

OPEN NINTH;
CONVERSTIONS BEYOND THE COURTROOM
BIDDING FAREWELL
LIFE BEYOND THE BENCH
EPISODE 116
JANUARY 4, 2021
HOSTED BY: DONALD A. MYERS, JR.

(Music)

CHIEF JUDGE MYERS: Hello, and welcome to Open Ninth. The end of the year is always bittersweet at the Courts. There are holiday festivities and hopes for the New Year. But also retirements and reluctant good-byes. While the pandemic changed how we celebrated the holidays this past December, it did not change anyone's retirement plans. So I took advantage of the opportunity to sit down with some of our retiring judges to talk a bit about their careers and plans for the future. And in a departure for us, we recorded these conversations separately but still wanted to offer them to you collectively. So I invite you to listen in on my conversations with Judge Janet Thorpe, Judge John Kest, Judge Patricia Doherty and Judge Jon Morgan. I hope you enjoy listening to them as much as I enjoyed talking with them.

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 the Open Ninth. Joining me today is Ninth Circuit Judge Janet Thorpe. Judge Thorpe earned her law degree from the Emory University Law School and specialized in banking law until Governor Jeb Bush appointed her to the Circuit bench in 2000. After dedicating over 40 years to the practice, 20 of those serving on the bench, she is retiring at the end of this year. Janet, I'm thrilled to have you here on Open Ninth. Thanks for joining me.

JUDGE THORPE: Thank you.

CHIEF JUDGE MYERS: So we want to just hear a little bit about your story. Why the law for you?

JUDGE THORPE: I actually started off in pursuing archeology and cultural anthropology, but at the time the Viet Nam War was raging. And the only parties who were hiring was the CIA which did not sit well with me. I went through a battery of tests with Boston University having been very involved in the 18-year-old vote, and the McGovern campaign. And everything pointed to law, and that's how I ended up in the law.

CHIEF JUDGE MYERS: That's fascinating. And for you, you spent some time in banking and particularly I think with SunTrust, right?

JUDGE THORPE: Yes.

CHIEF JUDGE MYERS: What caused you to consider a move to the judiciary?

JUDGE THORPE: At the time SunTrust had – was going through the merger of all their banks to One Bank. We had been – SunTrust was the first interstate bank holding company merger in America when it took place. And at that time I was being recalled back to Atlanta and having had young children as well as other children and seeing the impact of a move on the family, I was unwilling to make that move.

CHIEF JUDGE MYERS: So you've been here now for a long time and you have served, I think in every division in this courthouse with the exception perhaps of juvenile delinquency, is that right?

JUDGE THORPE: Yes, I didn't – I did dependency but being that every, almost every point along this 21 year journey as a judge I had a teenager at home. I was also unwilling to deal with that during the day and then go home to it at night, so yes.

CHIEF JUDGE MYERS: That's so funny. What would you say given all of those experiences was your biggest challenge in terms of the divisions that you had to handle?

JUDGE THORPE: Well, the combination of the guardianship and probate just overwhelming in terms of volume and unknown cases, and the way it was managed was a logistical problem. In terms of political and unfamiliarity, I would say dependency. When Judge Roche and I hit the dependency bench in 2000, it was right after there had been a child death in DCF, and there were over 3,000 children that were underneath DCF at that point in time. And the system was maxed. The attorneys for parents were maxed and Judge Roche and I over the course of our three years managed to work that down, get permanency for those kids, adopt a lot of children which was the best. And walk away with our heads up because even with all the kids still coming in, I think between the two of us, we had less than 360 kids in the system at that point.

CHIEF JUDGE MYERS: Wow, I've never served in a dependency division but I'm told by judges like yourself that it's really one of the most gratifying places to serve as a judge because of the impact that you have on the lives of children and families.

JUDGE THORPE: It's also what I believe the most powerful position as a circuit judge here. You without a jury is fact-finder and have the ability to ring the death knell for a parent, for that relationship with a child or secure a child's future by placing the child safely in a good structure and getting them there with the least amount of damage that can happen to them. And so yeah, I think it is a phenomenal division to handle.

CHIEF JUDGE MYERS: Proudest moments on the bench?

