

OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
IT'S MILLER TIME: TALKING INSIDE THE COURTS
EPISODE 16
FEBRUARY 7, 2017
HOSTED BY: FREDERICK J. LAUTEN

(Music.)

>> Hello and welcome to Episode 16 of "Open Ninth: Conversations Beyond the Courtroom" in the Ninth Judicial Circuit Court of Florida.

And now here's your host, Chief Judge Frederick J. Lauten.

>> **JUDGE LAUTEN:** I'm here today with retired Orange County Judge Michael Miller, who served on the Orange County bench for 25 years, and Judge Miller's here today to talk about a fabulous community outreach program that is called "Inside the Courts." Judge Miller developed this program 20 years ago, and he's hosted it ever since.

So first let me start by saying, Judge Miller, welcome to Open Ninth, the circuit court's podcast. Great to see you.

>> **JUDGE MILLER:** Thank you so much, Fred. I appreciate being here.

>> **JUDGE LAUTEN:** So before we talk about the program itself, I'd like to talk a little bit about you. So why don't you give us a little bit of biographical information. Are you a native Floridian? Are you a Central Floridan? Tell us a little bit about where you grew up.

>> **JUDGE MILLER:** I'm a native Orlandoan. I was

born and raised here. I graduated from Edgewater High School, subsequently attended Furman University for four years, and then law school at the University of Florida.

>> JUDGE LAUTEN: Wow. Great. Great. Not a lot of native Orlandoans. You know, it's kind of a treat to meet them.

>> JUDGE MILLER: We're sort of an endangered species, I think.

>> JUDGE LAUTEN: So University of Florida Law School. When did you know you wanted to be -- have a career in law, be an attorney? And we'll talk later about becoming a judge. When was that clear to you?

>> JUDGE MILLER: Partway through college. I'd been premed for a long time and was pretty much ready to go to medical school and decided that law school might suit me better.

>> JUDGE LAUTEN: Great. Great.

And then how long did you practice before you became a county judge?

>> JUDGE MILLER: I practiced for ten years. The last two of those years, I practiced as a full-time mediator.

>> JUDGE LAUTEN: And then what year did you become a county court judge?

>> **JUDGE MILLER:** 1990. I was elected in 1990, and I took the bench in 1991.

>> **JUDGE LAUTEN:** I'm pretty sure that was your only election where you -- while you had to stand for election. You never had an opponent after that.

>> **JUDGE MILLER:** Fortunately that was the only time I had to actually run.

>> **JUDGE LAUTEN:** I'm sure that's a tribute to the service that you performed.

So you're sitting as an Orange County Court Judge. You have a variety of cases in that division, I know. Any particular case that stands out as either unusual or most interesting or -- I know it's a lot of cases that you covered in your career, but I just wonder if there's any one particular case that's fun to talk about.

>> **JUDGE MILLER:** At this point in time, they're all sort of a kaleidoscope.

>> **JUDGE LAUTEN:** Right.

>> **JUDGE MILLER:** I think I have impressions and recollections of specific events, some humorous, some not, that took place during a lot of cases. But I can't recall one particular case that I would point to as being particularly exemplary or particular fascinating or something that I wake up at night

thinking about.

>> JUDGE LAUTEN: Sometimes the county court is referred to by people both inside and outside of the system as the "people's court."

Maybe you can tell our listeners why that name is sometimes associated at the county court level.

>> JUDGE MILLER: Well, for several reasons; one of which is that we deal, to a large extent, with people one-on-one, face-to-face, who are not represented by counsel. We see them at initial appearances, we see them at arraignments, and very often we see them in county civil without representation. And we also see them in traffic court, animal control cases, other small matters -- or smaller matters where they're not represented by counsel. They're simply there on their own behalf doing the best they can to try to see that their interests are served and that justice is given to them.

>> JUDGE LAUTEN: Without getting too technical, maybe you can tell our listeners what subject matter the county courts cover. And I think that will help with this label of the "people's court."

>> JUDGE MILLER: Certainly. We cover -- in the civil division, we cover small claims matters and then

civil matters under the regular rules up to the threshold amount.

And in the criminal aspect -- criminal realm, we cover both misdemeanor cases, as well as noncriminal cases, such as speeding tickets, animal control, ordinance violations, things like that.

>> JUDGE LAUTEN: So because of that, it's true, is it not, that you really have a higher volume probably than the circuit courts; that is, you see more citizens in the county court system than you see in the circuit court system?

>> JUDGE MILLER: That's true. On the other hand, the circuit court cases, even though their volume may be somewhat less, their cases generally take longer to resolve, so we're on more of a fast track in terms of seeing people, getting the case to trial, getting it to an ultimate resolution.

