

OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
AN APPEALING PATH TO THE BENCH
EPISODE 105
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HOSTED BY: DONALD A. MYERS, JR.

(Music)

NARRATOR: Welcome to another episode of “Open Ninth: Conversations Beyond the Courtroom” in the Ninth Judicial Circuit Court of Florida.

And now here’s your host, Chief Judge Don Myers.

CHIEF JUDGE MYERS: Hello, and welcome to Open Ninth. Joining me today is the newest Ninth Circuit Judge, Paetra Brownlee. Paetra was recently appointed to the Circuit bench and is currently serving in our Civil Division. She received her Juris Doctor from Florida State University College of Law and has spent the past 11 years working primarily as an appellate attorney arguing cases in appeals courts across the State of Florida as well as in front of the Florida Supreme Court.

Thanks for joining me, Paetra. It’s great to have you here.

JUDGE BROWNLEE: Thank you for having me.

CHIEF JUDGE MYERS: We’re looking forward to our conversation. I really do mean thanks for joining me here, but also thanks for joining us in the Circuit. We’re really pleased to be able to welcome you to be with us.

Let’s talk a little bit about your background. Where are you from, originally?

JUDGE BROWNLEE: I am originally from Jacksonville, Florida. And I moved to Orlando when I was 11 years old, so I consider myself from Orlando.

CHIEF JUDGE MYERS: So you graduated from high school here locally.

JUDGE BROWNLEE: I did. I went to Trinity Prep in Winter Park.

CHIEF JUDGE MYERS: Okay.

JUDGE BROWNLEE: Yeah.

CHIEF JUDGE MYERS: And how did you find your way to college? What -- first of all, where did you attend? You're -- this is near and dear to my heart, so go ahead.

JUDGE BROWNLEE: Yes. So I went to Emory University.

CHIEF JUDGE MYERS: Okay.

JUDGE BROWNLEE: Go Eagles.

CHIEF JUDGE MYERS: Go Eagles.

JUDGE BROWNLEE: I went there -- it was actually the only school that I applied to. I applied early decision. I loved Emory, and I played volleyball at Emory. And that really guided my decision a lot, along with Atlanta which I thought was really cool, and the academics of course. So -- but, yeah, I applied early decision. I was really certain about it.

CHIEF JUDGE MYERS: That's great. I've told this story before, but I applied to only two schools. I applied to Emory and to Duke, and Duke narrowed my choices. And I was really grateful --

JUDGE BROWNLEE: That was thoughtful of them.

CHIEF JUDGE MYERS: -- to have the chance to be at Emory. Atlanta is such an incredible city, and there are so many really cool things to do there.

JUDGE BROWNLEE: Yeah, there really is.

CHIEF JUDGE MYERS: So when I was at Emory, we had a tradition that they called Wonderful Wednesdays. And I don't know if that was still in place when you were there.

JUDGE BROWNLEE: Remind me what it is. I think it was still there.

CHIEF JUDGE MYERS: Wonderful Wednesdays, no classes on Wednesday on the entire campus. And so everybody went to classes on Monday, Tuesday, Thursday, Fridays, but everybody had Wednesday off. And the goal was to get out into the community to do things as a

part of Atlanta, to volunteer, to be able to see parks and zoos and the things that Atlanta has to offer.

JUDGE BROWNLEE: I would have remembered that. We did not have that. That would have been wonderful, though.

CHIEF JUDGE MYERS: Now, I also played sports at Emory. And you said that you played volleyball.

JUDGE BROWNLEE: Yes.

CHIEF JUDGE MYERS: They're a Division II school still?

JUDGE BROWNLEE: They're a III.

CHIEF JUDGE MYERS: A III, okay.

JUDGE BROWNLEE: Yes.

CHIEF JUDGE MYERS: All right.

JUDGE BROWNLEE: So what sport did you play?

CHIEF JUDGE MYERS: I played soccer there.

JUDGE BROWNLEE: I didn't know that.

CHIEF JUDGE MYERS: I did, yes.

JUDGE BROWNLEE: Oh, that's awesome.

CHIEF JUDGE MYERS: I came out of Winter Park High School playing soccer and had the privilege of some intercollegiate play there. I really enjoyed it.

