant's rights and therefore motions not well prepared or argued by an attorney cannot be denied until the Court is secure that a denial would be proper even if well presented by the attorney."

Regardless of the division in which he serves, the hallmark of Judge Rutter's judicial career is his dedication, as evidenced by the following viewpoints.

Life Philosophy: "My philosophy is one of fairness. Even if a litigant gets under my skin. I would not be deliberately unfair despite his actions. Occasionally I will go overboard in fairness to a person against whom I am likely to rule, by permitting an extension of arguments to see if there is anything new to consider. That does not happen a lot. I want to make sure my feelings are correct."

Suggestions to the Bar:

- (a) Be punctual. Give a call if you feel you will be late. Courtesy counts.
- (b) Know the Administrative Orders. At the moment, if the judges required strict adherence to the Civil Division Administrative Orders at 8:45 hearings, I would say that for the first month there would be hardly any hearings. I am partly responsible because I let it go. If I do not hear the case, counsel will just be back later. Orders must be ready and copy of the notice and the motion are required.

- (c) Know your case. Proper time estimates for trials and hearings are important. We are always happy when it takes less time and distressed when it runs over. But that does not mean that one should deliberately overruns the estimated time.
- (d) Be Prepared. The attorneys who are prepared have immeasurably raised their chances for success. There is nothing worse than to walk into a hearing after one party has filed a memorandum 5 days before and have the other side ask for additional time to respond to it. My response often will be that if you get your memorandum in before I rule, then I will consider it. I should not have to be in that situation.”

The Press: “Generally they do a good job. Sometimes they lack balance or do not accurately reflect what has transpired at the court proceedings.”

Credibility and Demeanor: “An attorney’s professional reputation is his most important asset. Most attorneys are quite ethical, but being too secure in one’s position can come back to haunt you. Espousing positions before the court with cases that you do not have on hand in almost a reckless fashion is dangerous. If you are wrong, your credibility will be in question the next time you make an off the cuff argument. Unless you can back up the argument at the time, it would be better to equivocate to some extent. If you discover that your position is mistaken, advise the judge of your mistake. We all make mistakes. Do not just let it slide. The admission of your error will do a lot to rehabilitate your position.”