

OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
TAKING THE BENCH
EPISODE 123
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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 Ninth Circuit Judge Vincent Falcone. Vince was elected to the Circuit bench in 2020 and is currently serving in one of our Orange County Civil Divisions. He graduated from Columbia College of Law and practiced complex commercial litigation with King, Blackwell, Zehnder & Wermuth before joining the bench.

Vince made his way to Central Florida from Louisiana after evacuating before Hurricane Katrina in 2005, and he’s called Central Florida his home ever since. But we’re going to get to hear a little bit about that experience and that story.

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

JUDGE FALCONE: Thank you. I appreciate the opportunity to be here.

CHIEF JUDGE MYERS: Great. Vince, for those in our listening audience who may not know you, maybe didn’t have a chance to hear you when you were on the campaign trail for the judicial spot, tell us a little bit about your upbringing. Where are you from originally?

JUDGE FALCONE: Sure. I’m originally from Metairie, which is right outside of New Orleans. That’s where I grew up, went to high school. Went away for college to Boston College and decided originally to come back to New Orleans for law school. So I started out at Loyola, New Orleans. And as you mentioned that was right before Hurricane Katrina hit, so that sidetracked me a bit.

Took off a year from law school. My then fiancée, now wife, Cari, came with me. We evacuated together. Spent some time here in Orlando, worked with the Akerman firm for about half of that year off. Worked as a temporary intern for the Department of Justice at the Coleman Federal Prison Complex for half of that year as well, so that was also an interesting experience. But I just wanted to take that year off, get a little bit of experience. And then I transferred to Columbia, finished up law school in New York after that, and I've been down here ever since 2008.

CHIEF JUDGE MYERS: Okay. What drove you to law school?

JUDGE FALCONE: Well, that's an interesting question. So I was actually a Classics Major in college, which is Latin and Greek. I went to Jesuit High School, had a good bit of Latin and Greek there, enjoyed it. So that's what I studied in college. I really enjoyed it. That's what I wanted to study, but in terms of a career path there just weren't many options there, unless you wanted to be a Classics professor. Not much you can do with that degree.

But going from classics to law is sort of a tried-and-true path. So I just always enjoyed, you know, the intellectual challenge of law. And the classics to law path -- actually at my old firm where we had eight lawyers, three of us were former Classics Majors. And I know some other Classics Majors in the community, so --

CHIEF JUDGE MYERS: What are the odds of that?

JUDGE FALCONE: Somehow that's a natural path into law. I know that's not, you know, representative of the normal percentage of Classics Majors in the just sort of world. There were only two of us at Boston College. So that's it. It was sort of a natural fit for me. I like the intellectual challenge of law. I've always enjoyed it. So that's sort of how I ended up in the legal field.

CHIEF JUDGE MYERS: So my family is originally from the New Orleans area as well. My -- I know both my parents grew up in view of the Huey P. Long Bridge.

JUDGE FALCONE: Sure.

CHIEF JUDGE MYERS: It crossed the Mississippi there. And it's such a great environment for restaurants and food. Is that -- was that a big part of your experience there?

JUDGE FALCONE: Oh, absolutely. So my wife also is from Metairie. Pretty much all of our family is still back there, so we go back to New Orleans area as much as we can. Before COVID it was maybe twice a year. But we always love getting back there and enjoying some of the great restaurants that New Orleans has to offer.

You know, it's one of the -- I think New Orleans is one of the few truly unique places in the country. If you're in New Orleans, you know you're there. And the food is unique and wonderful, and the culture is wonderful. It's a great place to be.

CHIEF JUDGE MYERS: It is a neat place. And I have some very distinct memories as a child of attending parades and things for the Mardi Gras Holidays and time in the city. Having my hands stomped on as a child trying to reach out to get the balloons off the ground and things like that.

JUDGE FALCONE: I think every child that's grown up in New Orleans has had that experience.

CHIEF JUDGE MYERS: Oh, yeah. So you went to school in Boston originally. How was that experience for you?

JUDGE FALCONE: It was -- so my time at Boston College, it was wonderful. Boston is a -- just a great university town. It's a great place to study. I know sort of a culture shock for me because, as I mentioned, I had only lived in New Orleans. Really hadn't spent much time in

the North at all, had never seen snow before that. But it's a great place to study because there are so many colleges and so many people from all over the country, all over the world, so much history there. So I really enjoyed my time there, and it was -- you know, it was a new experience for me because I had really never lived outside of the South before that.

CHIEF JUDGE MYERS: Sure enough. So tell us a little bit about the experience, then, of the hurricane and how that impacted you all and your family.