JUDGE THORPE: Proudest, it's got to go back to the adoptions. I mean, we do three things. We don't get a lot of, you know, at a girls, at a boys here, but you know, we're permitted to do weddings. We are permitted to adopt – do adoptions and then also, you know, giving the oath to get people into the Bar. I think one of them was – it was again, down in dependency, slowly managed to get a group of siblings all together into the same adopted family and then – and that got recorded by the Orlando Sentinel on Christmas Day with a picture on the front page. So that was a good one.

CHIEF JUDGE MYERS: That's incredible. Janet, you have such an incredible reputation among your colleagues for being very sharp on the law, knowing how to manage a docket of cases and your willingness to do the right thing, even in the face of some difficult circumstances. And I know you've got some children who are following in your footsteps in law school, is that right?

JUDGE THORPE: Well, I've got one who is out and she's already with the Navy Jag, and the other one who is Army – the Navy – I'm sorry, the Army is putting her through William and Mary Law. In fact, she's sitting for her 1L, first exams today. And she'll go Army Jag when she graduates so yes.

CHIEF JUDGE MYERS: That's so exciting. And what an incredible influence you've had on your daughters.

JUDGE THORPE: They're amazing women.

CHIEF JUDGE MYERS: Very cool. What's next for you? I mean, that's the question we always – those of us sitting, who are going to remain here when you leave and continue to work wonder what's next for you.

JUDGE THORPE: Other than a lot of sleep, a lot of organization. I mean, I tell people I lost control of the family photo albums third quarter 1984. You know, I wish to continue my travels. I've probably been to about 39 countries, but I had to cancel the Egyptian trip because of COVID but we'll get that back scheduled. I've got grandkids. I mean, there's a lot out there to be done. There's an historical book involving Thomas Jefferson in Orlando and his lineage that people just don't understand that I've got – been doing research on for the last 17 years and Monticello has been very kind to give me access to their archives to work with that. So hopefully I'll be able to get that out instead of just telling the story, be able to put it down.

CHIEF JUDGE MYERS: What a neat project. I hope when you publish that you'll come back and we'll have a chance to talk about your book in a Podcast.

JUDGE THORPE: We'll see.

CHIEF JUDGE MYERS: That would be exciting. Well, we here at the Ninth are incredibly grateful for your service, as I know many of the citizens of this community are as well. And we could not celebrate a retirement without some sort of watch or clock event. We have prepared a clock for you, Janet, with a plaque inside of it that says, in grateful appreciation of your dedication to the citizens of the Ninth Judicial Circuit. Your extraordinary commitment to the justice system will forever be remembered. And it contains a quote, It is the spirit and not the form of the law that keeps justice alive. Earl Warren, former Chief Justice of the United States Supreme Court. Thank you. We give this to you to commemorate your retirement, but also to remind you, you are always welcome back here regardless of the time on this clock. We're grateful for your service and thank you so much, Judge Thorpe.

JUDGE THORPE: Thank you. It has been an honor and a privilege to have the opportunity to serve for the 21 years. It's great stories. Thank you.

CHIEF JUDGE MYERS: Thank you.

(Music)

CHIEF JUDGE MYERS: Hello, and welcome to Open Ninth. Joining me today is Ninth Circuit Judge John Kest. Judge Kest earned his law degree from Florida State University College of Law, and he practiced at the Wooten, Honeywell and Kest law firm until he was elected to the circuit bench in 2003. After dedicating almost 50 years of his life to the law, with almost 20 of those serving on the bench, he is retiring at the end of this year. John, I'm thrilled to have you here on Open Ninth. Thanks for joining me.

JUDGE KEST: Good to be here.

CHIEF JUDGE MYERS: So John, your reputation in the community is huge. You've been around a long time and so what I'd like to do is just share with our listeners some about the process of how it is you got to the law. I mean, you certainly had choices. And then I just want to talk with you a little bit about some of your experiences on the bench. You've been a guest on Open Ninth in the past. In fact, the podcast with you and your wife, Sally is really one of the top ranked podcasts of all time. So I know our guests are excited to hear back from you again. So why the law? What compelled you to be a lawyer?

JUDGE KEST: Well, I actually got into it backhanded. I was in college and in a pre-med study. My father was a doctor. And I had intended to go to medical school, but I became chair of the student court at Rollins College. And one of the professors there called me over and

said, why don't you forget medicine and go into the law? And had a little interest in it so I went ahead and fortunately was accepted at law school and medical school and decided on the law.

