

OPEN NINTH;

CONVERSATIONS BEYOND THE COURTROOM

PASSING OF THE GAVEL

WELCOMING THE 9TH'S FIRST FEMALE CHIEF JUDGE

EPISODE 128

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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 my fellow judge and colleague, Chief Judge Elect Lisa Munyon. Appointed in 2003 by Governor Jeb Bush, Judge Munyon has served on the circuit bench just shy of 20 years now. An accomplished jurist both in and out of the courtroom, she’s served as the Chair of the Florida Courts Technology Commission since 2012 and she’s taken a leadership role in the Florida Courts Response to the Pandemic. Serving as the Chair of the workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19. And now in just a couple of weeks, Judge Munyon will lead the Ninth Circuit where she steps into the role of chief judge. It’s great to have you here. Thanks for joining me, Lisa.

CHIEF JUDGE ELECT MUNYON: Well, thank you for having me.

CHIEF JUDGE MYERS: I’ve been looking forward to the conversation ever since you were elected for lots of reasons, but I think it’s going to be exciting to be able to have you share a little bit about yourself with our listeners who have been looking forward to this transition. So we’re going to jump in with just a little bit of background. Tell us, where are you from originally?

CHIEF JUDGE ELECT MUNYON: I am from Gainesville. I am a native Floridian and the product of many generations of native Floridians. My family goes back on my mother’s side to before the civil war in North Florida. So I always wondered what they were running from. I

mean, they came to Florida when it was just mosquitoes and humidity so they had to be running from something. But that story did not survive in the family.

CHIEF JUDGE MYERS: Well, we still had beaches then. Let's say they were in search of the beach life. And tell us a little bit about your education as well.

CHIEF JUDGE ELECT MUNYON: Well, I grew up in Gainesville. I went to school at a small Christian school for all of my education. My parents were both professionals. My father owned a commercial construction company, and my mother was a pharmacist and she was the director of pharmacy at a major medical center in Gainesville. And in addition to having their professional life, we were very involved in the community and in Church. My mom was the organist so early on I think when I was in middle school, I started playing the piano for Church services. And I did that throughout law school, until I left Gainesville and came to Orlando to practice law.

CHIEF JUDGE MYERS: So you're a gator law grad?

CHIEF JUDGE ELECT MUNYON: I am a gator law grad. Undergrad at the University of Florida. I didn't make it very far from home to go to school and when I left school in 1985, I moved to Orlando.

CHIEF JUDGE MYERS: So you've made your piano playing skills public now.

CHIEF JUDGE ELECT MUNYON: I have. And I haven't –

CHIEF JUDGE MYERS: There's going to be a demand.

CHIEF JUDGE ELECT MUNYON: Yes, I haven't played in quite some time so I'm not even sure I can do it anymore.

CHIEF JUDGE MYERS: So we'll give you at least 15 minutes notice before we make the call then. Wonderful. So why the law? What is it – neither parent was part of the legal profession. What brought you to the law?

CHIEF JUDGE ELECT MUNYON: Well, I graduated from high school young. I was 16; I was valedictorian and I went to UF. And 17 year olds really shouldn't make life decisions. Everybody assumed that I would go into medicine, be it a pharmacist or a doctor. And chemistry wasn't offered when I wanted to take it. So I just said, I'll go to law school. It was almost that flippant. I had never actually talked to a lawyer. And that's how I ended up in law school.

CHIEF JUDGE MYERS: Well, I know you are not alone. There are a lot of folks who went to law school without ever having even a conversation with somebody, must less having visited a courthouse, but was law school what you anticipated?

CHIEF JUDGE ELECT MUNYON: It was. Because I have a mathematical scientific bent, it took a little time to get used to using the other part of my brain. The logical side is, you know, mathematical and scientific. But you also have to do a lot of writing and it did take me some time to get into the groove of having to write your exams as opposed to calculating numbers on a piece of paper.

CHIEF JUDGE MYERS: Right. We laugh about that now in our memory since we're all so technology dependent, but going back to law school and the Blue Book, the dreaded Blue Book that you had to write for exams.

CHIEF JUDGE ELECT MUNYON: Yes. You know, if you say Blue Book to one of the kids today that's in college, they have no idea what it is.

