

OPEN NINTH:

CONVERSATIONS BEYOND THE COURTROOM

JUDICIAL SPOTLIGHT

MEET HONORABLE JOSHUA A. MIZE

EPISODE 141

HOSTED BY: LISA T. MUNYON

(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 Lisa Munyon.

CHIEF JUDGE MUNYON: Hello, and welcome to Open Ninth. Joining me today is Ninth Circuit Judge Joshua Mize. Joshua graduated from the University of Florida Levin College of Law. And was an associate at Morris, Manning & Martin before establishing his own firm. This past February, Governor Ron DeSantis appointed him to the bench where he currently serves in the domestic division. It’s great to have you here, Josh.

JUDGE MIZE: Thanks, Judge Munyon.

CHIEF JUDGE MUNYON: Well, I want to learn something about you as do our listeners. So tell me a little bit about your upbringing.

JUDGE MIZE: Well, I was raised as a military brat. My father was in the Air Force. We moved throughout the country when I was younger and ended up in Florida, in Brevard County for middle school. Stayed through high – my last year of high school. For my last year of high school, went over to Tampa and graduated from Riverview High School, and then went to the University of Florida for both college and under – for both college and law school.

CHIEF JUDGE MUNYON: So some people love the travel as a military brat, others find it a bit unsettling. So where were you on that spectrum?

JUDGE MIZE: So I have wondered about this a lot because I have no concept really of a – growing up at least, have no concept of a hometown, right, we would move really frequently.

And so you're always the new kid. And on the one hand, you get really good at embracing change. Like from a very young age, you're just used to change happening. On the other hand, you do wonder what it would be like to be those people who have the same friends and you know colleagues since kindergarten and they came up together. So I don't have anything to compare it to, but I do think it gave me the skills to do things differently and to not be afraid of when change comes. That was actually part of the reason I fell in love with Orlando so much was it was really the first place I ever had that it felt like a hometown. And that's why we wanted to stay here, my wife and I. My wife is from Bulgaria. She didn't have a hometown in the U.S. either and Orlando is the place we got to where we both finally said this is going to be home.

CHIEF JUDGE MUNYON: So how did you end up at the University of Florida as an undergraduate?

JUDGE MIZE: I did three years of high school. And then applied to do my senior year at the University of Florida through an early admission program. I was 16 when I started. And my older brother had gone to the University of Florida and I was just feeling the orange and blue. It was a great opportunity. I majored in history and finance because I loved history and I just frankly wanted to know as much about America as I could. From a very young age, I was just – I just marveled that America was America and understood from as long as I could remember that I felt I won the genetic lottery when I learned more about America compared to the rest of the world. So I got a degree in history really just for the love of learning about it, but also got a degree in finance because I knew I need – if I didn't end up going to law school, I would need a job.

CHIEF JUDGE MUNYON: Right. Yeah, it sounds a lot like me. I went to UF, a double major and majored in finance and I started – I graduated at 16 and one month after I turned 17, I was at UF in these big classes of three or four hundred students.

JUDGE MIZE: Yeah, and I was – I was a big nerd so we by that time had internet classes. So for the business college, you know, a lot of large, you know, ECON 101 and macro and micro and intro to accounting and finance, they would be done by video but I didn't think I would learn so well by video. So you could go to the in person classes if you wanted and there were usually you know, seven or eight people, and then it was broad –

CHIEF JUDGE MUNYON: Really. Wow.

JUDGE MIZE: Yeah. And then it would be broadcast, you know, to a couple of thousand. And you know I would ask, you know I would sometimes ask questions and anyways, people I didn't know would see me around campus and be like, oh, you're the guy in ECON and it's, you know, I either did or did not like your question, depending on that. So it was – it was a great place to go to college and I still you know love it to this day.

CHIEF JUDGE MUNYON: So why did you decide to stay there for law school?