JUDGE FALCONE: Oh, sure. So it's what, at the time, I considered to be a somewhat unique experience where you're just, you know, going about your daily life in New Orleans, and you have plans, you have a future planned out. And if you're from New Orleans, the experience of having a hurricane coming, and planning to evacuate, and having nothing happen, and then just coming back and, you know, maybe get a week off of school, week off of work, that was just normal, happened every year.

So that's what everybody expected when Katrina was coming for New Orleans. My wife, then my fiancée, luckily was a planner, so she saw the hurricane was coming, booked some hotel rooms for us, you know, right on the Texas border -- overbooked so that we had rooms for families. And we just evacuated like normal, thought we'd come back after a week or two. And that obviously did not occur.

We -- you know, like everybody else, we're watching images of our city under, you know, fifteen, twenty feet of water. Our apartment was in the suburbs so, you know, we had maybe two feet. That was enough to ruin everything on the first floor, but certainly not as bad as it could -- as it was for others. But we quickly realized we weren't getting back to New Orleans anytime soon and, you know, it was months and months and months before people could even really start getting back and getting back to their daily lives.

So my wife and I just talked and decided that, you know, although we had lived in New Orleans for most of our lives, it wasn't where we wanted to land and raise a family. So we started making plans to transfer to another law school and to end up somewhere else.

We had the fortune of spending our year off in Orlando. As I said, we started off on the sort of Texas/Louisiana border. When we realized we'd be away from New Orleans for a considerable period of time, we had to figure out where we wanted to go. Orlando was it. We had always traveled here, both my wife and I, when -- with our families when we were growing up. We loved the city, thought it would be a good place to spend a year off. We did, and we sort of fell in love with Orlando and decided to make it our permanent home.

But the way I used to describe Katrina was my life was heading in one direction, and it's like somebody flipped a switch and, you know, every minute after it was different from what was there before it. And now I think, as I started to say, it was what I felt was a unique experience, but now everybody has had a similar experience with COVID where it's hard to imagine what our life was like before, and it happened to suddenly.

CHIEF JUDGE MYERS: Yeah. We'd like to say that those hurricane experiences are once in a-hundred-year-type experiences. Unfortunately, that's not the truth in New Orleans. They seem to get more than their fair share with some pretty traumatic impact. And now we find ourselves in what we hope is nothing more than a once in a-hundred-year pandemic. And everybody's adjusting. They're just doing everything they can to try to figure out what's the path forward, whether it's through it or around it or -- trying to get to the other side.

JUDGE FALCONE: Absolutely.

CHIEF JUDGE MYERS: Yeah. So you started, you said, at the Akerman firm in, I'm guessing, a clerk-type role. And then did some work for the Department of Justice. Tell us a little bit about that.

JUDGE FALCONE: Well, the Department of Justice work was interesting. So right after -- this is also a consequence of Hurricane Katrina. There were a number of law schools in the New Orleans area -- and also in Baton Rouge, LSU was affected as well -- where the students were suddenly without a campus, and many of us had to take time off, like I did. So one thing the Department of Justice did was very graciously offered internships to the law students who were displaced. And where you ended up was just sort of a function of what Department of Justice offices or facilities were in the area and what the need was.

And in my case, being here in Orlando, that was the Coleman Federal Prison Complex in Sumter County. So that was not anything that I could ever have seen myself doing, but it was a very interesting experience. There's a legal department at Coleman that handles just a, you know, wide variety of issues. You know, some of the habeas work, some of the claims that inmates may bring or the claims that workers may bring, and just kind of odds -- that sort of odds and ends that come up at a prison complex.

So it was -- I was, you know, just a law student at the time, so I can't say the work was very substantive. But I, you know, helped with those claims and I sort of followed around the head attorney at that complex and just watched him sort of deal with the kind of issues that arise every day. So it was interesting.

It was also just as a life experience to see those facilities, you know, on the inside, what the daily life is like for the inmates. That was -- it was a valuable and interesting experience, even though that's obviously not what I ended up doing, going into civil practice.

CHIEF JUDGE MYERS: Sure. Not your run-of-the-mill experience, though, or even environment. In a city like Orlando, we don't have a true prison facility in the city or in the county. I guess the closest one would be the Central Florida Reception Center out east of town. But that had to have been a very interesting time.

So you graduate law school and you make that decision to come on back to Orlando with your family. Where did you start?

