

OPEN NINTH:

CONVERSATIONS BEYOND THE COURTROOM

JUDICIAL SPOTLIGHT

MEET HONORABLE MICHAEL S. DEEN

EPISODE 142

HOSTED BY: LISA T. MUNYON

CHIEF JUDGE MUNYON: Little did we know when we recorded this episode that our guest, Judge Michael Deen who was an Orange County Judge at the time would soon be appointed to the circuit bench. This is an incredible opportunity for Judge Deen and everyone at the Ninth is thrilled for him. And we are still excited to share this podcast with you and give you the opportunity to get to know Judge Deen a bit better and hear a bit about his time as a county judge. So without further ado allow me to introduce today's guest, Judge Michael Deen.

(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. I'm here today with Judge Michael Deen, one of our county judges in the Ninth Circuit. The son of a well-known attorney Jeff Deen, he grew up seeing his father practicing the law. His father's work inspired him to become a prosecutor himself, leading him to work in the State Attorney's Office for almost nine years before his appointment to the bench in March of 2021. I'm thrilled to have you in the studio today, Judge Deen. Thanks for joining me.

JUDGE DEEN: Thank you, Judge Munyon, it's a pleasure to be here.

CHIEF JUDGE MUNYON: So I've known your dad a long time. Probably since before you were born, when he was at the State Attorney's Office in the 18<sup>th</sup> Circuit, so you grew up in a family of lawyers.

JUDGE DEEN: Yeah, my mom is – well, my mom is a public school teacher. And my dad went to law school and his first job out of law school really was to try to be a prosecutor. He knew he wanted to be a prosecutor so he started applying to pretty much every State Attorney's Office. I think he just drove down the interstate and applied to them and – or applied to the State Attorney's Offices in Florida. And the first one to offer him a job that in a city that my mom would live in I think was Norm Wolfinger who was the State Attorney of the 18<sup>th</sup> Judicial Circuit then.

CHIEF JUDGE MUNYON: So you grew up in Seminole County or Brevard.

JUDGE DEEN: I grew up in Seminole. Funny enough, I was actually born three miles from where we are now downtown, what is now Advent Health Hospital on Orange Avenue. So I'm right here, I was – my first experience with life was right here in wonderful Orange County, Florida. But yeah, we lived in Sanford when I first was – when I was first growing up because my dad was right there and my mom was teaching at the local public schools. But yes, mostly Seminole County.

CHIEF JUDGE MUNYON: So I suspect that you did fairly well in school if you went to law school.

JUDGE DEEN: Yes.

CHIEF JUDGE MUNYON: So why don't you tell me about high school, the sports you played and what high school was like?

JUDGE DEEN: Well, I grew up in – I grew up going mostly to public school. I went to Lake Brantley which most – most people that have been in the area long enough will probably know of. It's close to Apopka here in Orange County, Florida. In fact, that was a big rival of

ours. I went there for about two years. And my parents always wanted me to try to go to private school, but no one could ever take me because both my parents worked and so the second I turned 16, I ended up going to a private school, Masters Academy in Oviedo.

CHIEF JUDGE MUNYON: When you could drive yourself.

JUDGE DEEN: When I could drive myself. So I'd commute like 45 minutes a day, well, one way, so an hour and a half I'd be in the car every day as a 16-year-old boy which I guess most parents probably wouldn't like.

CHIEF JUDGE MUNYON: Wow.

JUDGE DEEN: But I would go there and I'd come back and I would – I participated – to answer your original question, I participated in a lot of sports. I played football. I played basketball. I tried playing baseball briefly, but I broke my foot playing basketball right before the season started so that never came to fruition. I never ended up playing it anymore.

CHIEF JUDGE MUNYON: So what was your favorite sport?

JUDGE DEEN: I always enjoyed playing basketball probably the most. I ended up playing football in college but my problem with football is you practice an awful lot, like all year and the practices are miserable. And you play ten, eleven, twelve games, you know. Most of the other sports, you play – you get to play a lot of games. The basketball season in high school is about 30 games so football is all practice. So I probably enjoyed basketball more.

CHIEF JUDGE MUNYON: But nevertheless, you didn't play basketball in college.

JUDGE DEEN: No, I did not.

CHIEF JUDGE MUNYON: You played football. So where did you go to college and how did you begin playing football there?

JUDGE DEEN: I – I originally walked on to Samford University. I was what we call a preferred walk-on. That means they would let you get tortured with all the scholarship athletes originally when camp started because most of the walk-ons aren't allowed to participate in camp because of NCAA rules. Camp starts on August 1<sup>st</sup> so it's the hottest time of the year.

CHIEF JUDGE MUNYON: And Samford is in Alabama, right.