CHIEF JUDGE MYERS: No idea. We should name their folders, a computer folder Blue Book because that's the closest they'll probably ever get. You left Gainesville. I mean, that's kind of a big deal after having had so many generations of family there, going to school there. What brought you to Orlando?

CHIEF JUDGE ELECT MUNYON: Well, my husband was from Tallahassee. And so the two of us were both looking for jobs. Gainesville had a lot of lawyers because when people go there, sometimes they don't want to leave. So we decided whoever got the best job and the first job in either Tampa or Orlando, is where we would be. And so I got the first job here in Orlando. And we decided this is where we'll make our home.

CHIEF JUDGE MYERS: And what was your break out of law school?

CHIEF JUDGE ELECT MUNYON: I was – my first job?

CHIEF JUDGE MYERS: Yes.

CHIEF JUDGE ELECT MUNYON: Yeah. My first job was as a prosecutor at the State Attorney's Office. Robert Eagan was the State Attorney at that point. Mr. Eagan hired me.

CHIEF JUDGE MYERS: Great. And how long did you spend with the State Attorney's Office here in the Ninth?

CHIEF JUDGE ELECT MUNYON: I was there 10 years, which in hindsight seems like a long time. I loved prosecuting. I loved the office. It was a lot of fun. A lot of very interesting conversations with my colleagues but I did wake up one day, when I was taking my children to daycare, and think if I stay here until I retire, I have another 43 years of doing this every day and I thought, maybe that's not what I want my professional path to be.

CHIEF JUDGE MYERS: And so where did you see your next move?

CHIEF JUDGE ELECT MUNYON: I went into private practice. And enjoyed private practice, was actually – shared office space with another attorney that appears quite frequently in family court and then I shared office space with someone who is now a judge, Robert LeBlanc.

CHIEF JUDGE MYERS: Were you doing primarily family law then?

CHIEF JUDGE ELECT MUNYON: I was doing primarily criminal. I did a little family law and some dependency. Criminal was my preference among the different types of law.

CHIEF JUDGE MYERS: In your wheelhouse probably.

CHIEF JUDGE ELECT MUNYON: Yeah, it was in my wheelhouse and I was far too pragmatic for family law, I think. You know, clients would call up on Friday afternoon and say, he's not coming to pick up the kids, what am I going to do? And my advice would be, you're going to be a parent this weekend. So criminal law was better suited for me.

CHIEF JUDGE MYERS: I hear you. So did you come to the bench straight out of private practice?

CHIEF JUDGE ELECT MUNYON: I did. I was in private practice for eight years before I took the bench.

CHIEF JUDGE MYERS: And what inspired you to make the move to the judiciary?

CHIEF JUDGE ELECT MUNYON: Having done many aspects of the law and having represented the State and represented individuals, I wanted to come to a place where I could decide the case on the facts as they were presented rather than advocating for one side or the other. And I had wonderful role models as judges. Judge Blackwell was, you know, one of the

first judges I appeared before. Judge Thompson, Judge Mihok. I had a great deal of respect for them in the way they ran their courtroom. And I wanted to do that.

CHIEF JUDGE MYERS: Well, that's neat. So as you look back on that part of your legal career where you were practicing as a lawyer, are there cases that stand out in your mind? A case or two that you would say, that impacted me. That caused me to be a different person.

CHIEF JUDGE ELECT MUNYON: Absolutely.

CHIEF JUDGE MYERS: Tell us about those.

CHIEF JUDGE ELECT MUNYON: One of the first cases I did after I left the State Attorney's Office was the case of the State of Florida versus Princess Haliburton. She was 13 years old and she was indicted by the state of Florida for first degree murder of one of the other kids in her neighborhood. And Mike Cycmanick appointed me to represent her because the public defender had withdrawn from representing her. And she was 13 years old in body only. When I had her tested, she – her intellectual capacity was between 8 and 9 years old. And the state of Florida was seeking life in prison for first degree murder. So I had to prepare the case and go to trial. And I can remember during trial having her -- sitting there in her dress and her black patent leather shoes and I would give her the highlighters that I used when I was cross examining a witness or looking at something in a deposition and she drew pictures while I was up there fighting for her life. And it really was very impactful. The jury, you know, listened intently. They found her guilty of manslaughter. Judge Cycmanick sentenced her to seven years in prison. And when she – the Orlando Sentinel had picked up the story and they followed her on her bus trip from here to Lowell. And it nearly broke my heart. She said that she was

fascinated taking the bus ride from Orange County to Lowell because she had never been outside of Orange County.