JUDGE MIZE: Well, I went to law school for the idealistic reasons you think of. I mean, coming out of that history program at UF, I really felt that you know, a huge part of why America had the freedom and prosperity that it had, was our government structure and the constitution. And I wanted to learn as much about it as I possibly could. And I got through the end of law school feeling just as idealistic about the structure of American government. It sounds – it sounds – I don't mean to sound cliché but it just – it's everything. I think of it this way, you go into court like you could see it in practice so like when I used to handle a small

claims case, right and you go and there's you know a lot of people there for their small claims case. And you think throughout history how many disputes would be settled with violence or some you know way you wouldn't want them settled. And here, in America, in our time, people line up and they go peacefully, and they go through a security system. And they have their disputes settled you know in a good way. And that just always seemed like a really magnanimous important process to me. And I just – I just wanted to be a part of it, the idea that we give people justice in a way that is appropriate and that respects everybody, and that you know treats everybody the same regardless of who's stronger or weaker, or more powerful or less powerful. It was just something I was in awe of and wanted to learn more about.

CHIEF JUDGE MUNYON: I would suspect that if you graduated from college early, that you were pretty young when you graduated from law school.

JUDGE MIZE: I think I would have to do the math. I think I was 22 or 23.

CHIEF JUDGE MUNYON: So yeah, pretty young. And I understand that you met your wife while you were in law school. Tell me about that.

JUDGE MIZE: I met my wife my last semester of law school. And immediately kicked myself that I hadn't found a way to meet her sooner. We were in an entrepreneurship class together and also had gone to a conference where we got to know each other a little bit. And had our first date two weeks before graduation, so I just barely – barely found her in time. And in the formative time of our relationship, we decided to study for the bar together, and I like to think that no matter what happens we're good.

CHIEF JUDGE MUNYON: Oh, yeah, if you studied for the bar together, you can get through anything.

JUDGE MIZE: Yeah. It's like being forged in the heat of battle of our relationship. Our love was forged in the heat of the bar studying, like what could possibly, you know, what could possibly tear us apart. That was the summer – I think it was that summer, either it came out or we just listened to it, the Rihanna song, We Found Love In A Hopeless Place. And I think it was about addiction but we like to think it was about us.

CHIEF JUDGE MUNYON: Yeah, your hopeless place was not quite as hopeless as the song.

JUDGE MIZE: But our hopeless place was more flashcards in Panera, you know, every single day.

CHIEF JUDGE MUNYON: So once you graduated, what did the two of you do, two new lawyers coming out of law school?

JUDGE MIZE: Well, I had a job in Tampa at Bush Ross, which I really loved and my wife had a job in Orlando with Siemens. So for the first year and a half of my practice, I actually commuted to Tampa everyday so we lived –

CHIEF JUDGE MUNYON: Oh, wow, that's a long commute.

JUDGE MIZE: She's worth it.

CHIEF JUDGE MUNYON: Okay.

JUDGE MIZE: So we actually lived in Celebration because she was kind of over in the UCF area of Orlando and I was in Tampa so we lived in Celebration to split the difference. I commuted to Orlando every – or commuted to Tampa every single day. And then eventually got a job at Akerman here in Orlando.

CHIEF JUDGE MUNYON: So what were you doing in Tampa? What sort of law?

JUDGE MIZE: Business litigation mostly.

CHIEF JUDGE MUNYON: Okay. And then you came back to Orlando to Akerman.

JUDGE MIZE: Yes.

CHIEF JUDGE MUNYON: And were you doing the same, business litigation here?

JUDGE MIZE: Yes.

CHIEF JUDGE MUNYON: And I think that's where we met. I was the business court judge and you were at Akerman, I believe, if I remember correctly.

JUDGE MIZE: I appeared before you a lot.

CHIEF JUDGE MUNYON: Yeah. So --

JUDGE MIZE: I hope I left an okay impression.

CHIEF JUDGE MUNYON: Absolutely. So tell me, after you got your job here at Akerman, where did life take the two of you?

JUDGE MIZE: Well, I loved litigating here in Orlando. And I strongly preferred it. I litigated all over the state and I was glad we were based in Orlando. I mean, I love the Ninth, I thought we had the best operating circuit. It was the place I enjoyed most practicing compared to anywhere else.

CHIEF JUDGE MUNYON: I think it's the best circuit too, but I'm a little prejudiced in that regard.

JUDGE MIZE: I mean, I think it's a pretty objective standard.

CHIEF JUDGE MUNYON: Okay.

JUDGE MIZE: So I loved it, but my wife got a job offer in Washington, D.C. that was too good to pass up and I love my wife more than I love my job, so we went to D.C. I got on with Morris, Manning & Martin there, and did business litigation there while she was, you know, moving up in her career and loved it. We got to spend a few years in D.C. It was a wonderful time. My office was a block and a half from the White House.