>> JUDGE LAUTEN: Great. Great.

So you're handling a docket in county court. You've been on the bench for close to five years, and you came up with this concept of Inside the Courts. And I'm very curious -- and I know our listeners are too -- about how you came up with the concept and what the concept is.

Let's talk about it. How did you come up with

the idea of Inside the Courts?

>> **JUDGE MILLER:** As you pointed out, I came on the bench in 1991. And very soon thereafter, at church and at parties and other events, people came up to me -- they knew me well -- and would ask me questions about the court system.

Over the years, I came to realize the public, by and large, has very minimal understanding of what we do and why we do it. And that's not hard to understand when you think about what we studied in school. We really didn't learn about the court system in secondary education or even higher education. And unless you became an attorney, you probably never really were exposed to the various issues that judges address, the various types of courts, the various matters that are handled.

And I guess the idea percolated for awhile somewhere in my subconscious. And one day in 1998, I believe it was, I finished court early in the morning, and went back into my chambers, and the thought came to me, why don't we just invite the citizens into the courthouse, ask several judges to participate, and explain what we do?

And I sat down at my computer, and within about an hour, I had drafted the outline of Inside the

Courts. It was four consecutive Tuesday evenings from 6:30 to 8:30. That began the program right there. We still use essentially that same format. The content has changed dramatically over the years.

I took the idea and went to Judge Perry, who was at that point in time the Chief Judge, told him what I'd like the to try to do. He thought about it for about a minute, said, go for it. Sounds great.

I then talked to folks in court administration because I knew that I would have to have their support. There's simply no way to put on a program like this unless everybody's on board.

And so they were very, very supportive. They thought it was a great idea. We had multiple meetings, began to flesh out the format, handle the logistical aspect of it, and lo and behold, the program was born.

>> JUDGE LAUTEN: So how did you get the word out about it? How did you get the word out to the public that now you were going to host this educational event?

>> JUDGE MILLER: Early on we had -- that was a big concern. As a matter of fact, in our first -- in the judge's meeting when I first introduced the program to -- to the judges as a whole -- as you know,

we have monthly meetings.

And at that first meeting, I let them know what I was planning to do. I was kind of looking for volunteers to be speakers. And there was kind of a silence.

>> **JUDGE LAUTEN:** Interesting.

>> **JUDGE MILLER:** And I recall -- I recall that moment. And finally a judge spoke up and said, Mike, do you think anybody will come? And I said, well, I don't know.

>> **JUDGE LAUTEN:** Right.

>> **JUDGE MILLER:** But what's the worst that can happen? We put in some time and effort and energy for very little expense. If nobody shows up, well, we tried.

And so judges themselves began to get the word out. We put flyers up at the library, contacted schools -- sort of the same way we do it now but on a smaller scale. I believe we had one press release in the newspaper, if I'm not mistaken. And lo and behold, that first evening we had over a hundred people show up.

>> **JUDGE LAUTEN:** Wow. The very first time.

>> **JUDGE MILLER:** Mm-hmm.

>> **JUDGE LAUTEN:** Amazing. Now, is that the

average attendance? Has it grown a little bit in attendance?

>> **JUDGE MILLER:** We will frequently have upwards of 300 people sign up. The number of people that actually attend three out of four sessions usually averages between 150 and 200 people a night. A lot of folks just can't be there for four nights in a row. And that's okay. We understand that, and we make accommodations for that. But we will average 150 to 200 people a night.

>> **JUDGE LAUTEN:** So is it designed so that you could, for example, maybe miss the first session and get to the second session and not lose anything or do you -- is it designed so that it's best if you attend each session that you offer?

>> **JUDGE MILLER:** We deliberately set the program up so that one session is not dependent upon the other.

>> **JUDGE LAUTEN:** Okay.

>> **JUDGE MILLER:** In other words, they're more freestanding. There may be some that segue into another, but if you miss a session and catch the next one, you'll be just fine.

>> **JUDGE LAUTEN:** About how long do the sessions last?

>> **JUDGE MILLER:** We start at 6:30. And normally the first session will run till 7:30, thereabouts. We'll take a brief recess and then come back. We try to wrap up by 8:30.

>> **JUDGE LAUTEN:** So if a member of the public wants to attend, what do they need to do? Is there anything in particular that they need to do to come to the session?

>> **JUDGE MILLER:** We like people to sign up in advance, because we do prepare packets of literature, sometimes -- sometimes handouts, as we call them, that some of the various presenters may be using. And it's nice to know in advance how many people are going to be there so we have enough to give everybody the information that they're gonna need.