JUDGE FALCONE: So I started out at Akerman, as I mentioned, during my year off. I worked as just sort of a law clerk. And then when I went up to New York, I worked in Akerman's New York office for both summers I was there. They extended an offer to me and I started out at Akerman in their Orlando office. So I was there for about three, three-and-a-half years. Did mainly complex commercial work. Really enjoyed the lawyers that I worked with there. I worked primarily with Jim Foster, who did complex commercial work at that time and was sort of my first mentor.

After about three years, I'd actually met my most recent partners, Tom Zehnder and David King, because they were opposite us in a case, they were on the other side. But we had a great professional relationship, and I, you know, learned more about the King, Blackwell firm and the kind of work they did. I was always interested in doing complex commercial work, and that was a good fit. So I spent about three, three-and-a-half years at Akerman and then transitioned to King, Blackwell, and that's where I was until I was elected this past year.

CHIEF JUDGE MYERS: Well, I think those of us in the bar recognize what an honor that is to have lawyers on the other side of a case who express interest in working together with you. It's a real statement about a level of professionalism, of skill, and expertise in the work. And what a high compliment for that firm to pay you.

JUDGE FALCONE: And, you know, I think we are very lucky here in the Central Florida area that that, you know, in my experience as a lawyer, was not really the exception. I always got along very well with lawyers in the community on the other side of cases, even in very hotly contested cases where the clients weren't agreeing on anything.

Typically, you know, the lawyers don't have to make it personal. They can be professional with one another. They can fight vigorously for their clients without making it adversarial. And often I think that does a service to the client. And I think here in the Central Florida community, we're fortunate to have that be the norm rather than the exception that the lawyers get along very well.

CHIEF JUDGE MYERS: Certainly that law firm in particular, the King, Blackwell firm, has and had that reputation. And David King, who passed just recently, who was just such an outstanding lawyer, a contributor to us here in the court system as well. David was responsible for what we call the King Commission. It was really a civil justice-type commission that commissioned by then Chief Judge Belvin Perry. And it's David's work that we look to -- that Commission's work that we look to in our conversations around civility inside of the -- our civil courtrooms, the processes we utilize to ensure that lawyers are talking and communicating and having the opportunity to resolve issues before they ever come down to the court.

What was it like working with David?

JUDGE FALCONE: Yeah, I will say, I have been extremely fortunate in practice to have, you know, the best mentors I could have asked for, starting with Jim Foster at Akerman and then David King and Tom Zehnder at King, Blackwell. I've always been a big believer in mentors. I think no matter where you are in your career, no matter how long you've been

working, you should have mentors and people to look up for -- look up to. And here in the court system we have a mentorship program that's been very valuable to me in assuming this new role.

But of everybody who I've worked with, you know, David King, he was just a model lawyer, a model person. I think since his passing, a number of people have written about him or spoken about him. And one lawyer in the community mentioned that he's, you know, sort of out of Central Casting as a, you know, respected lawyer, a Gregory Peck type, and that is absolutely true. Anybody who's worked with him on a day-to-day basis would say that.

He was professional in everything that he did to the point we were talking about before. You know, opposing counsel would speak of him just as highly as his closest friends or, you know, the people that worked with him. And these were in hotly contested cases. When David King got involved in a case, it was typically the biggest issue, the highest stakes that you can imagine for some, you know, very prominent individuals, very prominent companies. They would bring him in for those kind of cases where everything was on the line. And even in those environments, lawyers on the other side always respected him, treated him professionally. And I think that speaks a lot of the reputation that he developed.

And it wasn't only that. You know, in his personal life, he never missed sporting events for his children or his grandchildren. If his wife Marilyn called us in the middle of a meeting talking about our biggest case, he would all of a sudden pick up the phone, start talking, and the rest of us would just have to say, okay, I guess the meeting is over at this point in time.

He had a great sense of perspective, and also his humility. If -- one of the great traditions that we had at our firm is, you know, we did a lunch almost every day and everybody was invited; partners, associates. And David would carry on a conversation with the most junior associate; if we were in a meeting talking about a case, would ask everybody's opinion before he

started talking. He was just a great listener, great lawyer, great person. And for me, personally, I can say he's the best mentor I could have asked for.

CHIEF JUDGE MYERS: Begs the question -- you know, you're in this great law firm environment really working on some substantial cases. I know you had some involvement in the League of Women Voters case that's a very significant case in the State of Florida as it relates to redistricting and fair districting. Why make the move to the bench?