CHIEF JUDGE MUNYON: Wow.

JUDGE MIZE: Yeah, it was –

CHIEF JUDGE MUNYON: That's pretty exciting stuff.

JUDGE MIZE: It was really cool. You would see stuff on the news in D.C. and we'd just say, hey, let's go check it out after work. You know, there's some protest or some event, or some festival and we'd say, well, let's go and you could see the scene and the FOX News, and the MSNBC News cameras there filming.

CHIEF JUDGE MUNYON: And that part of the country is gorgeous anyway, Arlington, Virginia is just beautiful and full of history.

JUDGE MIZE: It was amazing. We were in Clarendon in Arlington and you know, on the weekend, you'd go down to Mount Vernon and see George Washington's house. And you know, on the way home, go by the National Portrait Gallery. I mean, it's just, the resources there are amazing and you know, you're seeing our country's government in process in a way that was really inspiring.

CHIEF JUDGE MUNYON: So what dragged you back to Florida from D.C.?

JUDGE MIZE: We loved D.C., but we thought we wanted to make our way back to Florida. And wanted to get back to Orlando but my wife got a job in south Florida, in Juno Beach. So we made the decision that she – she took that job. And I started my own firm representing both individuals and businesses in south Florida and did that for several years. I enjoyed being a solo a lot. I had done – I had done the big firm thing for you know about eight years. And it's a completely different side of the law when you're running it, not just as a profession but as a business and I really gained a lot of respect for anybody running a solo and small firm practice because it takes a lot of skill. And a lot of good judgment to make that work.

CHIEF JUDGE MUNYON: Absolutely. If you're in a large firm, as a lawyer you may not necessarily worry about the, you know, cost to income ratio but for every month that I was in my own firm, I could tell you, you know, how much I was spending. How much of my hourly rate was going toward overhead versus other things.

JUDGE MIZE: Oh, absolutely. And just being in the position, you know, you're a small business owner. You just see that bank account at the end of the month and you know, okay, how much is coming in versus how much is going out.

CHIEF JUDGE MUNYON: And you realize everybody else gets paid before you do.

JUDGE MIZE: Yes.

CHIEF JUDGE MUNYON: Which is a driving factor to keep working.

JUDGE MIZE: Absolutely.

CHIEF JUDGE MUNYON: So what made you think about going to the bench?

JUDGE MIZE: Well, I saw the difference from my clients and the due process they received, and the quality of the proceeding they received when they had a judge that gave it their all. When I, you know, you may or may not like the result a judge reaches and the law may or may not be on your side, but when a client shows up there and they feel like they got a fair hearing, they feel like the judge was prepared. They feel like the judge was dialed in and cared about reaching the right result under the law, whether they win or lose, they don't feel cheated. And they feel like they – they feel like they got what the American legal system owed to them. And there were also times when, you know, I wish it would have been better. Not necessarily for the result, but just because you want every litigant to walk away thinking they had all the process they were entitled to. You want them to walk away thinking, all right, the judge did what the law said and I may not like it or I may like it, but you know, that's the system. And I just wanted to be one of the ones, and we have a lot in the Ninth, thankfully, but I wanted to be one of the ones who people would say, that judge really did a good job. He really was prepared. He tried. He was dialed in. He listened to every – he listened to everything every party said. He gave everybody a fair shake, and the process worked how it was supposed to work. And I wanted everybody who walked into my courtroom to feel good about our judicial system and to feel like it was the best in the world.

CHIEF JUDGE MUNYON: So it sounds like you're telling me both the good and the bad experiences you had as a lawyer representing clients in court kind of shaped how you treat people in your courtroom.