JUDGE DEEN: Samford is in, just outside of Birmingham, Alabama.

CHIEF JUDGE MUNYON: So it's still hot there in August.

JUDGE DEEN: It's very, very hot and humid. Yes, in August –

CHIEF JUDGE MUNYON: It's like being at home.

JUDGE DEEN: Yes. There was nothing I was missing out on from being at home. And yes, so I started there. I ended up earning a scholarship. I ended up earning a starting position. It was something I took a lot of pride in and --

CHIEF JUDGE MUNYON: So what position did you play? I never asked.

JUDGE DEEN: I was a tight end, which is kind of a hybrid between a wide receiver, and an offensive lineman is the best way to describe it.

CHIEF JUDGE MUNYON: And did you play all four years that you were at Samford?

JUDGE DEEN: Yeah, actually I – well, I –

CHIEF JUDGE MUNYON: Do they red shirt?

JUDGE DEEN: Yeah, I red shirted, so my first year, I did not play. But after that I did, yes.

CHIEF JUDGE MUNYON: And at some point, you decided you wanted to go to law school. So was that in college or was that a long time before?

JUDGE DEEN: Well, you know, I always flirted with the idea. I had watched my dad obviously be a prosecutor and then he opened up his own private practice in the 90s. That was kind of what I saw probably the most and he had done criminal defense and family law mostly.

CHIEF JUDGE MUNYON: As a good lawyer, did your father do what most of us lawyers do and try to steer you into another profession?

JUDGE DEEN: That's a hundred percent what he did. I told him, he actually likes to tell that story, but what he says is, we had a conversation. I think I was in college, about to wrap up, and he's like, well, what are you going to do? And I said, well, I think I'm going to law school. And he went on as most lawyers will do with their children or anyone they care about, will say don't do it. You know, go do something else and why do you want to do that? And I told him, you know, I told him and he likes to say this, you know, tell me you haven't had a good life, that you haven't enjoyed what you've done. And he said, okay, well, that's hard to argue with because he's enjoyed it and I obviously enjoy it. So yeah – I actually took a year and a half off. I was a runner for a law firm here, or a year off, at Winderweedle, Haines, Ward, & Woodman. So I worked there. I literally started in the mailroom, I like to tell people, over there so I would –

CHIEF JUDGE MUNYON: Well, that's the best way to learn.

JUDGE DEEN: Yeah, it was great. I got to work with the office administration they had there. And some wonderful attorneys and I was just kind of like doing whatever I was told. I'd

work you know, from I think 9 to 6. I would take over the receptionist's position from 5 to 6, so I got to kind of see how a nice law firm runs and that was a great experience.

CHIEF JUDGE MUNYON: So where did you go to law school?

JUDGE DEEN: I went here in Orlando to Barry Law School. I wanted to come home. I was able to get a couple of scholarships to come home. I met some people there. I met my wife there and turned out to be a really good decision for me in the long run.

CHIEF JUDGE MUNYON: I know several people that have met their spouses at Barry Law School. I'll have to talk to the dean about what's in the water or something. Because I've met your wife and you certainly married up.

JUDGE DEEN: Yeah, I appreciate that and that's true. I did. She's beautiful and she's wonderful and as you now know, she – she's the head of a nonprofit called Conservation Florida and so she – I like to say she literally saves the planet every day. And she works on conserving land here in Florida. That's kind of the mission of what she does so yes, yes, I did marry up. You're a hundred percent right.

CHIEF JUDGE MUNYON: So why did you decide to go to the State Attorney's Office? I know your dad started at the State Attorney's Office, but then he became a criminal defense attorney and ultimately regional conflict counsel for the entire Fifth District Court of Appeal area, which is a lot of counties, five circuits. So what made you decide to be a prosecutor rather than a defense attorney or a civil lawyer?

JUDGE DEEN: Well, I had the privilege of growing up around a lot of attorneys and I think you probably know this too, any time you talk to someone who's been an attorney and who has worked at the State Attorney's Office, or the Public Defender's Office, what they'll tell you

is that's the best job I've ever had. And that's the most fun I've ever had as a lawyer. I think that's pretty common.

CHIEF JUDGE MUNYON: That's certainly my experience.

JUDGE DEEN: Yeah, you'll find somebody kind of hard pressed not – now everyone complains about the money, obviously, and that's the drawback. But I knew at least going into law school that's what I wanted to do. I had some familiarity with it and I wanted to do that. Also, I thought being a prosecutor was the only job that you could have as a lawyer where your job was to do what the right thing was as a lawyer. And you're in a unique position where you're not necessarily representing a traditional client so to speak, and so you have to decide what charges to file, how to go about proving it. Now, obviously, you're constrained a little bit by whoever you're working for. But for the most part you are responsible for what happens with that case and you're going to make some pretty serious decisions on it. And I thought that – I just – I loved that idea. I loved being able to serve in that capacity and to try to do it in a good way.