JUDGE BROWNLEE: Yeah, that's great.

CHIEF JUDGE MYERS: Yeah.

JUDGE BROWNLEE: I didn't know that.

CHIEF JUDGE MYERS: So volleyball was not a program they offered when I was there. Tell me about that.

JUDGE BROWNLEE: Oh, gosh, I don't know when they started their volleyball program. They've been quite successful since I've left, I will say. I don't know if that's a coincidence. I think they won two of the championships since I've left, if -- it may be three. I know it's two, at least.

But they had a great program. I met so many wonderful friends. The friends that I still have today from college are primarily volleyball friends. It was just really cool to be able to travel around, you know, and just see so many different cities and have an opportunity to do that. So we really had a great time. It was a great program.

CHIEF JUDGE MYERS: It begs the question, how tall are you?

JUDGE BROWNLEE: I'm only 5'9". I wasn't very tall for a volleyball player.

CHIEF JUDGE MYERS: Well, what position did you play?

JUDGE BROWNLEE: I was outside hitter. I was left side.

CHIEF JUDGE MYERS: Okay. I see. Must be able to jump.

JUDGE BROWNLEE: Yeah. Well, actually, now that you mention it, when I got to Emory, it was a lot of back row, you know, so -- but in high school, I would play all the way around. Trinity was a small school. And I had an opportunity to do front row and back row, so I got to, you know, do everything. And I even set for a little while because we needed a setter, so why not.

CHIEF JUDGE MYERS: Well, the fact that you could succeed in volleyball and succeed academically at a school like Emory says a lot about you. I know that playing sports forces you to really work on your time management.

JUDGE BROWNLEE: It does, yes. Yes. And I think that's something that I definitely got better at as, you know, school continued. But it was hard. You know, that kind of thing is hard, especially if you travel. And when I was there, I think it was my sophomore year, it was 9/11, and CDC was near -- very near Emory's campus if not on Emory's campus. So a lot of schools didn't want to come to us, and so we ended up traveling a lot our sophomore year, is how at least I recall it. But, yeah, it was a crazy time, and we just ended up traveling a lot.

CHIEF JUDGE MYERS: Because of a perception that the CDC might be a target or --

JUDGE BROWNLEE: Yeah, that was just my loose understanding of it, was that people were just very cautious and didn't necessarily want to travel near the CDC. Right after 9/11, if you'll recall, everything was just sort of -- no one knew what to expect next.

CHIEF JUDGE MYERS: Sure.

JUDGE BROWNLEE: That was my take, at least, on why we were having to travel so much. But we traveled a lot in particular my sophomore year, and you have to miss a lot of classes doing that. So there is some make-up work and some time that you need to put into it, but that's part of the gig. And, you know, it's so fun, I think it's all worth it, so --

CHIEF JUDGE MYERS: Yeah. Well, at a Division III college, not a lot of air flights to your competition. It was a lot of bus rides, I imagine.

JUDGE BROWNLEE: Actually, we did have a lot of flights, now that you mention it.

CHIEF JUDGE MYERS: Did you really?

JUDGE BROWNLEE: Yeah, because we would go to University of Chicago, we would go up to Pittsburgh. We traveled pretty far to a lot of places, so we actually did fly.

CHIEF JUDGE MYERS: That's great.

JUDGE BROWNLEE: So yeah, they figured it out. Emory is good at figuring that out somehow, I guess.

CHIEF JUDGE MYERS: So what were your degree -- what was your degree in from Emory?

JUDGE BROWNLEE: So I studied International Studies, which is almost like International Political Science, is kind of how I describe it to people. And I actually minored in French Studies. So I was -- I had a real passion for the French language, particularly coming out of high school. I had an opportunity to live abroad with a family during a summer in high school, and I just really fell in love with it over there. I loved the idea of immersing myself in their culture and everything.

And I carried that on, you know, through Emory with that. And even in law school, I got a certificate -- or I did the Certificate Program at Florida State for International Law, and it's one of the reasons I wanted to go to Florida State. And then I ended up being an appellate litigator back home, so I don't know why I was so intent on doing international stuff but I was really passionate about it.

CHIEF JUDGE MYERS: And what was your -- so that was a particular program draw to Florida State.