JUDGE MIZE: Absolutely. I mean, I was keenly aware when I came in, I wanted every person that came in to say, that judge did his job. And I try to convey that to people. You know, I'm in the family division right now and it's emotionally wrenching. You know, we are deciding

the most important issue in people's lives, their children, in a highly, highly charged environment and given the stakes for these families, if they get the sense that the judge is not fully prepared and fully giving them the process they're entitled to, it's a difficult situation. I mean, you could understand why they would feel resentment if they didn't feel like they got the whole process. So I try to convey that as best I can that they are. And I also – that I understand the difficulty they're going through. I'll often tell litigants, you know, I understand you don't know me, right. I understand that I'm a stranger to you, and that it must be very difficult that somebody you don't know is deciding the most important issues in your life. And I just want you to know that I understand the importance of this. I understand what it means to both parties. I understand there's nothing more important in the world than your children. And I'm going to listen to everything everybody says, and I'm not just going to do what I think is right. I don't think I'm a better judge of life than you are. You know, nobody elected me, you know, life coach in chief. There's a legal standard. You know, I'm a judge. I apply the law. And I'm going to do that to the best of my ability. And when I will rule – when I rule, I will usually go through the statute as best I can, whatever statute applies, and take them through it. Okay, here's the evidence that was shown. Here's the legal requirements that I'm required to consider. And you know here's why the ruling comes out the way that it does. And they may not be any less unhappy if they – if somebody doesn't get the result they wanted, but I hope they understand that it was a result based on the law and that it wasn't just the personal preferences of the judge. And that they got everything – they got everything the law entitled – provided to them.

CHIEF JUDGE MUNYON: I know that lawyers recognize that the law is getting more specialized. You'll have a lawyer and they may just do criminal cases or family cases, or business cases, or personal injury. And the judiciary is really the last bastion of general practice

of law. You have to pretty much know it all. And in the Ninth we've kind of been a little sadistic, I guess, and we end up putting people in areas that they have never practiced. And you got put in family law and I don't think you've ever practiced family law. How did you find that transition?

JUDGE MIZE: It was a crash course and one that I hope I navigated as well as I can. It's actually been extremely meaningful and impactful. You know, as a business litigator, I was always helping clients fight over money, and you know, sometimes it could be a great deal of money, but no amount of money is worth – is anything compared to a child or a family. So I feel like my decisions have such an enormous impact and I understand that. I'm also getting to know the family bar. You know, this is a group that is largely there for the love of families, right. They understand how difficult the situation is. And it's just a very – it's a very caring bar. I mean, they're really in it for the right reasons and so getting to know the family bar has been outstanding. I've also got just a sense for how much work the judges do. I mean, I just looked before we came on here. I took the bench February 22nd. I think we are on July 8th. I have signed 1,237 orders.

CHIEF JUDGE MUNYON: Wow. That's a lot of orders.

JUDGE MIZE: Yes. And every single one requires work. And I'm on the bench three and a half out of the five business days. So that means I have one and a half business days per week to sign all the orders, write them, you know, prepare for all the upcoming hearings, do whatever administrative work we need to do. The work is staggering. And I'm happy to do it. I signed up for it but you do get a sense for our judges work very, very, very hard in a way that I don't think you could understand until you take the bench.

CHIEF JUDGE MUNYON: I litigated before I took the bench and I was in court almost every day and I had – I thought I knew what judges did. And I had no idea about what has to be done in chambers when a judge is not on the bench. Have you found that to be the case, there's just more work than you ever – you could see from the outside?

JUDGE MIZE: Yes. I didn't think – I knew it was fulltime job and I knew it was a difficult job. I currently have nearly 2,400 active cases and so yeah, just the sheer volume. I mean, I go through dozens and dozens and dozens of files per day and every one requires care and attention. You know, I get here in the morning. I sometimes don't leave until 7:30, 8:00 at night and I usually work most Sundays because you know, you want to provide good customer service. You know, these families are waiting for their orders. Often times you know, until an order is in place, they don't know the exact contours by which they're supposed to order their – you know, arrange their family. And they need it. And it's – I would never say like, oh, well, something I have to do is more important. You know, this is the most important work I will ever do, you know, to provide a process, and due process and correct legal rulings to the people of our circuit. So however much time it takes, I do it. But it is, you know, it is not a 40-hour week job. It's more like a 60, 70-hour week job.

CHIEF JUDGE MUNYON: Yes, and I think most of your colleagues would agree with you that there is more work – there's more work than we can do because our circuit is growing so quickly. But we have a lot of very dedicated people that are doing it. So what has surprised you the most in taking the bench?

JUDGE MIZE: Well, for the first time in my life, people laugh at my jokes. I would have to say going into the family division, you know, dealing with the emotions of those cases is something that was completely new to me. You know, my cases were usually dollars and cents.