CHIEF JUDGE MUNYON: And it's not only what prosecutors do which is you know, they do the right thing as they see it, it is their ethical and legal obligation to do the right thing and only prosecute cases that they believe that they can get convictions on. And is that something that appealed to you?

JUDGE DEEN: Yeah, it did. I – my wife started at the Public Defender's Office. You know we always used to joke. She went to Florida State. I grew up a gator fan. She drove – she drove a Chevy; I drove a Ford. She started at the PD's office; I started at the State Attorney's Office. And as you can imagine as a prosecutor, I mean, my dad – I have to be careful of what I

say now as a judge, but my dad, his opinions would differ from mine when I was a prosecutor. We'd get into arguments. But one of the things I liked about being a prosecutor was you know as a prosecutor you get told all the time your case isn't any good or this is an injustice or this is happening or that is happening. And as a prosecutor you are in a great position if that was the case, wasn't always the case, but if any of those situations were the case, you were in a much better position to do something about it than the defense attorney was. That was just the practical nature of the position. You can file a nol pros a lot easier than setting a hearing, going in front of a judge, you know, maybe presenting evidence and hoping that that judge agrees with you over a prosecutor's arguments. So I thought you were in a better position to do justice in that regard, if that makes sense.

CHIEF JUDGE MUNYON: It does. So when you were at the State Attorney's Office, I assume that you probably started at the bottom like most people do doing misdemeanors and traffic. And then moved – moved up in the organization. So what did you do? What kinds of cases did you prosecute?

JUDGE DEEN: Well, I'd be remiss if I didn't start this journey with I had the privilege of in my almost nine years at the State Attorney's Office serving under four separate State Attorneys.

CHIEF JUDGE MUNYON: Wow.

JUDGE DEEN: So I was originally hired under Lawson Lamar, who was quickly replaced by Jeff Ashton, who was quickly replaced by Aramis Ayala, who was then obviously replaced by now the State Attorney Monique Worrell. So how it started –

CHIEF JUDGE MUNYON: I cannot say that. I only prosecuted under two, Robert Eagan and Lawson Lamar.

JUDGE DEEN: Yeah, it's been quite a journey because it was such a short period of time.

CHIEF JUDGE MUNYON: Yeah.

JUDGE DEEN: I can get back to that. I'll answer your other question. So I started out in county court. Well, I started out in felony as what they call a blue dot. I don't think they call it that anymore. But as some of our practitioners here in the Ninth, they may remember that term. Quickly went to county court, then went to juvenile. Then went to felony, kind of went up the ranks in felony in the – in how serious of cases I was handling. And then after about five or six years, I was asked to be a division chief and at that point I was handling, I probably – what probably is best described as violent crimes and vehicle homicide cases. And I thought I was doing pretty well. I was really enjoying it. And once I became a division chief, I was supervising two divisions. I know that's a little illogical, but I was supervising two divisions and then I was asked to be a bureau chief which is – the State Attorney's Office has about 200, not 200 but 140 attorneys that work for them here in the Ninth Judicial Circuit. There's about five or six bureau chiefs and one of the bureau chiefs is at the juvenile office and I was asked to take over Teri Mills Uvale's position who retired recently, or I guess it's not that recently anymore, about three or four years ago. So I was asked to take over her position as a juvenile bureau chief and that's what I was doing before I was appointed judge.

CHIEF JUDGE MUNYON: It's amazing that she was still there for you to take over from because she and I started together when I was a baby lawyer. She worked for that office a very long time.

JUDGE DEEN: She did. And she was probably – probably my biggest mentor at the State Attorney's Office. She was a big reason why I got to be the bureau chief in juvenile because she had always believed in me and worked with me. And when I first started doing serious felony cases, she was kind of my trial partner at the time. And her and I have always gotten along, our personalities are a little bit different, but she's – she always just took the time to take me under her wing. I learned so much from her and when the time came, I got to spend about almost a year with her out in juvenile to learn kind of the ropes before she retired. And of course, I got to take place, or I got to take part in her retirement ceremony. They named a day after her. I think the City of Orlando gave her an honorary day and she deserves it. She served well over 30 years here in the Ninth Judicial Circuit and I think she did a great job. They don't – we don't have many like her anymore. I guess that – she's a good phrase of they don't make them – or she's a good example of they don't make them like they used to.

CHIEF JUDGE MUNYON: So what was your favorite assignment when you were at the State Attorney's Office? Was it juvenile or was it something else?