JUDGE BROWNLEE: Yes.

CHIEF JUDGE MYERS: Was it just also a desire to be back here in Florida or --

JUDGE BROWNLEE: I did want to come home to Florida. But I also applied to places out of state. I was also married at the time, and so we were both trying to get into school -- a school that made sense for both of us, and if we couldn't both get into the same one, you know, two that were nearby would make sense. And that's what we ended up doing.

But, yeah, Florida State made sense because it was in Florida, it was back home, so in that way it was easier. And I also always heard that you should go to school where you're going to practice because of your contacts and everything. Their program was also very cool to me because it -- the proximity to the Florida Supreme Court and the First District Court of Appeal. So the way they do it is they have a lot of the judges and even the solicitor general would come and actually be adjunct professors at the College of Law, so it was a great opportunity to interact with them and to go see some of the court appearances so -- yeah.

CHIEF JUDGE MYERS: Excellent. Yeah, neat experiences and fed into what your practice ultimately was as well, as an appellate lawyer.

JUDGE BROWNLEE: Yes.

CHIEF JUDGE MYERS: So tell us a little bit about the practice as an appellate lawyer. It's so different. I was a trial lawyer.

JUDGE BROWNLEE: Yeah.

CHIEF JUDGE MYERS: So tell me about your practice.

JUDGE BROWNLEE: It is very different. And now being in Circuit court, I really see how different it is.

One thing that I like a lot about the trial court as opposed to the appellate court is that you're in the courtroom so much more often. And that's a piece about the appellate court that I loved was oral arguments, but you just don't have very many of them. So it is so heavily research and writing, which I really love to do, but I'm also extroverted and so it's difficult sometimes to just sit in an office and write.

You know, you really need eight-hour blocks of time to be able to sit down and write a brief. If you're constantly getting up or if you're interrupted, you know, you forget which page

of the transcript you were reading and, you know, what part of the paragraph you were writing, so it's difficult. So you have to sit down for extended periods of time and do that.

But I love the idea -- or not even the idea, but actually going in and debating legal issues that I find with my colleagues. I got to have a lot of that in my appellate practice, which I really enjoyed. My husband was a part of that. And then before every oral argument, doing moot courts in front of my colleagues and, you know, debating issues further in that way.

So we do have a lot of time, as appellate practitioners, to sit here and debate and, you know, think about issues over and over until we think we've nailed it. So -- and that's certainly different from what I'm confronting now.

CHIEF JUDGE MYERS: It can be.

JUDGE BROWNLEE: Yeah.

CHIEF JUDGE MYERS: And I know you're still young in your time on the bench, but it is a pretty dramatic difference how quickly the issues come before you have to be decided and you're on to the next one.

JUDGE BROWNLEE: Yes.

CHIEF JUDGE MYERS: A major challenge.

JUDGE BROWNLEE: Yes.

CHIEF JUDGE MYERS: So a career case, something that defined your time as an appellate lawyer, or a case that you just were so proud to have the privilege to work on?

JUDGE BROWNLEE: Gosh, that's a good question. The one that always comes to mind, and I think -- I don't know if it will perfectly answer your question. But my first oral argument ever was in front of the 11th Circuit Court of Appeals, which was --

CHIEF JUDGE MYERS: That's stressful.

JUDGE BROWNLEE: So I think that's why it always stands out to me. I've done so many oral arguments after that, but that one really stands out to me. It was against, you know, a very prominent firm in town. And a partner at that firm, who had a great reputation and was so kind to me throughout the process -- but he walked into that courtroom in Atlanta, which -- I don't know if you've been to that courtroom, but it's enormous, you know, and they very much command respect right away, as well they should. But when opposing counsel walked in, just his very presence was somewhat overwhelming to me, just being this, you know, baby lawyer. But he also had about three associates that were my age with him, so I thought, should I be the one who is actually arguing this case, you know.

But I think I went last on that day. And, you know, you get up to the podium and you think, I hope I can hear them and that they can hear me. I mean, there's so many things besides the case that are running through your mind. But just how important it was to be there really just stood out to me. It being my first time stood out to me. And I did well. I got up there, I was prepared and I managed it. And so I was proud of that and I was just proud that I was able to overcome how nervous I felt.