I mean, we're kind of judged that way and you know, often times it was – it was the most important person – most important thing in my client's life was their case, but it was still monetary. So you know to have to look people in the eye and make rulings about when they get their children and when they don't, there is a visceral reality to that and the sense of responsibility that we have for what we do, and you know, I haven't served in the criminal division yet, but I can imagine it's similar. It is a – it is a great, great weight that you carry every day to do it right and to do it right by these families. And dealing with the emotional aspect of it to me was the newest and has taken the biggest adjustment.

CHIEF JUDGE MUNYON: Yeah, I think that's probably something that it's very difficult to see from the outside is just the gravity with which judges take, you know, the gravity that affects them when they're making their decisions. I mean, I've actually imposed the death penalty and, wow, that takes an emotional toll regardless of the law. I mean, it is – it's a great responsibility and should be treated seriously.

JUDGE MIZE: And you actually, you know, even somebody who believes, you always need to do what the law says no matter what. I mean, you also do come into those instances where you may not like your result.

CHIEF JUDGE MUNYON: Yep.

JUDGE MIZE: And that sits with you too, like, man, that's a tough case.

CHIEF JUDGE MUNYON: Yeah, I wish I didn't have to do this, but the law requires it.

JUDGE MIZE: Exactly. And so you do just carry around this sense of responsibility. I mean, every single – the children are not in the courtroom in family proceedings for obvious reasons, but you do picture that child when you're thinking about their best interest and going

through the statutory factors, and you do just, you know, hope and pray that you – that you did the right thing and you certainly tried to.

CHIEF JUDGE MUNYON: And I know that in the family division, there are some very serious decisions that have to be made, whether parents will see their children or whether a parent will be able to move the children out of the area and which will affect the relationship with the other parent.

JUDGE MIZE: Relocations are some of the toughest because usually whoever wants to relocate, you know, has a life planned in their place they want to relocate to. And if you say no, you're stopping them from going on this whole phase of their life. If you say yes, you're removing, potentially removing the children from the other parent. I mean, either way it is a momentously tough decision for one of the parties and they – you can sense in the hearings that they view it that way. And what I try to do is, you know, there's numerous factors in the relocation statute and I try to walk through them. And I say, listen, here's what you showed me. Here's the relocation factors and sometimes we're on Zoom, I can even screen share the statute, which is one of the benefits of Zoom is you know, judges can do that. And I'll say here's the first factor, you know, here's what you showed me. Here's how it fits in. And I hope that – that may not change how they feel about the result but I hope it makes them feel that they got the law. That the law was what was applied to their case and not just a judge who you know thought he knew what was best for their family.

CHIEF JUDGE MUNYON: As a practicing lawyer representing clients, you always had, I'm sure clients that weren't happy with what happened in court or didn't quite understand why something happened in court. Has that affected the way in which you try to manage litigant expectations in your courtroom?

JUDGE MIZE: Yes, you know, there's a limit to how much we can help people understand, you know, their side of a case but I do think it helps as a judge to explain our rulings and to explain the process we're applying because you know, and sometimes especially with pro se litigants, they just don't know. And it can give them comfort to know okay, here's the operating parameters. Here's the law. So you know when I rule, I try to make sure everybody knows why, you know, I try to make sure everybody understands the legal standard I was applying. I do long rulings and you know fairly long orders because I want everyone to walk away understanding the process that they received.

CHIEF JUDGE MUNYON: And I'm sure that you find that litigants appreciate that even if they don't necessarily agree with your ruling.

JUDGE MIZE: I've had litigants tell me that they appreciate it. I've had litigants say, Judge, this has been going on for a long period of time and I never knew the legal standard. And so I think they appreciate it. You know, looking back on my clients, that was always, you know, there's an asymmetry of information with lawyers, right. And it's like with any profession, you know, when the dentist tells you you've got an issue with your tooth, unless it's just hurting, you have no way if you're not a dentist to verify that. And it's the same way with the lawyers, right. People, unless you're a lawyer you don't understand every aspect of the system. And I always try to keep that in mind because I feel that one of the things that's scary about the litigation process is the unknown, the fact that you're in a system that you don't understand how it works, the uncertainty of it. And so I always as a lawyer tried to give my clients every bit of information they could possibly want. I kept them involved. I would, you know, they saw every email. They saw every – every bit of the case. So at the very least you know I never wanted to be one of those lawyers. One of the top complaints apparently to the bar, I've heard at least, I

haven't verified this myself, but one of the top complaints that the bar gets about lawyers is they don't respond to my communications.

