

Lifetime Achievement: Former Miami-Dade Public Defender Surprised Courts by Demanding Trials

Daily Business Review

May 19, 2016

Phillip Hubbart

When Phillip Hubbart took office as the Miami-Dade public defender in 1971 after winning the election against his incumbent boss, he did something that at the time seemed remarkable—he started aggressively representing the indigent.

"He radically changed the system and gave people a real defense," said celebrity defense attorney Roy Black, who worked for Hubbart. "When he took over, it was a part-time job—Tuesdays and Thursdays. It was handled very casually."

The public defender didn't have time to investigate the cases or prepare for a jury trial. Most cases ended in pleas or short bench trials.

"We pledged to demand a jury trial in every case," Black recalled. "The judges were particularly outraged. They brought in judges from all around the state because they couldn't handle all the cases. Finally, the system adjusted and accepted that poor people would get real representation."

Among Hubbart's many cases was that of Freddie Lee Pitts and Wilbert Lee, two innocent black men wrongly sent to death row in the 1960s in the Florida Panhandle. Hubbart, along with attorney Irving Block, represented both men in their appeals, a retrial in 1972 and in their pleas for clemency, which they ultimately won after Gov. Reubin Askew read a book about the case by Miami Herald reporter Gene Miller.

Black called Hubbart "the most important person in my legal career," though he served as public defender for only six years.

In 1977, he was appointed to the Third District Court of Appeal, where he served until 1996.

When he and Miami-Dade Circuit Judges Gerald Wetherington and Herbert Klein left their respective benches to form a law firm, the Miami Herald ran an editorial calling the move "good

for them but a blow to Dade's justice system." The Herald hoped Hubbart would finally have time to finish a book he'd been working on for years on the Fourth Amendment.

Last year, "Making Sense of Search and Seizure Law: A Fourth Amendment Handbook," was released by Carolina Academic Press. It was actually Hubbart's second book. In 2011, the same publisher released "An Iowa Soldier Writes Home: The Civil War Letters of Union Private Daniel J. Parvin," which Hubbart edited. It compiles the wartime letters of his great-grandfather. And later this year, he is set to release "To Form a More Perfect Union: An Anthology of American Values and the Debate on Income and Wealth Disparity" with two co-authors.