JUDGE DEEN: No, it wasn't juvenile. I liked juvenile but most prosecutors that have done juvenile would probably express some sort of frustration with –

CHIEF JUDGE MUNYON: With the system?

JUDGE DEEN: With the experience. No, I liked it most when I – I loved mentoring young attorneys. That's something I enjoy doing. But I liked it most when I had my own docket

and I was doing violent crimes and probably some of the vehicle homicides, although those were hard. I liked doing the violent crimes. As Teri would always tell me, she goes, you know, the best cases, excuse me, the best cases are where someone lived to tell the tale, you know, and you can have the person get up on the witness stand and tell their story. So I probably enjoyed that part of it the most.

CHIEF JUDGE MUNYON: So when did you decide that you might want to take the bench?

JUDGE DEEN: It's probably hard to pinpoint an exact moment. Going back, you know, my dad had always wanted to do it. So it's something in my family that's always been a big deal. I have a family where there's – my dad is Lebanese or the descendants of Lebanese immigrants and they came in and very much that's true to immigrant culture is, you know, you have to work hard, pursue the American dream and as a result you get a lot of doctors and lawyers. That seems to be very, very common and that's certainly true of my dad's side of the family, especially. And so we got a lot of doctors and a lot of lawyers. And one of the things we never had was a judge and his grandfather had told him, you know, you should go try to be a judge. And so that's something that always stuck with me. I never got to meet him. That was my great-grandfather. And so I guess, to answer your question, it's always been in the back of my mind. And I didn't truly think about going into it probably until I was a bureau chief at the State Attorney's Office. I had thought to myself I didn't know how much more there was for me to accomplish at the State Attorney's Office. I had done sex crimes. I had done violent crimes. I had done pretty much every – I had done homicides. I hadn't been in the murder unit directly and that was pretty much it from there. And so I was starting to think about what I wanted to do and to me going back to what we were originally talking about, being a judge was kind of an

extension of what originally attracted to me being a prosecutor. You go back and your job is to make sure that the law is followed. That the right thing is done, which to me is following the law. It always has been. But you know it was kind of that same – same mentality.

CHIEF JUDGE MUNYON: And so you applied for the county bench.

JUDGE DEEN: Well, I applied for both, and I was grateful to get the county bench. Yes, I was eventually chosen for it. I had applied for the one now, Judge Laurent had gotten and when her spot opened, when she was elevated, that's the spot I was appointed to.

CHIEF JUDGE MUNYON: And of course, you know true to fashion, when you become a judge in the Ninth Circuit, you're put in a division that you've never practiced in before. So in county court you were put in county civil.

JUDGE DEEN: Yes, ma'am.

CHIEF JUDGE MUNYON: What have you found surprising about the work there?

JUDGE DEEN: Well, I think anybody's answer to that would be the volume. I think it's – you hear about it and it's just a number, but it's staggering I guess when you're confronted with it. That there is that many lawsuits in Orange County. It's pretty amazing.

CHIEF JUDGE MUNYON: Yeah, I think each of our county civil judges have about 18,000 cases assigned to them.

JUDGE DEEN: Yes. So the number is a bit staggering. Even as a former prosecutor dealing with a high volume of cases, it still is a little staggering. But other than that, I guess one thing, on a positive of that is you always hear being in criminal that civ – you know criminal lawyers tend to get better – get along better than civil lawyers do. It's a bit contentious and I

haven't really witnessed that all that much. I think most of the litigants – maybe we're just lucky here in Orange County, but most litigants that have come in front of me have been pretty civil. They understand, you know, they're making an argument and they respect each other's argument and they disagree obviously, but it hasn't been as chippie as I probably was anticipating originally.

CHIEF JUDGE MUNYON: When I first came to the bench, I can remember, even though I had litigated like you every day, being surprised by how much work there was to do off the bench.

JUDGE DEEN: Yeah.

CHIEF JUDGE MUNYON: Have you found that to be the case in county civil?

JUDGE DEEN: Yeah, most of my work is done when I'm not listening to hearings.

CHIEF JUDGE MUNYON: But you all are in hearings all the time so I don't know how you get that work done.

JUDGE DEEN: We are – we are in hearings all the time, but there's a lot of mail. That takes up a lot of time and they're like handwritten notes. There are things you have to actually go through and read to understand exactly what is going on and what is being asked. That takes a lot of time and then obviously, I've had to put in extra preparation in learning new areas of law. There's areas, a few different areas that I'm having to cover now that I hadn't experienced covering like evictions, or the civil rules of procedure, or some of the discovery issues that come up. So those issues also will take me extra time just to make sure I'm in a position to recognize what the legal issues are and what exactly I'm being asked to decide.