>> **JUDGE LAUTEN:** So if someone's listening to this and wants to come to the first Inside the Court, can you talk a little bit about logistics and where would they park, how would they get here?

What do they need to know if they're a first-timer, for example.

>> **JUDGE MILLER:** Well, we're at the big courthouse in Downtown Orlando, 425 North Orange Avenue. And the program is held in the jury room on the first floor. It's at the south end of the

building. They can park in the parking garage to the north of the courthouse. I believe parking there is \$2 for the evening. Or after 6:00, they can park on the street. And please don't hold me to this, but I don't believe you have to pay for parking after 6:00.

>> **JUDGE LAUTEN:** But you do have to find a spot.

>> **JUDGE MILLER:** You do have to find a spot.

>> **JUDGE LAUTEN:** Right.

And so then coming into the courthouse, it's a secure facility. I'm presuming people are checked for security purposes like they would be during the day when the court's open and functioning?

>> **JUDGE MILLER:** Yes. The same rules apply as entry to the courthouse during regular business hours.

>> **JUDGE LAUTEN:** Evening event, can people bring food, drinks; is that discouraged, encouraged? Talk a little bit about that.

>> **JUDGE MILLER:** It's not discouraged. People can sit in the back. There are tables. For the most part, people don't bring food. Certainly if they want to bring water or soft drinks, that's fine. There are vending machines. And either before the program begins or at a break, they can always help themselves to soft drinks and food from the vending machines.

>> **JUDGE LAUTEN:** Right. So you and I know that,

for example, if you missed a meal but you really wanted to attend and you were starving, there are vending machines that sell snacks, soft drinks, water. So that's available to you. But you don't provide food, for example?

>> **JUDGE MILLER:** No, we don't provide food. But we're certainly not going to chase someone off. If they're hungry and they want to see the program, we'll be delighted to have them.

>> **JUDGE LAUTEN:** Any charge for the public to attend your program?

>> **JUDGE MILLER:** Absolutely not.

>> **JUDGE LAUTEN:** Okay. So great.

Twenty years. That's an incredible run. Do you teach the same subject matter each year for 20 years going? How do you decide what the -- what the agenda is and give us a little insight into how you select topics and also how do you select presenters?

>> **JUDGE MILLER:** We do our very best not to present the same topics or the same subjects year after year. As a matter of fact, every year is different. That's not to say that ten years from now, we may not go back and, um, re-present a particular segment that was very well received.

But we try to keep things very different. We try

to keep things very timely. If there are issues in the news, if there are things that are going on in the world that we think people might benefit from hearing about as it pertains to the court system, then we try to present -- present those. We also try to keep it entertaining and fun.

For example, one year on Valentine's Day, we had the trial of Cupid. And Cupid was played by one of my court deputies. He was over six-feet tall, well over 200 pounds, had a mustache. We dressed him up in a diaphanous outfit with some tiny wings on the back and a little halo, and he was on trial for aggravated assault with a bow and arrow.

>> **JUDGE LAUTEN:** Oh, my goodness. That's crazy. That's great. How well received was that? I got to think that would have been --

>> **JUDGE MILLER:** It was very well received. He was -- he was a great actor, a wonderful sport, and probably got the biggest round of applause that I've ever heard.

>> **JUDGE LAUTEN:** In -- in -- each year in the four-night session, do you convey to the audience the same basic information about the divisions of court and how they function? Or might that change -- for example, here's what we do in criminal, here's what we

do in family, here's what we do in juvenile?

>> **JUDGE MILLER:** We started off with something along those lines. That was pretty much the format. And given the fact that it's four evenings, two hours a night, you can't cover everything we do in the court system in eight hours. We found that after a few years, it was actually more interesting to present, um, bits and pieces of what we do, dealing with particular issues.

>> **JUDGE LAUTEN:** I see. Rather than a survey of here's everything we do in family?

>> **JUDGE MILLER:** Exactly. And we sometimes do go back and do a survey course of a particular segment of the court system, but we try not to cover everything. And as you know from making some of the excellent presentations that you've made, it's nice to deal with something that's more topical, more timely. It becomes much more relevant to the -- to the audience.

>> **JUDGE LAUTEN:** Do you get feedback about what the most popular topics have been or is it sort of clear that people want to hear about this particular area each time you meet or do you -- and do you survey the folks? I'm curious about that.

>> **JUDGE MILLER:** We do. We have an exit survey.