CHIEF JUDGE MYERS: And did your parents forgive that professor?

JUDGE KEST: Actually my father appreciated it because he was afraid we were getting to socialized medicine and did not want me going into medicine.

CHIEF JUDGE MYERS: Okay. Well, that worked out well.

JUDGE KEST: But it was a different era for lawyers back then because I remember my father saying more than once, when there was an issue on something with his friends and they were debating it, they'd say let's go ask, in this case it was Judge Baratta, he knows all the answers and he's as honest as anybody. And they just respected the lawyers back – this was way back in the Fifties and Sixties.

CHIEF JUDGE MYERS: Um-hum, it is a different era. Things have changed a lot.

JUDGE KEST: It is.

JUDGE KEST: I was admitted – I graduated in December of '72 and admitted in '73.

CHIEF JUDGE MYERS: Yeah, so it's been 47 years?

JUDGE KEST: Yes, sir.

CHIEF JUDGE MYERS: That's phenomenal. And you're on the bench. You're in a very successful law practice and it begs the question, why? Why change? Why leave that practice to come to the bench?

JUDGE KEST: Well, three reasons. Number one, I enjoyed my practice of law. Enjoyed the firm I was with, but wanted to do something different. I wanted to give back. I had been very successful, and the law had been good to me, and I wanted to give back. Secondly, I had a lot of attorneys that had asked me about possibly going on the bench with a list of things that they thought should be done on the bench from a trial lawyer's perspective. And then lastly, it was something that I always had in the back of my mind that I thought about. It seemed like something that you could benefit the community, not just the community as a whole, but specific individuals. I had done a lot of Guardian ad litem work and I watched the judge take families that were stripped apart and put them back together, and take children who were abused and place them in a housing situation that was successful. And that was many reasons that I came on and decided to go on the bench.

CHIEF JUDGE MYERS: So you've served in several divisions here at the courthouse. Which one was the most difficult for you?

JUDGE KEST: The most difficult has been civil not because, although it is very technical in some areas, but it covers so many different things. You can be a board certified civil expert, which I was, and not deal with 90 percent of the areas that are civil law. There are so many different areas.

CHIEF JUDGE MYERS: You've handled a lot of big cases as well.

JUDGE KEST: Yes, sir.

CHIEF JUDGE MYERS: Proudest moments on the bench?

JUDGE KEST: Not any particular case, but conducting a long trial and having jurors later on contact me and thank me for what they did and telling me that that changed their

perception of what the judiciary was. And more importantly, having trial lawyers call me and say, thank you. I received a letter, I still have it, from one attorney on the southwest coast who wrote me. And it started out, Judge, I don't think I will ever see you again, but I want to tell you that having tried a four-day case in front of you, I was most impressed and will hold that up to others as a standard.

CHIEF JUDGE MYERS: Excellent. Well, you have a tremendous reputation with trial lawyers. I mean, folks call you in the community a lawyer's judge. And I expect that comes from your experience as trying cases.

JUDGE KEST: I think so. I think an ideal judge and an ideal attorney would be a situation where you have a – every ten years a judge comes off the bench and has to go out and practice law, and every ten years a trial lawyer has to go sit on the bench as a judge because it's hard to walk in somebody else's shoes. But I think having done both now, I think it helps a lot to be able to do that.

CHIEF JUDGE MYERS: I asked you about your toughest division. I have to ask too, what's your favorite division?

JUDGE KEST: Well, my favorite division is probably civil also. The most rewarding division was probably juvenile because of juvenile delinquency because of the differences you can make in some children's lives.

CHIEF JUDGE MYERS: So you've been on the bench with us for 18 years total, I think.

JUDGE KEST: Yes, sir.

CHIEF JUDGE MYERS: Yeah. And reached the bench by election.

JUDGE KEST: Yes, sir.

CHIEF JUDGE MYERS: And have been re-elected several times since without opposition.

JUDGE KEST: Yes, sir.

CHIEF JUDGE MYERS: A great testament to the work that you've done with us. You're bringing that to a close. What's next? What do you find yourself doing in retirement?