And, you know, so much of that -- all of a sudden, I felt like I could really do anything. Okay. Now, if -- we know if we're prepared, you know, we read everything that we can, we go in there, I can handle it. So it was a very important moment for me as a practitioner. And I wasn't sure I was going to get through it when I first got the notice of oral argument. So it worked out.

CHIEF JUDGE MYERS: That's awesome.

JUDGE BROWNLEE: Yeah.

CHIEF JUDGE MYERS: That's great. So you've been on the bench, what, a couple of weeks at this point?

JUDGE BROWNLEE: This is my -- the start of my second week -- my second full week. My -- I started on a Thursday, so --

CHIEF JUDGE MYERS: All right. And what are your thoughts? Your expectations versus your experience?

JUDGE BROWNLEE: You know, it is a lot of what I expected, but it's also a lot more fun than I expected. As I said, I'm extroverted, and so it's really giving me an opportunity to interact with people, which I love, and to get into the legal issues, which I love. And, you know, there's that element of walking into an oral argument where, if you're prepared, you know what to do. And so it's helping me very much that the attorneys are, you know, submitting me materials and everything in a timely manner so I have an opportunity to, you know, really be prepared when I walked in for it -- for any hearing.

So I'm trying to think if it's exactly what I thought it would be. There's --

CHIEF JUDGE MYERS: Well, in fairness, you know, we find ourselves in a unique time.

JUDGE BROWNLEE: It's true, yes.

CHIEF JUDGE MYERS: Yeah. We're recording this podcast in the middle of the COVID virus, and so we're, in the Civil courts, really not having many in-person appearances, if any at all.

JUDGE BROWNLEE: Right. I haven't seen any.

CHIEF JUDGE MYERS: Yeah. So you've been handling everything through remote means, either telephone or through videoconference. And I don't know about you, but certainly

as I was envisioning the prospect of becoming a judge, I didn't imagine, I can't wait to be on the other end of a telephone with lawyers all day.

JUDGE BROWNLEE: That's true. That's true. But I think if you're a new judge, it gives you a moment to sort of collect yourself and look around and figure out your documents without all the eyes being on you, necessarily, so I think it's a little bit of an advantage in that regard.

But it is still -- you know, you still are interacting with people. And so I've really, really enjoyed that aspect of it a lot. So in that way, I think it's really fun. But it -- you know, so much of it with just the pandemic and everything isn't exactly what I anticipated. But I don't think anybody anticipated it would ever happen this way, so --

CHIEF JUDGE MYERS: Well, I think we're clearly on a path to the other side of the pandemic. And I know we've had a chance to talk some, and you've been in some meetings to hear some of the vision of where we're headed, and I think you'll find it to be -- continue to find it to be a really enjoyable experience to be able to take on the legal challenges, but at the same time to interact with folks in such a great environment.

JUDGE BROWNLEE: Yeah.

CHIEF JUDGE MYERS: Yeah, that's awesome. So tell us a little bit about you personally. What -- let's ask you the question -- I think we have to ask it, it's almost obligatory -- about your path to the bench. What is it that brings you to this place?

JUDGE BROWNLEE: That's a great question. I think it's sort of -- it's not something that I always thought I wanted to do necessarily. I think that there are a lot of people who go to law school, and I've spoken to them, and they know they want to be a judge right out of the gate. It wasn't that way for me. It was sort of, okay, well, now I've done this, you know, now I've

gone to a couple trials, now I've done some oral arguments, I've done some appeals; well, what's next.

I'm one of those people who's always looking for opportunities to grow and be a part of something bigger, and it really filled that for me. When I was looking at it and thinking about it, I just thought, why not; why not grow in this way. You know, why not take advantage of the opportunity, if it is going to present itself. The fact that it did is just incredible to me. So it's really about being something -- a part of something bigger for me, it really is. And it's a way to grow.

CHIEF JUDGE MYERS: That's awesome. And so you had a practice for 11 years or so and then went through an appointment process, is that right?

JUDGE BROWNLEE: So my husband and I have owned our own law firm for almost three years now. And before that, I was at two separate firms. But, yes -- so private practice doing initially prime -- initially all appellate litigation that I can recall; criminal, civil, federal and state. So I'm sort of a generalist of a practitioner so, you know, that translates well to the bench, I think.