CHIEF JUDGE MUNYON: So you took the bench during a strange time. I mean, this is a once in a lifetime pandemic that has –

JUDGE DEEN: Hopefully.

CHIEF JUDGE MUNYON: -- yeah, hopefully, once in a lifetime pandemic that has basically changed how we – how lawyers practice law and how judges hear cases. So it's not really been a normal, you go into a courtroom every day and have people come in there. You are watching and participating in hearings via the telephone and via Zoom. So how have you found that experience, sort of coming onto the bench during a really weird time?

JUDGE DEEN: Well, I think I was already having a – because being a judge is wonderful. I can't emphasize how grateful I am to be here and the job itself is a dream come true. And I couldn't be happier to do it every day so it's already surreal to me that I'm even doing what I'm doing, and what I get to do. So now it's being on Teams, it's like I don't know, it's like it's all a movie almost, you know, like everything is just on a screen and I'm not there. It's like I'm not there almost because it's not something – and I've had in person hearings. It's been very limited. But especially county civil, it's probably one of the easiest parts for our judges to do virtually. Obviously criminal and some of the family matters, they may be a lot more complicated. But for county civil generally speaking, it's almost more convenient for the parties to do it but to answer your question, it's made it more surreal, I guess is my best answer to that question. Like it's not real yet even though it is obviously very much real.

CHIEF JUDGE MUNYON: Yeah, there's been a lot of talk about whether, especially for civil cases, and county civil in particular, whether things will ever go back to the way they were before, or whether there will be some virtual component to hearings from now on, or even hybrid

hearings. For some people they're in person, and some people are appearing by video. What are your thoughts about whether we'll go back to the old way or will keep the efficiencies that we have found through remote appearance?

JUDGE DEEN: Well, I think the pandemic, if there is a silver lining, it's going to change how we do things, maybe some people don't consider it a silver lining. It's going to change how we do things forever whether we like it or not. Especially in a bigger city, relatively speaking. I don't think we're ever going back. I think there's a lot of things that are going to be done remotely and I'm sure you've had similar experiences talking to lawyers, their law firms have changed. I mean, we have a lot of lawyers that want to work from home now or don't want to travel to other areas of town, or they don't want to bill clients for having to drive from Tampa to Orlando, or from Miami to Orlando, or what have you. It will be interesting to see what affect that has on the practice of law. I, you know, I'm in my office essentially doing all the hearings. It's not that I'm, you know, I don't think it's appropriate for me to be working from home although I know some judges can and do. But I'm not comfortable enough yet doing what I'm doing to do that. So I'll be in there and it's very convenient for parties to argue. I think some things get missed in the overlap but I just don't see how we're ever going to be able to go back to every single hearing, every five-minute matter is going to be in person in a county civil case. I don't see how that's necessary, and I think now that courts have taken steps to accommodate that, because ultimately, we're here for the public and we're here for the attorneys and they're here for their clients. And if they don't have to bill an extra \$200 for a drive, I think that's something that we have to accommodate. And I don't mind accommodating but obviously, we have to adjust with what's going on as well.

CHIEF JUDGE MUNYON: I think you're probably right that it has changed the practice of law because I've done civil both pre-pandemic and during the pandemic. And pre-pandemic you would have coverage counsel that would come, you know, for short matters and they would handle a whole bunch of mortgage foreclosure cases for one or two firms. And since the pandemic, you don't see coverage counsel. Those attorneys are appearing from their offices wherever they are in the state. And I've seen a lot more actual parties, citizens, individuals attending the hearing with their lawyer just so that they know what's happening. Have you found that to be the case as well?

JUDGE DEEN: Yeah. And you know, in county civil we have a lot of pro se litigants. You know, we have people that are representing themselves. Now, I don't know any better but what I've been told is that there's been an increase in participation from them.

CHIEF JUDGE MUNYON: Yeah, they don't have to take a day off work and drive down here, pay for parking.

JUDGE DEEN: Right. They can call on the phone. They can appear virtually. I have to think that's better in the long run that we get more participation from the community in lawsuits that are going on. I think that leads to better results overall. I mean, everyone has an opportunity to be heard. And little things like that, I don't think we can argue with the benefit of that which is kind of going to my point where I don't think we can ever go back a hundred percent to what it was. I think we have to take steps to accommodate the public and now they're going to have that expectation of us. You know, it's kind of like you can't unring the bell so to speak.

CHIEF JUDGE MUNYON: Right. We know you can do it so you know, you need to let us appear virtually.

JUDGE DEEN: That's right.

CHIEF JUDGE MUNYON: And there's something to be said for that.

JUDGE DEEN: Absolutely.