We ask them to be very candid, and we've been very -- very fortunate to have received very high reviews. And we ask people to be critical. And sometimes someone will suggest changing something. They'll suggest a topic that we didn't cover. They'll ask us to cover it the next year.

And we read those. We read those very carefully, and we do our very best to accommodate those interests and present the material that we think the people will find most interesting.

>> JUDGE LAUTEN: So I don't think this should come as a surprise to our listeners, but some of our colleagues are introverted, thoughtful, quiet. And others are highly extroverted, love to hold center stage, love to present.

I would imagine that you're dealing -- you're inviting both types of personalities to present. But is there anybody who sort of -- you know, the featured presenter who always gets the highest reviews and the audience screams for? You got anybody that you can identify in that category?

>> JUDGE MILLER: Well, one of those people happens to be sitting right across the table from me doing this podcast.

>> JUDGE LAUTEN: I wasn't fishing for that. I

just want to be clear.

(Laughter.)

>> **JUDGE MILLER:** But it's absolutely true.

>> **JUDGE LAUTEN:** Well, thanks. That's kind.

>> **JUDGE MILLER:** But you're right. Some people are more introverted and some people are more extroverted. And sometimes the people that you think are the most interesting speakers are not. And sometimes the people who are the quietest people are the ones that are most highly regarded, the ones that are best received.

>> **JUDGE LAUTEN:** So I don't know if this is scientific, but I kind of heard that Judge Marc Lubet is the favorite among the audience. For one reason or another, they just get a real kick out of his --

>> **JUDGE MILLER:** He seems to be able just to sit on the stage and talk --

>> **JUDGE LAUTEN:** Right.

>> **JUDGE MILLER:** -- and entertain the crowd for as long as they want to be there.

>> **JUDGE LAUTEN:** That's fabulous.

Now, are there any -- are there topics that judges can't discuss in a public forum like this one, an educational forum with the public?

>> **JUDGE MILLER:** Oh, absolutely. As you well

know, we're ethically constrained about what we can say. So particularly, any pending case, particularly if that judge happens to be serving on that case. It would also be inappropriate for a judge to comment on what he or she thinks about a ruling in another case.

And we're not supposed to give legal advice. We speak in generalities. Bear in mind, the title of the program is "Inside the Courts." And what we hope to convey and hope to present to the public is information about what goes on inside the courts that they can't locate anywhere else. Sort of the behind-the-scenes look at what judges do without talking about a specific case or violating any ethical constraints on giving legal advice.

>> JUDGE LAUTEN: So you mentioned that I've enjoyed participating in the program with you, and so I do know that every now and then, someone in the audience will want to ask a question about their case.

>> JUDGE MILLER: Mm-hmm.

>> JUDGE LAUTEN: And we have to sort of diplomatically say we can't really talk about your case.

>> JUDGE MILLER: Right.

>> JUDGE LAUTEN: And you're a real pro at doing that. And it helps for people to know -- and I think

you start the session by telling people, welcome, we're happy you're here, but if you're here about your own case, understand we just -- we can't talk about it.

>> **JUDGE MILLER:** Right. We do have a few ground rules, but they're not extensive. And we try, if we can, to give someone helpful information without giving them legal advice. It may be that we direct them to some other resources. It may be that we simply ask a question -- answer a question in more general terms, as to what the general law is. But it wouldn't be appropriate for us to give someone legal advice on a particular matter that they might be facing.

>> **JUDGE LAUTEN:** Is the -- can you tell our listeners a little bit about audience makeup? I mean, you've been doing this for 20 years, so could you -- can you kind of categorize who tends to attend the sessions and maybe you can share that with our listeners about who's frequently in the audience.

>> **JUDGE MILLER:** We have people of every age. We have people from every ethnic background, every employment background. We have retired people. We have people who are homeschooling their children. We have students. We've had multiple people from the

news media there. If you can think of someone, a particular category of person, they've been there.

>> **JUDGE LAUTEN:** So I know, for example. Boone High School has a law magnet program, and I think their students frequently will come and listen because it ties in to what they're studying in that magnet program.

>> **JUDGE MILLER:** That's correct.

>> **JUDGE LAUTEN:** And now we have two law schools here, which we didn't 20 years ago.

>> **JUDGE MILLER:** Mm-hmm.

>> **JUDGE LAUTEN:** We got Barry Law School and FAMU Law School, and I think I've seen students wanting to see behind the scenes or inside the courts when they're studying just kind of substantive law, they've attended; is that right?

>> **JUDGE MILLER:** That's absolutely right. And it's interesting. The first -- we used to broadcast the program. Orange TV used to broadcast the program. They would record it, and then it would start running almost immediately. And one night I came home from doing Inside the Courts, and the segment from the previous week was running. My wife was sitting in the living room watching the program.