JUDGE KEST: Well, I had been told that I should make plans, but I have seven grandchildren and they have made the plans for me. And so it is – they have plans that I'll be working with them or staying with them for a period of time. And they have, in fact, recently I get a phone call about every three days, are you retired yet grandpa? And I do enjoy the kids and I'll spend a lot of time with them. Sally and I are going to travel. That's a little bit right now with the COVID-19 going to be difficult but eventually we'll be doing that.

CHIEF JUDGE MYERS: Yeah. Any plans or thoughts about coming back as a senior judge? I'm saying that selfishly as the Chief right now.

JUDGE KEST: I understand. And I think senior judges serve a big service to the trial judges. We're most appreciative of when we can get a senior judge's help and I think it's good for the senior judge too. I'd like to do it. We have to, of course, wait a year, and we'll see how the situation works then. Budgeting, there's a lot of people that want me to go in and do mediation which, unfortunately because of the rules would take me out of the senior judging in that particular circuit. But I think, my hope is that if I do any mediation, it may be out of the area and I'll be able to come back as a senior judge.

CHIEF JUDGE MYERS: Well, we couldn't celebrate a retirement, honor you properly without the opportunity to give you a clock to measure your time by after you leave here. But Judge Kest, I am just so honored to be able to present you with this clock. There's a plaque inside of it and I want to read that, and then I want to read the quote that comes with it. In grateful appreciation of your dedication to the citizens of the Ninth Judicial Circuit Court. Your extraordinary commitment to the justice system will be forever remembered. From the judges of the Ninth Judicial Circuit Court. December of 2020. And the quote that we've selected for your clock is a Clarence Darrow quote, a famous trial lawyer. "Justice has nothing to do with what goes on in a courtroom; justice is what comes out of a courtroom." And I know you've been responsible for a tremendous amount of justice over the last several years. Thank you for your service.

JUDGE KEST: Thank you.

(Music)

CHIEF JUDGE MYERS: Hello, and welcome to the Open Ninth. Joining me today is Ninth Circuit Judge Patricia Doherty. Judge Doherty earned her law degree from the University of Florida and practiced personal injury law with Wooten, Kimbrough, Gibson, Doherty and Normand. Governor Charlie Crist appointed her to the circuit bench in 2010. After a long and distinguished career in the law and on the bench, Judge Doherty is retiring at the end of the year. Patty, I'm thrilled to have you here with us on Open Ninth. Thanks for joining me.

JUDGE DOHERTY: Thank you. And thank you for inviting me.

CHIEF JUDGE MYERS: Well, it's just such a pleasure and I was just recounting before we got on the air about the very special connection I feel with you which I would call a privilege.

And that is that you had been appointed to the bench in 2010. I was elected and started in 2011 and we spent our first year out in Osceola County together, learning – for me learning family law, for you teaching me an awful lot of family law. But more than that, just a lot of wisdom and some great experience. And I've always been so grateful for that.

JUDGE DOHERTY: And I've always been so grateful, we were lucky enough to kind of share a docket, having opposite ends of the unified family court docket and both of us not having come from family court backgrounds, you were a great colleague to have to discuss legal issues and docket issues, and case management issues. And likewise, I was so fortunate to have you as a colleague during those early years.

CHIEF JUDGE MYERS: Well, it was a great time together and for me very formative of my work on the bench. I really am grateful for that. It begs the question, you spend a long time as a civil trial lawyer. Why the move to the judiciary for you? What prompted that?

JUDGE DOHERTY: The short answer is I had been practicing close to 30 years and was at a point that I was ready to see how I could use that experience hopefully to contribute meaningful – meaningfully to the judiciary. And so it was one of those where I thought with the trial skills, the trial background, the law management, the case management, those were all experiences. And where I learned what did and didn't work, that maybe I could bring to the bench and offer those skills and that experience to be a judge and help the people of the Ninth Circuit.

CHIEF JUDGE MYERS: Well, you've had a great tenure with us. It's been 11 years, right?

JUDGE DOHERTY: Yes.

CHIEF JUDGE MYERS: And in those 11 years, you've served in the unified family division in Osceola doing domestic, domestic violence and juvenile delinquency. You've come back here and sat in a civil division. You've been back to a domestic division, and most currently are sitting in the dependency division. So some great experiences. How do those experiences – what would you say – what could you identify as your biggest challenges or your biggest – maybe your hardest moments?