CHIEF JUDGE MYERS: Wow.

CHIEF JUDGE ELECT MUNYON: Which, in this day and age it's hard to believe.

CHIEF JUDGE MYERS: That had to be incredibly moving. I mean, it begs the question, have you had any contact with her?

CHIEF JUDGE ELECT MUNYON: I did. After she got out of prison, she contacted me. I saw her a time or two. One of the jurors that was involved in the case became interested in her well-being and would go see her when she was in prison, or put a little money in her canteen. And then, after she got out of prison and was living in her grand – the house that was left to her by her grandmother, she was murdered one night while her son was at the father's house. And I can remember, I was a judge and the detective called me and let me know.

CHIEF JUDGE MYERS: Wow, what a tough ending to a very tough story.

CHIEF JUDGE ELECT MUNYON: Yeah, absolutely.

CHIEF JUDGE MYERS: Yeah. And that is very much the life of the law many times, and I don't know that folks that aren't connected to it can fully appreciate that sometimes about how we really do witness some of the very most difficult life and life circumstances whether it be in clients we're representing or in those that come before us as judges.

CHIEF JUDGE ELECT MUNYON: Absolutely.

CHIEF JUDGE MYERS: Yeah. So you've been on the bench now nearly 20 years. Tell us a little bit about the places that you've served.

CHIEF JUDGE ELECT MUNYON: I've served in the criminal division, family division, civil division, business court in the civil division, and now I'm in the probate division.

CHIEF JUDGE MYERS: That's an awful lot of what we do in the court system.

CHIEF JUDGE ELECT MUNYON: It is an awful lot and I've enjoyed each – each of the places in a little different way.

CHIEF JUDGE MYERS: Different challenges associated with each and different approaches, I guess to the daily work of judging.

CHIEF JUDGE ELECT MUNYON: Absolutely.

CHIEF JUDGE MYERS: Do you prefer trial work or hearing work or some combination of both?

CHIEF JUDGE ELECT MUNYON: I like a combination of both. I do like seeing a case from beginning to end because you do get to know the case. You get to know the people involved in some respect and you get to know the facts and legal issues. And I do find that fascinating. I think my favorite assignment was business court just because you dealt with such nuanced issues of law and issues of first impression. And I really enjoyed the research and writing.

CHIEF JUDGE MYERS: Yeah, that is a fascinating part of that. What was – what would you say has been your biggest challenge in your time on the bench?

CHIEF JUDGE ELECT MUNYON: I think the biggest challenge is the volume and not for the reason that most people would assume. The volume is difficult, but I'm organized and I can get through the volume. The biggest challenge is getting through the volume without those

that appear in front of you thinking that they are just one of a thousand people that you're going to hear from that month. That is the biggest challenge for me, and I am very mindful of giving people their opportunity to be heard, and I want them to feel as if they were heard.

CHIEF JUDGE MYERS: We talk about that concept of procedural due process, the idea that a litigant who comes down to the courthouse has the chance to be able to tell their story, for their case to be decided on the merits, on the facts. And what a big difference that makes for people who walk away feeling like they've been heard.

CHIEF JUDGE ELECT MUNYON: Right.

CHIEF JUDGE MYERS: Yeah.

CHIEF JUDGE ELECT MUNYON: And that's – it's easy to say but when you have the demand of three or four thousand civil cases, or three thousand family cases and every one of those cases needing something from you, it can be very challenging to provide that procedural due process.

CHIEF JUDGE MYERS: The work of a judge is not easy work.

CHIEF JUDGE ELECT MUNYON: No. And I can still remember, even though I was in court nearly every day as a litigator, when I took the bench, I was surprised by how much work there was that was not on the bench. And I think that's only increased in, you know, the 19 years that I've been on the bench.

CHIEF JUDGE MYERS: For our listeners, give us just a little bit of insight into what that means, the work that's not performed on the bench.