CHIEF JUDGE MUNYON: I would assume that since you didn't have a lot of civil experience before you took the bench that some of your colleagues down in county civil are there to answer your questions. Have you found them to be welcoming?

JUDGE DEEN: Yeah. One thing that – and the private community is sick of this by now, but one thing you'll hear the judges say over and over again how wonderful the judges are when a new judge joins and being supportive. That's – that's been my experience every step of the way since I've started. Judge Caraballo has been great. She's the administrative judge in county court. She would sit with me. Like the first week I was there, I took over her docket and you know just making sure I didn't completely mess up my job because it was a new – it was new areas of law and there were certain little things that I needed to know. I can sit there and I can read a statute book or I can read the law, or I can stay up until two o'clock in the morning reading Westlaw, but there's certain practical things that you're not going to know until you have to do them. And so that part has been wonderful. I'm next to Judge Wish. I have Judge Amy Carter, Judge Duckworth. There hasn't been – Judge Starr. There hasn't been one person in county civil in my little bubble down there on the third floor where we're at that hasn't been helpful. And that goes for all the judges, but those are just the people that happen to be the ones that I'm working with on a daily basis.

CHIEF JUDGE MUNYON: So what are your goals on the bench? Where do you see yourself in five years, ten years?

JUDGE DEEN: Well, I would love to be a judge, number one. My goals are – I think judges set a tone, not only for their courtroom but how law is practiced in their area. What I – so I hope, I guess to answer your question is to contribute to that. What I always – and that’s going to come by what I’ve had the honor of seeing, so I’ve gotten an opportunity to practice in front of bunch of judges being a prosecutor. That’s one thing that you get to do, including Your Honor. And you get to see what you like, what you don’t like. And so one of things I liked from judges, what I thought was effective about some of my favorites judges was you know they didn’t expound a lot. They weren’t there as your moral coach, your teacher. They weren’t – they weren’t there in a position to tell everyone how they are right or wrong. It was, here’s what the law is. Here’s what we’re going to do. And you know they were prepared obviously and they made decisions that were based on law, but they understood what their role was. And they treated people with respect. One of the – one of the big things I’ve always heard, or when I was just starting the profession was, there’s no reason not to treat everybody with courtesy and respect and to be nice to everybody. People will remember if you’re mean to them. We see new attorneys fall into that trap a lot. When I was teaching or mentoring them in my role at the State Attorney’s Office, I would make that very clear to them. I’d say listen to me, do not get chippie with people. Everyone understands you have a job to do. And you go make an argument and you zealously represent your position or your client, but there’s no reason not to treat people with respect and to be nice to people. And as a judge, I want to set that tone as well, and I try to do that for everybody. I try to be as respectful as I can, as nice as I can to everyone who virtually appears before me, or I’ll hit the mute button --

CHIEF JUDGE MUNYON: Yes.

JUDGE DEEN: -- if they aren’t.

CHIEF JUDGE MUNYON: I think that's something that we've lost at least over the last decade or so is the ability to disagree without being disagreeable.

JUDGE DEEN: Right.

CHIEF JUDGE MUNYON: And I think our profession is very good at, at least most of the attorneys, disagreeing with their colleague, but not being disagreeable about it. And that's what makes it a profession rather than just a job.

JUDGE DEEN: Right. And you have to have that expectation I think as a judge or the lawyers aren't going to follow suit. And you know, I've noticed – I've been in courtrooms and I'm sure you have as well when the judge loses control over a situation and everything just degrades into anarchy. You have to set that tone and that goes into part of your role as a judge is to run a courtroom and make sure it's running effectively. And you're setting an example for our justice system. People have to have confidence in it or it doesn't work. So I hope to contribute to that. I hope that you know – I hope that in five years people say, you know, I might not always agree with his rulings – no one -- fifty percent of the time people aren't going to probably agree with your rulings but --

CHIEF JUDGE MUNYON: And sometimes a hundred percent of the time.

JUDGE DEEN: A hundred percent of the time, that's right. But I hope they say, but you know if he – he understood the issues and he gave us a reason why he was doing what he was doing, and you know he was thoughtful about it and he didn't disrespect anybody.

CHIEF JUDGE MUNYON: When you moved into your position on the county bench, not only did you have to learn a new area of the law and a big area of the law because civil covers a lot of territory.

JUDGE DEEN: Yes, it does.

CHIEF JUDGE MUNYON: But you had to learn how to be a judge rather than an advocate. How did you find that experience and how did you work your way through it?

