

Judicial Profile on Judge Lewis Kapner
By Eric C. Santo
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Open. Humble. Sensible. Just a few words describing Chief Judge Lewis Kapner, who assumed his administrative duties July 1st. The role stimulates images of a cool, uncaring bureaucrat. The man melts the images away.

The forty-four year old judge was born the son of an Austrian immigrant who thought law to be a worthy profession. A native of West Palm Beach, Kapner attended Palm Beach High School (now Twin Lakes) and pursued an Economics degree at the University of Florida. While earning his business degree at Florida, he became intrigued with the liberal arts program. He minored in speech and after receiving his B.A. degree in 1958, went on to study history at the graduate level at Florida Atlantic University.

The young Kapner also minored in theatre at Florida and developed a serious interest in acting. His acting career has spanned the years and he has played such roles as Inspector Clouseau in "A Shot in the Dark," (Pink Panther), Doc in "Come Back Little Sheba," and Bishop Cauchon, the judge who pronounced the death sentence in "St. Joan." Although not a singer, he has also played some supporting roles in operas with the Civil Opera of the Palm Beaches.

Time for family and work limit acting at the Lake Worth Playhouse to one or two plays a year. He and Dawn, his wife, have four children ranging from ten to sixteen. Dawn also teaches communications at Twin Lakes High School.

Though it is a little soon to tell whether any of his children will follow in their father's footsteps, the practice of law runs in the Kapner family. Brother Norman (of Johnson & Bakst) forged the way to the law profession for the Kapner family three years before his younger brother.

Lewis Kapner selected Stetson University Law School and attended George Washington Law School during the summertime. After receiving his J.D. degree from Stetson in 1962, Kapner served as Assistant County Solicitor. Thereafter, he engaged in general practice with his brother. Prior to coming to the bench in 1967, Kapner acted as general counsel to the county Legislative delegation. Kapner then served in the Juvenile and Domestic Relations Court from 1967 to 1973. In 1973, he became a circuit judge and served in the Civil and Criminal Division until 1979.

During those years, Judge Kapner has co-authored the *D & S Florida Family Law Practice Manual* and an article published by the Florida Bar Journal entitled "The Trial of a Contested Custody Case." In addition to writing other articles concerning juvenile law, he has also lectured at several continuing legal education seminars given by The

Florida Bar and by D & S Legal Seminars and at the Florida Judicial College and the National Judicial College in Reno, Nevada.

Since 1979, Judge Kapner served as Administrative Judge for the Circuit Court Criminal Division until he took office as Chief Judge. When asked what administrative ability he thought his peers found in him, the modest response was: "I guess we will find out in the next two years. That's really a hard question to answer." We need not wait long for the answer. The conversation revealed that Judge Kapner blends commonsense, realism, and awareness of the needs of others into an administrative philosophy that is agreeable and workable. Most importantly, that philosophy is applied everyday at his office. Both the Chief Judge and his secretary (Marcia Cox) believe that a court should be run to accommodate the people before it. "We try to give the people what they want (administratively), said Kapner, by eliminating administrative frustrations and cutting red tape."

Perhaps the following summary of viewpoints will give a clearer idea of the future:

The Bar: "The bar has been helpful in establishing administrative procedure. If lawyers who practice under the procedures have many difficulties with them, then it's not a good system. Vice versa, if I do not care for the procedure, but the lawyers are pleased with it, I adopt the philosophy that if it is not broken, I will not fix it."

Computerization: "We are not as efficient as we should be. Every second on the Uniform Motion Calendar counts. By using a computer to bring up the motion at issue, you could save 15 minutes or more."

Time: "Attorneys should be sensitive to the needs of witnesses and the court."

Social Reform: "I really do not consider myself a social reformer. I believe that a judge should feel restraint imposing his or her social or personal feelings upon a case. Government gets too involved in people's lives and we are a part of government. We are not a good forum for deciding political or social issues because we do not have the means to find out all of the necessary information."

Family Conciliation Court: "Domestic relation matters have been one of the judicial system's biggest failures. The system is not designed to handle family cases because they cannot be properly handled in the traditional adversary proceeding. The judge is given the job of deciding a case without knowing what is important to the people. The conciliation service provides assistance to the parties to arrive at an agreement by the use of a mediator."

Growth: "With growth, we've seen informality and camaraderie disappear, but we have avoided bitterness. While our clients differ very much, we are all together in terms of the process of judicial administration. It does not serve the administration of justice to be narrow and dog-eat-dog when being so does not serve a purpose."