CHIEF JUDGE MUNYON: Yes.

JUDGE MIZE: And that's something we as a profession have to – have to make sure we're doing right. That's something lawyers need to do right, and I always try to do it right, and I try to – to the extent it transfers over, try to do it as a judge.

CHIEF JUDGE MUNYON: So what do you wish people knew about being a judge that they may not intuitively know?

JUDGE MIZE: Well, how hard we work, for one. I'll tell you we, in private practice, you know, I worked very, very, very hard and I think most lawyers do. And you know, you see the judge on the bench and you see the judge you know pronouncing legal rulings. You don't see everything that goes on behind the scenes. And you don't see all the service we do, you know, to the bar and to state. I mean, I know you're chairman of the technology – courts technology commission, and have been dealing with, you know, I think the point person on the COVID Commission as well. That is an enormous amount of work on top of the docket that you handle. And I think all the judges here try to get out and be a part of the community and we view that as part of our public service. And so there are aspects to the job that you don't see when you see the judge on the bench and it's a lot.

CHIEF JUDGE MUNYON: Yes, it is. However, we all seem to find time to do those things in the evenings or on the weekends and help promote the law and people's understanding of what our branch does.

JUDGE MIZE: Yes, I also have to get used to now seeing people who recognize me in public. That's never – no one has ever recognized me in public before, but I've now had people who recognize me in public so that's – they're like, you're taller than you are on Zoom, you know.

CHIEF JUDGE MUNYON: Yes, I can see how that would be the case, that you would appear taller in person than on Zoom.

JUDGE MIZE: Yes.

CHIEF JUDGE MUNYON: So how do you find – being a judge can be stressful. The volume can be stressful. Family court in particular can be stressful. How do you manage that stress on a day-to-day basis?

JUDGE MIZE: Well, I'm lucky in that I have like the best wife ever and so every minute I spend with her is a minute that is the best minute of my life. So having the right person to come home to helps a lot. Working out helps a lot. It's – and lawyers should take this into account as well, it's hard to find that hour a day to work out, but if it makes all your other hours more productive, it overall can really help you. So I try to get to the gym as much as I can. And I try to enjoy the family time that I have. I can't say I have that many hobbies other than that. It's mostly just more work, but I do get a sense of satisfaction when I get into my chambers, like so for instance, as of this morning, I had zero pending orders in my chambers.

CHIEF JUDGE MUNYON: Wonderful.

JUDGE MIZE: It is like inbox zero and you just – you feel a – although I know now when I go back that will no longer be true.

CHIEF JUDGE MUNYON: But it feels good for the few minutes that that is the case, doesn't it?

JUDGE MIZE: Yes, from that – from that like 7:30 or 8:00 at night until you get in the next morning at like you know whatever time you get in and there's already five more waiting, it is a great sense of relief.

CHIEF JUDGE MUNYON: Well, I really appreciate you joining me here today. It's been a great conversation. Is there anything else that you want to tell me about your experience as a judge that I haven't asked you about?

JUDGE MIZE: I'm so thankful to the people of Orange and Osceola Counties for the faith they put in us and are putting in me. I can't tell you what it means to know that there's a whole community relying on us to provide them with justice, to make sure their – to make sure their families have everything they need in terms of the legal system. And it's an awesome responsibility but it's such a blessing and a privilege and I'm very grateful to be in this position.

CHIEF JUDGE MUNYON: Well, Judge Joshua Mize, thank you for joining me today. It's great to have you on the bench at the Ninth Circuit.

JUDGE MIZE: Thanks so much, Judge Munyon.

NARRATOR: Thank you for listening to “Open Ninth: Conversations Beyond the Courtroom” brought to you by Chief Judge Lisa Munyon and the Ninth Judicial Circuit Court of Florida. Follow us on Facebook, Twitter or Instagram at [ninthcircuitfl](#) for updates on new episodes and subscribe to Open Ninth on your favorite podcast service.

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