JUDGE DEEN: Well, I've always been – I've always been a very – I've always been described as someone that, to a fault almost, that can see both – two sides to an issue. So I've always you know, I've always been able to try and look at, and I think lawyers are trained to do this, to look at the other position before you make an argument so you can best argue against that position, right. One of the advantages I think to having been a prosecutor is since you're stuck a lot of the times making the decisions about what happens in cases, again you're not advocating for a client so the client is not telling me, Michael, you're going on this case whether you like it or not. Now, a boss might have told me that a couple of times, but the higher I got up I had the chance where I was that and so I would get to – I would basically get to choose my own battles. And you very much are stuck with the decision. I mean, okay, Michael, you have this case where someone died. You have to charge the case – charges and maybe you can't charge it the way that the victim's family wants or maybe you don't charge it the way the defense attorney thinks you should. You are stuck with those decisions and you get to make them. It's very similar to being a judge. You have to learn how to make a decision. That's number one. I think to be an effective judge, you have to be able to make a decision. The rest of it is just running a courtroom, which I am still learning. I think that's something I really will have to learn when everybody comes back in person because right now it's pretty easy to run a virtual courtroom.

CHIEF JUDGE MUNYON: Yeah, the mute button is awesome.

JUDGE DEEN: Yeah, if you have a problem, you just can hit the mute button. But yeah, I think that challenge is still existing for me. I still need to – I think there's no substitute for experience so you've got to talk to other people and you just got to learn as you go and do the best you can.

CHIEF JUDGE MUNYON: When I took the bench, I had been a prosecutor and a defense attorney and had done a few other things, but I went onto the criminal bench. And I found myself you know in the beginning looking at the lawyers like, are you going to object, I'm ready to rule if you object, or you want to step down, you are arguing that all wrong. And I would like to argue that. But you have stop yourself.

JUDGE DEEN: Right.

CHIEF JUDGE MUNYON: Going – being put in civil you probably didn't have that same urge.

JUDGE DEEN: That visceral reaction just to correct everybody, yeah.

CHIEF JUDGE MUNYON: Yeah.

JUDGE DEEN: No, I don't. And I'll tell you, if any time I've had that urge, I've had it maybe a couple of times, I don't – and I admit this freely, I don't – I expect the attorneys at this stage to know more about these issues than I do. So I give the attorneys usually the benefit of the doubt. If I am not understanding why something is happening, if I've ever done that, usually I get my head snapped off by one of the attorneys anyway, saying, well, x, y, z, da-da-da-da, I'm like oh, okay. I'll step back and I'll say, okay, I understand. So I try not to do that. I am very – right now, I'm very reactionary so I'm only reacting to things that people bring before me. I'm not trying to be – I'm not trying to get in the way of what parties are doing. If they bring an

issue and they're arguing about it, I'm going to make the decision and I'm going to do my best to follow the law, but I'm not going out of my way to correct people or to coach the practice, especially in civil right now. I think that would be inappropriate for me to do.

CHIEF JUDGE MUNYON: Right. And it's inappropriate in criminal too and fortunately I was able to stop myself from you know going down and arguing the motion to suppress that was being argued all wrong.

JUDGE DEEN: I'm glad you were too.

CHIEF JUDGE MUNYON: Yes, but it does run through your mind.

JUDGE DEEN: It does. It does, but it's probably easier for me right now than it was for you.

CHIEF JUDGE MUNYON: So what would you like others to know, the public to know about being a judge and about your work on the bench?

JUDGE DEEN: Well, I think – I think the public in general, and I'll start with the non-lawyers. The non-lawyers I think expect judges to be able to do whatever they want and that expectation is obviously misguided. We are heavily constrained by the law as well as we should be. And I think that's probably the most obvious answer because a lot of members of the public, a lot of the requests I get since I have so many pro se litigants are to do some magical thing that I am – I can't do. I think -- I had that situation this morning. I won't go into specific details, but I basically had a nice lady, she was very pleasant asking me to do something. And I one, didn't know if I could do it and two, I'm looking at a motion with two sentences on it, of course, that says I want this and there's not really a legal reason for why she wants that. So I had to explain to her. I have to have this conversation that listen, I'm only allowed to do what the law allows

me to do. You know, there is no law that I'm aware of and obviously, she was aware of, she wasn't a lawyer, that I could do what she was asking me to do. So I have that conversation sometimes and I certainly deal with that expectation a lot, especially when litigants are going up against lawyers who are at an extreme advantage in those situations. As for lawyers, I think lawyers are, especially civil lawyers, or most litigants, they tend to be in a very bottom line business. They want to win their case. And if you disagreed with them, especially if they prepared and were ready for the motion, they probably don't, you know, they probably think you were wrong at some level. And that's fine. I mean, that's the nature of the business. I think – and I think most lawyers do this, but I think probably just an appreciation of how isolating being a judge can be in making those decisions. You know, most lawyers are going to go back to an office and they're going to chat with their colleagues about what the judge did and whether it was right or wrong, and they're going to get feedback on it. And they're probably going, see, this says this, that person was wrong. They might have that communication. Judges don't really have that. We have so many cases and the judges are so busy. Not that they're not accessible, but it is isolating. You have all these decisions you have to make and as a judge, you're kind of alone in those decisions.