JUDGE DOHERTY: There's a lot of ways that could be answered. I'll say this, it's not necessarily in order of importance but the lack of resources that the judiciary is given is a hurdle and we do as best we can and do a lot without sufficient resources. And that's been a recurring issue that all of the judges deal with on a daily basis as far as with large dockets, case numbers and lack of staff attorney support. And really dockets that need more judges, so I think that's the biggest is that we all see ways that we could manage dockets and serve the people better and more efficiently if we had those resources.

CHIEF JUDGE MYERS: That is a tough challenge and it's one we address every year in the legislature.

JUDGE DOHERTY: It is.

CHIEF JUDGE MYERS: A spot where I don't envy the job that our legislators have to try to allocate what for them is a limited resource and a challenge. And we're coming into what I suspect is going to be a very difficult year --

JUDGE DOHERTY: Yes.

CHIEF JUDGE MYERS: -- for the state budget wise, so I can appreciate that. How about your best or proudest moments on the bench?

JUDGE DOHERTY: I think, and without identifying specific cases, some of the proudest moments are maybe they're not necessarily the grandest moments. It's more where you look at something maybe you've done to help a case along. In many cases, help a family get a case resolved and of course most immediately being in the dependency court hoping that I've helped a child either get returned to their parent a little sooner by working a little harder or speeding a case along and resolving it in the best manner so that child gets some permanency. So that's the most important thing. And those are my proudest moments that maybe working a little extra, putting in some extra hours you've helped that occur somehow. And I mean, that's not to say there aren't other cases but there's so many of the, what I'll call the small victories. And I think those are the best. And I don't want to talk about specific cases but there are specific cases and people that I remember along the way.

CHIEF JUDGE MYERS: It is impactful when we have the opportunity through cases that come before us to be able to reunify family, to complete an adoption for a child that is going to have a forever family, or to really sometimes help that family walk a journey to move from a place of pain frequently, of trouble, problems to a place where hopefully they're in a better place. And it is interesting as I've had the chance to speak with all of our retiring judges, many of them point back to those types of cases as the ones that have been the most gratifying.

JUDGE DOHERTY: And sometimes you've helped them get to a better place just by helping them get their case over.

CHIEF JUDGE MYERS: True enough. Finality is an important part of what we do. That's right.

JUDGE DOHERTY: Yes.

CHIEF JUDGE MYERS: And conclusion. Most important cases that you felt like you've had the privilege of working on, something that maybe was significant for the community, for the law?

JUDGE DOHERTY: Well, there are. Some of them were in my practice and there were a couple of cases that I had that there were significant evidentiary issues. That was amazing. Then once I went to the bench were cited back to me and there were several times where I would ask the lawyer, I said, well, did you look to see who the lawyer was on that case? And it was me. And there's one particular case, it was an evidentiary issue on an admissibility question, and it was the only case in the state of Florida until maybe in the last couple of years on that, so it was dispositive. So that was pretty neat. My time on the civil bench, which is what my background, to me that was the most exciting time on the bench. And I had the privilege of presiding over some really phenomenal cases that were, I'm going to say significant in the issues and the number of parties and size of the case, and I guess you can cut this out if I can't talk about specific cases, but like the citrus tree canker class action, that was just interesting. And it certainly was a statewide case. Tobacco cases. Significant, significant medical negligence cases, which is really what brought me to the law, was the medical cases. And then to have the opportunity to sit as a judge hear these like world renowned experts testify for both parties was just such a unique situation and really I thought it was an honor to be able to preside over those cases.

CHIEF JUDGE MYERS: That's great. So you've been at this for more than 40 years at this point. What's next?

JUDGE DOHERTY: You know, I get asked that question and certainly what do they say, if you want to hear God laugh, make plans. So to the extent it's in my cards, I certainly

want to spend more time with my family and my husband is particularly anxious for that. And I told him I'm going to remind him of that when I'm actually retired. So and I have other family that I do want to spend more time with. I do want to continue learning and I plan to take some college classes. I have decided I will not take them for a grade so I don't have to worry about that. So taking some classes and I have some charity work planned. And lastly, and I think I mentioned this to you before, I am hopeful I will be able to lower my golf handicap.

