

John G. Fletcher | Appeals judge was expert on land-use law

BY ELINOR J. BRECHER
ebrecher@MiamiHerald.com

Judge John G. Fletcher, a one-time Miami-Dade assistant county attorney who served 11 years on Florida's Third District Court of Appeal, died Monday of complications of Parkinson's disease.

He was 72 and due to become a first-time grandfather in three weeks.

Fletcher and his wife, the former Donna Gould, moved from Coral Gables to New Jersey in late 2009 to be near their daughter, Rebecca L. Fletcher, and their future grandchild.

As a solo practitioner before ascending to the bench, Fletcher was an expert in land-use law, representing neighborhood groups and other "little guy" clients against developers, private institutions with ambitious expansion plans and governments in eminent domain fights, many of which he won at the county commission heading off a court battle.

"He was an 'army of one' during the heyday of development," said Jeff Bass, a fellow land-use lawyer. "He was a legend. . .described as possessing a certain part of his anatomy made of steel."

As an attorney, Fletcher appeared before Judge Juan Ramirez Jr., arguing cases, then sat with him on three-judge appellate panels.

'MISS HIM'

In matters of land use, "his expertise went way beyond mine," said Ramirez, now the appellate court's chief judge. "We miss him dearly when we get a complicated land-use case. . .He was a very persuasive colleague."

Another former colleague, Judge Gerald Cope, called Fletcher "brilliant. . .extremely knowledgeable in all aspects of the law, easy to work with and get along with."

Fletcher was "tough, in a sweetheart, avuncular way," unafraid to challenge the

mightiest government agencies and best-connected builders, Bass said.

“Nobody could set a procedural trap better than John. His great talent was simplifying complicated arguments.”

Fletcher once told The Miami Herald: “People have accused me of attacking windmills. I don’t think that way. Most of the battles needed to be fought. Some of the things I lost at the beginning turned around. Many of the things we fought for are now accepted practice.”

Some of Fletcher’s victories stood as landmarks “that changed the legal landscape forever,” Bass said. Most notably: *Jennings v. Dade County*, and *Machado v. Musgrove*.

Jennings limited lobbying on zoning issues. In the 1988 case, Perrine apartment-building owner Milton Jennings protested the county’s approval of a Ten Minute Oil Change shop next door.

Ex-Miami mayoral assistant Frank Cobo had received \$2,500 to persuade commissioners to approve the business. Fletcher argued to the Third District Court of Appeal in 1991 that such dealings were no different than a litigant trying to influence a judge.

“The alliance between developers and politicians has been screwing up the landscape of Florida for years, and this should help stop it,” Fletcher said at the time. “They’ve just been cutting secret deals for too long.”

In *Machado*, the Third District Court of Appeal ruled in 1987 that local zoning panels couldn’t make quirky or arbitrary usage decisions, but had to follow master plans.

Fletcher represented the Bird-Kendall Homeowners Association, which opposed a retirement-home owner’s expansion plans. Robert Traurig, opposing counsel in that case as well as others, said that Fletcher was “always well prepared, and honorable. I respected him. . . I always anticipated a very strong argument from John.”

Born in Philadelphia on July 27, 1937, Fletcher was a teenager when his family moved to Dunedin, Fla. His father was an executive with the Stetson Hat company, his mother a banker.

He graduated from Clearwater High School, earned a bachelor’s degree from the University of Miami in 1959 and a law degree from the University of Florida in 1962.

A U.S. Army reservist, he met Donna, then a bill collector, at the Pinellas County courthouse in 1964. They married the following year.

MOVED TO MIAMI

Fletcher was working in the Pinellas County Attorney's office at the time, then joined the Dade County Attorney's office in 1967, and in 1973 opened his own practice.

Donna, a retired teacher, managed his office for 14 years.

In addition to representing individual clients, Fletcher was city attorney for the cities of Naples and Sweetwater. The late Gov. Lawton Chiles appointed him to the Third District Court of Appeal -- the very court that sometimes ruled against him.

``I never thought in terms of going in and reversing my losers," Fletcher told The Miami Herald in 1996. ``It certainly takes more than one appellate judge. But I do have my opinions."

Clients were sad to see him go, but relished the prospect of a judge with his experience ruling on zoning cases.

``With people like John Fletcher on the bench, the public can expect a fair shake and an honest opinion, and not feel that special interests have gotten to him," Morgan Levy, then-president of the West Dade Federation of Homeowners Associations, said at the time.

Known for wearing jeans and denim shirts under his judicial robes, Fletcher was a film buff, an environmentalist, a student of history -- especially the Romans, his wife said -- and a family man who made it home for dinner no matter how busy he was.

In addition to his wife and daughter, Fletcher is survived by son John G. Fletcher III of Los Angeles and sister Jacqueline May of Raleigh, N.C. The family plans a memorial service later this year.

John Fletcher's first grandchild is a girl, Donna Fletcher said.

``Her name is Jillian -- with a J."