CHIEF JUDGE ELECT MUNYON: Well, in criminal, which is where I started and where I was in my career, you would think that almost everything happens in court, but just like a lawyer, you know, court is the culmination of all of the work that they've done. They've taken depositions. They've reviewed the case. They've researched. It's the same for a judge. In addition, I had no appreciation of all of what we call jail mail. All of the mail that comes across your desk from the decades of cases that have been assigned to that division. And you have to do something with each of them and some of them, you know, require hearings. Some of them require very lengthy orders and a lot of reading of prior transcripts. And I had absolutely no appreciation for that before I took the bench. In civil, you have not just the paper work that comes in constantly for you to review and potentially sign or decide that you need a hearing, but you also have the preparation for the hearings. And you spend as much or more time preparing for the hearings as you do in the hearing itself.

CHIEF JUDGE MYERS: It's not uncommon for the lawyers to provide judges with very thick notebooks of case law and materials, deposition transcripts or others things in anticipation of a hearing. Of course, now we get that on thumb drives, all electronically. But that does take an awful lot of time to read in order to be adequately prepared to hear the cases.

CHIEF JUDGE ELECT MUNYON: Absolutely. You can get 200 pages easily for a 15-minute hearing. And you know most of my colleagues are very good about reviewing all of that material before the hearing starts.

CHIEF JUDGE MYERS: Yeah, tough but such an important part of what we do to do our job well.

CHIEF JUDGE ELECT MUNYON: Absolutely.

CHIEF JUDGE MYERS: So you've had these tremendous experiences in the practice, tremendous experiences now almost 20 years on the bench. Why Chief Judge? What inspired the run?

CHIEF JUDGE ELECT MUNYON: Well, being an administrator I think is in DNA. I enjoy making things work smoothly, making them work better. Using time efficiently. Using resources efficiently. So you know that is initially how I got into doing some of the administrative work for our circuit and in the branch.

CHIEF JUDGE MYERS: And you've done a lot of administrative work outside of the chief judge role that you're walking into as an administrative judge, as an associate administrative judge, on the committees and things that you've done in Tallahassee.

CHIEF JUDGE ELECT MUNYON: Absolutely. And you learn a little bit with each of those assignments and the next logical step was chief judge.

CHIEF JUDGE MYERS: And so as you are walking into this role, you've had a chance now to observe several different chief judges in this role. I mean, you've seen Judge Perry, Judge Lauten, myself, but even during Judge Perry's time, I think in and out there may have been some other chiefs that you've had the chance to witness. How do you view this role?

CHIEF JUDGE ELECT MUNYON: Well, first, and foremost, the chief judge needs to ensure that the judges have the resources they need and the staff has the resources they need to get the job of the people done. And that is the first and foremost role of the chief judge. But we are also responsible for being in many respects the face of the court. And I want our community to know our judges. We have a wide variety of judges. Fifty percent of the judges in our circuit are women. We have a lot of new judges that the community doesn't know. And I want to take

the opportunity to introduce them to the community so that they get to know them as well as I've gotten to know them. So the community will realize what gems we have in this circuit.

CHIEF JUDGE MYERS: It's a lot of work. We're 66 judges now.

CHIEF JUDGE ELECT MUNYON: We are.

CHIEF JUDGE MYERS: And if the budget passes here shortly, we'll be 69 judges in the circuit. Tell us about your vision for how you intend to accomplish that.

CHIEF JUDGE ELECT MUNYON: Well, I've already started in some respects. I've asked that our website in very minor ways be redesigned so that if a judge has done a podcast, or done another recorded something for the circuit, that it be linked to their page so that people can easily find out you know what the judge has done, listen to the judge's voice on a podcast. I want to do podcasts with each of our judges that are interested in doing them. Believe it or not, and I know you know this, we have eight new judges since the pandemic. We have eight judges that have – eight circuit judges and two county judges, really, so ten – ten judges since the pandemic, that don't really know normal on the bench and they have not had the opportunity to have the same comradery with their other colleagues that we experienced when we came into the job. I want to you know talk to each of them in a more informal setting and find out in their words what surprises them about this job and I can almost imagine that they'll – they probably had the same impression that I did. They can't believe the volume. And –

CHIEF JUDGE MYERS: And how hard the job is. I mean, I remember as a lawyer practicing and thinking, why can't the judge just make the decision. Just make the decision, judge, right. This is so straightforward. I've studied, I've argued, how are you not persuaded by my brilliance to go ahead and make the decision now?