CHIEF JUDGE MYERS: Well, that may be your biggest challenge at this time.

JUDGE DOHERTY: It may be.

CHIEF JUDGE MYERS: That's right.

JUDGE DOHERTY: It may be.

CHIEF JUDGE MYERS: Well, we are so grateful for your service to the circuit and to the people that we serve most particularly. And I have for you because it wouldn't be a retirement without a clock, a clock with a plaque that reads, in grateful appreciation of your dedication to the citizens of the Ninth Judicial Circuit Court. Your extraordinary commitment to the justice system will forever be remembered. From the judges of the Ninth Judicial Circuit Court. December of 2020. And it contains a quote on it which I think is apropos, a Benjamin Franklin quote that says, "the doors of wisdom are never shut."

JUDGE DOHERTY: So true.

CHIEF JUDGE MYERS: Which really is an invitation for you to come back after you've had a chance to lower your golf handicap and spend time with family, we would love to see you back through the doors here any time.

JUDGE DOHERTY: Thank you.

CHIEF JUDGE MYERS: Thank you so much, Judge Doherty, and thanks for the chance to have this conversation.

JUDGE DOHERTY: Well, it's been my privilege completely. Thank you.

(Music)

CHIEF JUDGE MYERS: Hello and welcome to Open Ninth. Joining me today is Ninth Circuit Judge Jon Morgan. Judge Morgan earned his law degree from the University of Florida Levin College of Law and spent the majority of his practice in the State Attorney's Office serving as the chief of the Osceola County division before he was elected to the county bench in 1998. In 2005, Governor Jeb Bush appointed him to the circuit bench. After dedicating over 40 years to the law, with 22 of those serving on the bench, he's retiring at the end of the year. Jon, it's great to have you here on Open Ninth. Thanks for joining me.

JUDGE MORGAN: Thank you, Don.

CHIEF JUDGE MYERS: Jon, this is really a special time to be able to chat with you as you come to the close of your time on the bench and for me a very personal one too. You really were probably the most significant influence on me as a young judge when I started in Osceola County. You were a mentor for me, and really a chance to watch somebody who is so incredibly well-respected in our community do what I had hoped to be able to do. So thanks for the opportunity. If you would just tell us, Jon, how did you get into the law? I mean, what is it that inspired you to make a decision to be in law school?

JUDGE MORGAN: Well, that's kind of a tough question. I actually never really had any undying interest in the law when I was in college. I was more interested in international relations, thought I might go into the state department. I was a political science major and actually, my future brother-in-law talked me into taking the LSAT, the law school admissions test. And convinced me that three years of law school in Gainesville was better than a year or two in grad school, and I did well on the test so that's the direction I went. But it just was happenstance more than anything.

CHIEF JUDGE MYERS: I talk a lot in my story about stumbling. I just had been fortunate to always stumble forward so it sounds like maybe you had that same kind of experience. So you're in the practice as a very successful state attorney, ultimately the chief there in Osceola County. What prompted you to run for judge?

JUDGE MORGAN: Actually, I applied. I didn't run, I was initially appointed by Governor Chiles. I had spent 18 years with the State Attorney's Office, had done pretty much all I could do. I loved the trial work but anything I would do further in the State Attorney's Office would be less trial work, more administrative. And I just thought it might be a good time to make a switch and try something different and I've been very happy that I did that.

CHIEF JUDGE MYERS: And when you first applied, you applied and became a county court judge, and did you spend all of your time in the county court in a criminal division?

JUDGE MORGAN: No, I did civil and criminal in county court. More criminal than civil, but did quite a bit of civil at that time.

CHIEF JUDGE MEYRS: Okay, and obviously you've got a preference for the criminal.

JUDGE MORGAN: I do. Again, I enjoy the trial work and that's where most of the trials are in the criminal division. And I enjoy the issues in criminal cases more than civil, always have.

CHIEF JUDGE MYERS: Biggest challenges on the bench, maybe your hardest moments? When you reflect back over the last 22 years, is there something that stands out for you as being just a huge challenge?