CHIEF JUDGE MUNYON: Yeah, really the only people you can talk to are your colleagues.

JUDGE DEEN: Right.

CHIEF JUDGE MUNYON: And if everybody has 18,000 cases, there's not a lot of time to talk to them.

JUDGE DEEN: Yeah, that's probably the theme. It's an isolating experience. It's not like we're going around high fiving each other on the back saying, oh, I ruled this way. It's not like it is for lawyers when you go back and you have a chance to bounce it off of colleagues how the hearing went.

CHIEF JUDGE MUNYON: And you're busy.

JUDGE DEEN: Yes.

CHIEF JUDGE MUNYON: Very busy. I think a lot of people don't appreciate the fact that not only are you busy on the bench but there's hours of work to do every day off the bench dealing with all the paper work that comes into the office.

JUDGE DEEN: Right, and everyone has that expectation like, judge, you know, I filed that thing a couple of months ago. And you know, and I'm like no, I don't know. I'm sure you did. I have the case file up and yeah, I think there is an expectation that the judges have an idea of what's going on in every single one of their cases. Obviously, with the numbers we've talked about so far, that's impossible. You do your best. I'm learning systems to do that, to try to take notes where I will remember what's going on to help refresh my memory and how to do that in the systems that we have available to us. I think there's certain ways to stay organized as a judge that can help you. But yeah, I mean, you have to make – not only are you making those decisions, those hard decisions sometimes that we talked about earlier, but you're moving on because you got a hearing that you've probably run over on this one and you got to get to that one, and you got to do it all over again. So you have to have a short memory almost as well as a judge.

CHIEF JUDGE MUNYON: And you have to crank the order out.

JUDGE DEEN: Yeah. Yes.

CHIEF JUDGE MUNYON: Which is just another battle all in itself.

JUDGE DEEN: Yes, it is.

CHIEF JUDGE MUNYON: Because unlike criminal where the clerk's office does a whole bunch of the orders for the judges, in civil, they don't do any. So you end up having – you or the parties end up writing the orders.

JUDGE DEEN: Right. And I think the key to that is I've been trying to do them as soon as I can because if you don't do them, you'll forget everything and you'll be stuck from square one and you'll have to go back and reread the motions and everything. And your order probably is not going to be as accurate as it should have been so yeah, those are challenges that you have to kind of learn through. I'm doing the best I can with that, yeah.

CHIEF JUDGE MUNYON: But it's still a great job.

JUDGE DEEN: It's a wonderful job. It's the best job on the planet. I can't emphasize how much I love it. I love it.

CHIEF JUDGE MUNYON: You love it. But you're busy so your days go by really quickly.

JUDGE DEEN: Yeah, yes, you know, I often look at the clock and wonder, you know, what happened. And you're looking through the issues, but I love you know, I love that experience of when you're reading a motion or you're reading the legal issues in the case, finally getting to, okay, this is – this is the crux of the issue. This is what you're being asked to do. And you love it even more when there isn't just like an already on point answer as to that issue.

Like, Judge, we're asking you to interpret this word in this statute, and this is what you get to do and this is, you know –

CHIEF JUDGE MUNYON: And nobody else has ever done that that we can find.

JUDGE DEEN: And no one else has ever done it, but you're going to do it, and we're going to ask you. Your colleagues have said this and, you know, I love it when you get to that point. Now that point takes a lot of work to get to, but I do love it when you finally get there.

CHIEF JUDGE MUNYON: Well, I know that your colleagues think you're doing a wonderful job on the bench and I know you're working very hard because I go down and check.

JUDGE DEEN: Yes. I am working very hard, but thank you.

CHIEF JUDGE MUNYON: Well, thank you for joining me here today in the studio. It's been a pleasure to get to know you.

JUDGE DEEN: Well, thank you for having me. I really do appreciate it. I love talking about this. And I love the opportunity to say what my experience has been like and some of my background to the community. I'm always very grateful to that and I thank you and everyone else that made this possible for having me. Been a wonderful experience and like I said, I love our job and I will talk about it until people's ears fall off. It's just how I feel.

CHIEF JUDGE MUNYON: Well, hopefully nobody's ears are going to fall off.

JUDGE DEEN: Hopefully not, but I do love it and I hope to do it for a long time.

CHIEF JUDGE MUNYON: Well, thank you. Thank you for being here.

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