And I said, Beth, you graduated top of your class

from Duke Law School. Why you watching this? She said, this is fascinating. She said, I'm learning stuff I didn't know. It's just fascinating watching this program.

>> JUDGE LAUTEN: It is. And it's such a great outreach because before this program, you and I, we would sit in court and we would rule on cases and we hoped the litigants understood what we were doing and why, and sometimes we had the luxury of time to explain what we were doing and why we were doing it.

And other times, we had 200 people in line waiting to see us, for example, in an arraignment. In the interest of everyone's time, we had to move faster maybe than even we wanted to. So this is just great public outreach.

And it's understandable that courts sometimes are a little mysterious to people. We talk in a language that's a little different. We've been specifically trained. And so it's just so wonderful that you came up with this concept of trying to demystify the court system.

>> JUDGE MILLER: That's a good way to describe it. And we have found over the years that even if people don't remember most of what they hear at the program, they nevertheless have a chance to come in

and see judges face-to-face. The judges aren't wearing their robes. They can laugh with them. They can come up during breaks and ask them questions. They can ask questions during the program.

And it -- I believe they come to realize that these are just real people trying to do the best they can to do a good job.

>> JUDGE LAUTEN: So I've also heard that a couple of the people who attend have attended for years and years and years. Is there anybody who's made every one of the programs or almost every one of the programs?

>> JUDGE MILLER: I don't think so. I think the record is currently held by a lady who attended eight sessions of the program.

>> JUDGE LAUTEN: Eight years?

>> JUDGE MILLER: Eight years. Yes, eight years.

>> JUDGE LAUTEN: So that would be maybe about 32 of the sessions?

>> JUDGE MILLER: That's right.

>> JUDGE LAUTEN: That's amazing.

>> JUDGE MILLER: And I don't think we repeated anything during those -- during those eight years. So she keeps coming back.

>> JUDGE LAUTEN: Do you know if -- I think your

program was the first of its kind that I knew of in the state of Florida. Have you heard if any other circuits have adopted this?

>> JUDGE MILLER: I have not. We've had a few people call from other circuits asking if they could get -- how to get such a program going. We are very free with our advice. We will make any resources available to them that we can to help them start a program.

But the Ninth Circuit was somewhat unique in that everyone got on board. The people in court administration, the judges -- it just became such a collaborative effort. And I think people took a lot of ownership and a lot of pride in what they were doing, and it just grew and grew.

As far as I know, this is the only program of its kind anywhere. As a matter of fact, we had a couple of individuals several years ago come to the program who said they had actually Googled programs of this type. They had tried to find programs of this type. They could find no one -- no program like this anywhere in the country -- or anywhere else in the world.

>> JUDGE LAUTEN: Well, let me take the lead on this one because I know you don't want to brag about

yourself too much, but you have been cited by the Chief Justice of the Florida Supreme Court as one of the more innovative and important outreach programs.

When you started Inside the Courts, the Florida Supreme Court had not publicly stated that outreach from the court system to citizens was one of its priorities. It now is identified as a priority for the court to engage in outreach so that the citizens who elect us understand basically what we do.

And we've heard oftentimes that civics educations in public schools have sort of waned. And this is really civics education.

So on behalf of the 65 judges in the circuit and now as chief judge, I want to publicly commend you for the work that you've done on this project, Michael. It's a spectacular program. You put in so much work to start it and then to run it so well for 20 years.

And maybe we should tell the public you're formally retired as a county judge, but you've agreed to come back and continue to manage and run this program, which I'm really grateful for.

So on behalf of the citizens who've benefited from this effort that you have put together and the colleagues, I want to thank you for a fabulous job as the leader, the founder, and the manager of Inside the

Courts. Thank you so much for doing that work.

>> **JUDGE MILLER:** Thank you so much. You've been more than supportive for all the years that you've been participating in the program, both before you became Chief Judge and after you became Chief Judge. And the program wouldn't be the program without the support of all of our colleagues, people in court administration.

At this point in time, I take very little credit for it. It sort of runs itself.

>> **JUDGE LAUTEN:** Well, I don't -- we still can't imagine it without you there. So thanks for agreeing to come back. And thank you so much for talking to us today.

>> **JUDGE MILLER:** Thank you. It's a pleasure to be here.

>> Thank you for listening to "Open Ninth: Conversations Beyond the Courtroom," brought to you by Chief Judge Frederick J. Lauten and the Ninth Judicial Circuit Court of Florida.

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