JUDGE FALCONE: So I have -- being a judge has always been a dream of mine. I love the intellectual challenge of the law and I'm certainly seeing it in my role right now that -- that is in a judicial role, you really get to grapple with some very complicated legal issues, you know, hear out all parties and make a decision. It's just -- it's a role that's intellectually challenging. I like that it's a role of public service where you can do some real good in the community. You know, our judges, in the state court system in particular, are dealing with -- you know, members of our community, when they have their most significant issues, they come to the court system to get them resolved fairly. And I think a judge is in a position to do some real good.

So even though I -- if I ended my career practicing with, you know, my partners at King, Blackwell, I would have been thrilled. You know, I'll have forever great war stories from that firm. I loved my practice, loved my clients. But this is always something I've wanted to do. So when I got to the point of practice where I felt that I had the experience and I had the capability to do the job, I just decided I need to start taking opportunities. And that's how I decided to run for election, which I never saw myself doing. The concept of me running for public office was nowhere on my radar. But it's something I really wanted. It was my dream.

So I decided to do it. And after my partners tried to talk me out of it, they got on board and were very supportive. And having the support of your firm and your colleagues when you do something like that, it is the most important thing. So that was encouraging.

So that was it. I was really just following a dream. I've always wanted to be in this kind of public service role where I can do some real good for the community.

CHIEF JUDGE MYERS: So tell us a little bit about, then, what your expectations were having had that dream and having practiced, obviously, a lot in the state court system versus experience. And I know you've only been on the bench, at this point, for four or five weeks, is that right?

JUDGE FALCONE: That's right.

CHIEF JUDGE MYERS: So tell us a little bit about your expectations versus the actual experience.

JUDGE FALCONE: So in terms of how much I thought I would love the job, I can say that has met expectations. I look forward to coming into work every day. I'm gratified in talking to some of the more senior judges to hear that they still look forward to coming into work every day. So that part of it has met expectations.

I would say the one thing -- and in terms of actually, you know, hearing cases, making decisions, that was more or less what I expected. What I did not expect and what I now appreciate is how much goes on behind the scenes; how much work judges need to do when they're not on the bench in terms of either just reviewing files and entering orders that don't require a hearing, preparing for the next day, dealing with Court Administration. And a lot of our judges here in the Ninth Circuit are heavily involved in community and bar organizations, so making time for that as well.

Finding that balance, I just -- I didn't have an understanding of how much it is that a judge does off the bench. So that was one thing I didn't necessarily foresee coming in, and really it's just -- it's a new role where you have to get a feel for it and come up with a way to manage all of those tasks.

CHIEF JUDGE MYERS: Excellent. Let's talk a little bit about life off the bench for you. What is it that inspires you? What gets you excited about living? What challenges do you have?

JUDGE FALCONE: Sure. So, for me, when I'm not working -- I have a son who just turned 11, Dominick. It's -- a lot of my life centers around him and my family. We are theme park fans, so we spend a lot of time out at Disney. That's one of the things that attracted us to Orlando, to have those opportunities.

We like to travel. That's been more difficult with COVID. But apart from going back to New Orleans, you know, we've spent some time in the past year up in the mountains in Georgia, and St. Augustine. So finding time to take those trips, travel with my family, enjoy all of the attractions that Central Florida has to offer.

You know, I enjoy reading, typically, you know, nonfiction. I'm reading Ron Chernow's biography of *Washington* right now. So those are some of the things that interest me. I mean, I'd say with an 11-year-old in the house, and now dealing with some of the challenges of virtual school and getting back to regular school, that's consuming pretty much all of our spare time.

CHIEF JUDGE MYERS: Tell us something about you that the average person around might not know.

JUDGE FALCONE: Well, I guess one thing is, in a former life, I was a barista. I worked at a Starbucks up in Boston and a local coffee house, CC's, when I'd be back home for

the summers in New Orleans. And actually my wife also was a former barista. That's how we met. She was my shift supervisor when I was back home from college one summer in New Orleans. So that's it. I can make a mean latte.

CHIEF JUDGE MYERS: And do you have a special type of coffee or something that you enjoy as a result of all that background and experience?

JUDGE FALCONE: You know, I'd say I have not turned into much of a coffee snob. I typically get Starbucks or, you know, whatever's around. But I'd say I'm not all that particular. I do like Starbucks.

CHIEF JUDGE MYERS: That's excellent. Well, Vince, thanks so much for joining us today. I -- we're really grateful in the Ninth to have you on the bench with us. I really appreciate the chance to call you colleague as well as friend, and excited to be able to watch your career with us in the Ninth unfold.

Thanks for being here.

JUDGE FALCONE: Thank you very much. I appreciate the opportunity to be here.

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