CHIEF JUDGE ELECT MUNYON: Right. And it's just not that easy much of the time.

CHIEF JUDGE MYERS: Right. I do think that's an underappreciated fact about what we do, that this job is difficult not just because of, for example, in civil, the diversity of issues that a civil judge has to tackle on any given day, week, month, year.

CHIEF JUDGE ELECT MUNYON: Right.

CHIEF JUDGE MYERS: But also the nuance of each of those issues. And some really great lawyering sometimes on both sides of the case that causes you to question what might seem out of the box like a relatively straightforward issue.

CHIEF JUDGE ELECT MUNYON: I can remember that in business court very clearly. You would read one – the motion and memorandum of law and you're like, wow, that's a really good argument. And then you would read the response in opposition and go, wow, that's a really good argument.

CHIEF JUDGE MYERS: And to know that the facts and the law probably lie somewhere between, but nevertheless a difficult task.

CHIEF JUDGE ELECT MUNYON: Right.

CHIEF JUDGE MYERS: Any specific things that you have beyond those that you've talked about already, that you hope to accomplish during your time as the chief here in the Ninth?

CHIEF JUDGE ELECT MUNYON: Well, obviously, we have to get out of the pandemic. We have to get through the backlog, and I think the backlog in criminal cases will be challenging to get through but it will be doable in a reasonable amount of time. I think the more

difficult task is going to be getting through the backlog of civil cases. And so I'm hoping to expand the civil divisions in both the county court and the circuit court so that we can get through that backlog in something resembling an orderly manner and something that will allow the community to have their day in court without having to wait a decade.

CHIEF JUDGE MYERS: Right. Well, that is a significant task to undertake and for our listeners, we've given throughout the pandemic some priority to criminal proceedings as we've been instructed to do, and I think as the law requires us to do. But the result of that is that many other case types have had to take a bit of a back seat during this time. We've been talking about, deciding, moving a lot of civil issues in cases, but that ultimate conclusion to a civil case, the trial has been put on hold now for about a year. We're back trying some civil cases now but not in a volume that's going to help us to move forward.

CHIEF JUDGE ELECT MUNYON: Right. And I'm concerned that we don't have the judges that we need to really get through the backlog but hopefully we'll have sufficient senior judge resources and then sufficient senior judge bodies to actually enhance what the judges in civil are doing.

CHIEF JUDGE MYERS: Right. Force multipliers we call those, yes.

CHIEF JUDGE ELECT MUNYON: Yeah.

CHIEF JUDGE MYERS: Absolutely. So as you – as you find yourself here today really on the eve of taking over the reigns as the chief, where do you find your inspiration? What is it that compels you to move forward?

CHIEF JUDGE ELECT MUNYON: Well, I think my family and my faith are the things that I find to be my inspiration. And they are also my refuge, I think, from the stress of this job.

CHIEF JUDGE MYERS: Can be stressful.

CHIEF JUDGE ELECT MUNYON: It can, absolutely.

CHIEF JUDGE MYERS: Anything in particular that you turn to as a stress reliever?

CHIEF JUDGE ELECT MUNYON: Down time with my family. Preferably in a quiet, pretty, natural place.

CHIEF JUDGE MYERS: Well, we're fortunate to live in Florida.

CHIEF JUDGE ELECT MUNYON: We are, absolutely.

CHIEF JUDGE MYERS: There are a lot of those around us.

CHIEF JUDGE ELECT MUNYON: There are a lot of those around.

CHIEF JUDGE MYERS: Well, Judge Munyon, I'm so pleased to been able to have this time to talk with you, to capture some of your vision for the circuit, and to be able to share with our listeners some about you, about your background. And I hope in a way that they'll appreciate and understand just a little better what the task is that you have ahead and how experienced and committed you are to moving forward through it. Thanks for joining me.

CHIEF JUDGE ELECT MUNYON: And thank you for having me.

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