CHIEF JUDGE MYERS: It does.

JUDGE BROWNLEE: I thought it would help me maybe more than it has in the last week, but we'll see.

So -- and then the next firm that I went to, I really had an opportunity to participate in trial litigation. So there was a lot more of that, got to do some bench trials. And then after that, I joined my husband, because he had started our own law firm and it was an appellate firm. My husband is a board-certified appellate litigator. So he did that, and it looked like I would be able

to come over. And we have small children, so it made a lot of sense. So I went over to him and then thought, okay, now what's next. And here I am.

CHIEF JUDGE MYERS: That's awesome. So you describe you've got a husband and some children.

JUDGE BROWNLEE: Yes.

CHIEF JUDGE MYERS: Where do you find your inspiration? What is it that makes you wake up in the morning as excited to be able to face the day?

JUDGE BROWNLEE: You know, I think -- and I think becoming a judge and applying for this was a big part of it -- is what am I going to show my children. You know, am I going to show my children that I just woke up and, you know, the day to day was kind of a drudgery or, you know, I got to relax today or I was just really in my comfort zone. But I really feel like it's important to teach them to step outside of your comfort zone, to do something that challenges you, that you're unsure of, that you might be judged for. And I really want to set an example for them. And so that's very much on my mind a lot of the time. But it allow -- I think that that's where I get most of that from, is how do I want to look in their eyes.

CHIEF JUDGE MYERS: And when you're not judging now, and raising your family and being a wife, what do you do for fun?

JUDGE BROWNLEE: I might be sleeping, Don. Okay, so one thing that is my favorite thing to do that I do every single day is I run. And I don't run far and I don't run fast, but I'm always on a run if I can find, you know, an hour to get out there and do it. So I'm doing it before, you know, I start my day now, and I'm starting it earlier than I did before when I had my own practice. But that's what I really love to do.

I really -- I have wonderful, wonderful friends. I love spending time with my friends. I admire them. They give me strength and energy, and so I love spending time with them.

And I do a lot of cooking. So I'm a plant-based person --

CHIEF JUDGE MYERS: Okay.

JUDGE BROWNLEE: -- so people can judge away with that, if they'd like. But I do enjoy it, and so I'm often cooking.

CHIEF JUDGE MYERS: Okay. Good. Style of cooking?

JUDGE BROWNLEE: It's all plant-based at our house --

CHIEF JUDGE MYERS: Just plant-based. Okay.

JUDGE BROWNLEE: -- much to my children's chagrin, you know. I don't -- they're not vegan or anything, but they have to encounter it every once in a while. And they have a pretty strict mom, so -- yeah, so that's the style, it's just plants.

CHIEF JUDGE MYERS: Okay. Awesome. And does your -- what is it that helps you to manage the stress of all of those things that you're working at once?

JUDGE BROWNLEE: I think it's running, honestly.

CHIEF JUDGE MYERS: Is it?

JUDGE BROWNLEE: I know that sounds like, okay, well, aren't you beating your body up further. But I recently took up yoga, too, in the past couple of years, which the pandemic kind of put a hold on. But I really enjoy yoga. I like the hot power yoga and the running. I think -- I've just always -- having played sports my whole life, exercise has always been a big part of that and it's a very big release for me.

CHIEF JUDGE MYERS: Well, up to the time of the pandemic, we had a health and wellness group that was doing some yoga here in the courthouse.

JUDGE BROWNLEE: Oh.

CHIEF JUDGE MYERS: So there is a group of judges that would be interested, I'm sure, in walking alongside you in that practice. I think that would be exciting.

JUDGE BROWNLEE: Fantastic.

CHIEF JUDGE MYERS: Well, Paetra, we are so grateful to have you on board. Really looking forward to the next years of your time with us, and excited to watch as you grow into this new role as a judge.

JUDGE BROWNLEE: I'm excited.

CHIEF JUDGE MYERS: Well, I want to thank you for joining us, and we look forward to exploring that time together.

JUDGE BROWNLEE: Thank you so much for having me.

CHIEF JUDGE MYERS: Thank you.

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