JUDGE MORGAN: Well, the toughest decisions have always come up in the death penalty arena. I've struggled with a couple of those cases and beyond that, applying laws that sometimes you don't necessarily agree with. I think some of the mandatory minimum sentences in the drug cases are designed to – designed to punish and deter traffickers wound up punishing a lot of real low level addicts that were selling their own prescription medications and that was always a struggle because we had no discretion in those cases.

CHIEF JUDGE MYERS: Sure. How about your – as you reflect back again over your tenure as a judge, maybe some of your proudest moments, those things that you really thoroughly enjoyed and will take with you as you step off the bench?

JUDGE MORGAN: That's hard to say. I've gotten feedback sometimes from defendants and defendants' families and victims and victims' families. And when I – when you get feedback, someone thought you did a fair job even though you may have sent their son or husband off to state prison, or a victim may not have gotten a sentence he or she really was looking for in a case, but they feel you did a fair job, and they take the time to let you know that, that really is something that strikes home, and is something that makes – makes the whole thing worthwhile to me.

CHIEF JUDGE MYERS: Yeah, I think – I know that your colleagues, the people around you as well as the lawyers that practice in front of you, would all uniformly say that you have had this tremendous history of fairness on the bench, of patience, of great temperament, those types of things that I know folks have commented on over the years and that is a source of pride for us as judges. It's what we want to do. We want to be fair and we want to do it well for the people that we serve. Jon, what's next for you as you head into retirement? I know that's probably the most often asked question.

JUDGE MORGAN: It is and it's one that I don't have a – I don't have any set plans at this point. I had planned on doing some traveling. Right now that's something I'm going to have to put off for a while until we get this pandemic under control. I like to fish so I'll be doing some of that. My wife will have plenty of plans for me on home improvement projects that I've got to work on. But as far as professionally, I don't have any plans at this time. I'm going to take at least six months off before I do anything. I think I've still got a little bit left in the tank and I'd like to maybe come back as a senior judge. At this point I think I'd like to do that which kind of restricts what I choose to do otherwise, so it's uncertain at this point.

CHIEF JUDGE MYERS: Sure. Well, I can tell you we'd be honored to have you back to work with us in a senior judge capacity and I can tell you there would plenty for you to do. If you could wait out this year that you need to take off before you can come back and do that. Jon, I have a – because it wouldn't be a retirement without a clock, I've got a clock for you. And it's got a little bit of a message in here from us judges in the Ninth and I'd like to just read it to you and I'll make an opportunity for us to get together and present this to you. But the plaque says, in grateful appreciation of your dedication to the citizens of the Ninth Judicial Circuit Court. Your extraordinary commitment to the justice system will be forever remembered. From the

judges of the Ninth Judicial Circuit Court. December of 2020. And it's got a quote actually from Confucius that says, "wisdom, compassion and courage are the three universally recognized moral qualities of men." And I can tell you that those three words stood out to me as we were selecting a quote in description of you and your service with us here in the Ninth, wisdom, compassion and courage. Jon, thank you so much for everything. Thanks for your service on behalf of the citizens in the Ninth Judicial Circuit. We are really grateful to have had this chance to serve together with you and appreciate everything that you've done both on the bench administratively and for the courts there in Osceola County.

JUDGE MORGAN: Thank you very much, Don. If I had some small influence on your career, I'm very proud of whatever influence I may have had. You've been an outstanding judge and an outstanding chief judge. I've been very proud to work with all my colleagues here in the Ninth Circuit. I think all our judges and court administration under Mr. Benefiel has been outstanding and I've done a lot of Bar work and worked with people from throughout the state over the last 15 years or so, and I think we've got the best circuit in the state. And having been exposed to folks in other states, other judges in seminars and other things, I think Florida is at the forefront of where the judicial system ought to be. So I've been very proud to be part of this system and very proud to work with the folks I've had the opportunity to work with here in the Ninth Circuit.

CHIEF JUDGE MYERS: Thank you very much, Jon. Thanks again for joining us.

JUDGE MORGAN: Thank you.

NARRATOR: You've been listening to "Open Ninth: Conversations Beyond the Courtroom" brought to you by Chief Judge Donald A. Myers, Jr. and the Ninth Judicial Circuit

Court of Florida. For more information about the Ninth Judicial Circuit Court, follow us on Twitter, Facebook, Instagram and LinkedIn.

(Music)