

OPEN NINTH:

CONVERSATIONS BEYOND THE COURTROOM

JUDICIAL SPOTLIGHT

MEET HONORABLE WAYNE WOOTEN

CIRCUIT COURT JUDGE

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HOSTED BY: CHIEF JUDGE 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. I’m here today with Judge Wayne Wooten, one of our circuit judges in the Ninth Circuit. Even before joining the bench, Judge Wooten was no stranger to the Ninth Circuit. From the time he graduated from law school in 1995 up until his appointment to the circuit bench in 2012, he worked here in the State Attorney’s Office every day. But it was that appointment by former Governor Rick Scott that brought him to the bench. I’m thrilled to have you in the studio today, Judge Wooten. Thanks for joining me.

JUDGE WOOTEN: It’s the best kind of meeting we can have with the Chief Judge. Thank you for having me.

CHIEF JUDGE MUNYON: Well, tell me a little bit about yourself. Where did you grow up?

JUDGE WOOTEN: Okay, so I was born over in St. Petersburg. My father’s side of the family had been in Florida since about the 1820s. My mother’s side, my grandfather on my mother’s side literally lost the farm in the great depression so they moved from Georgia down to Florida. He taught himself to be a mechanic and my parents met in Lakeland. Got married and my dad ended up attending the University of Florida, first person on his side of the family to go to college. My mom had not gone to college, so he attended the University of Florida. Got an engineering degree and eventually ended up working for Honeywell down in the Bay area. So I

was born in St. Petersburg. Lived there until I was about ten and then he transferred to a division of Honeywell out in Texas, so I lived out in Dallas, Texas for about five years. Then I came back to the Bay area. He transferred back to another division in Honeywell and that's where I went to high school.

CHIEF JUDGE MUNYON: Wow, I didn't know you were from the Bay area. That's pretty cool. So I would assume that you did pretty well in high school, academically.

JUDGE WOOTEN: Sure. Got into the University of Florida so I couldn't have done that poorly.

CHIEF JUDGE MUNYON: That's right. Did you have any other extracurricular activities in high school other than books and studying?

JUDGE WOOTEN: Well, I was involved in speech and debate, Model United Nations –

CHIEF JUDGE MUNYON: Okay, what is Model United Nations?

JUDGE WOOTEN: So Model United Nations is an organization, sort of like a speech or a moot court or a trial team. And you have a local group and during the course of the year you study how the United Nations works and important international issues, and then there are gatherings, some statewide, some nationwide. And it's really a competition. And you are mimicking how business gets done in the United Nations. You're making speeches. You're learning how to interact and negotiate, and everyone is assigned a country. You're also supposed research and learn about the country. So it was really a great way to learn, but then also develop some skills. It turned out to be useful in my later life.

CHIEF JUDGE MUNYON: And you were in speech and debate.

JUDGE WOOTEN: Yes.

CHIEF JUDGE MUNYON: That doesn't surprise me. Having known you for a number of years, I've watched you in court.

JUDGE WOOTEN: I think my teachers felt like every class was speech and debate when they had me in there because I would tend to ask questions they weren't always excited about.

CHIEF JUDGE MUNYON: That's the fun thing about being a judge. Sometimes you're the most curious person in the room and you get to ask questions and expect answers.

JUDGE WOOTEN: I feel like sometimes when I pause and I tell the lawyers, you know that's a curious point. I almost see them trembling because they realize I've now found this thing that I'm going to be talking about and maybe they're not going to be so excited that I'm off –

CHIEF JUDGE MUNYON: On a tangent.

JUDGE WOOTEN: -- on that subject. Or on the thing that I found interesting in their case.

CHIEF JUDGE MUNYON: Yeah. So speech and debate and Model United Nations. Any other extracurricular activities? That sounds like it would keep you pretty busy.

JUDGE WOOTEN: It kept me pretty busy. When I was in Texas, I played football and then I moved back for 11<sup>th</sup> and 12<sup>th</sup> grade and we were at a point where we all had to realize, myself included, that I wasn't graced with the physique of someone who was going to play high school or college football. So those dreams were retired at that point in time and I just kind of focused on academics and these other things that interested me.

CHIEF JUDGE MUNYON: So when you went to UF, what did you major in?

JUDGE WOOTEN: Eventually, I ended up majoring in political science.

CHIEF JUDGE MUNYON: All right. When you said eventually, where did you start out majoring in?

JUDGE WOOTEN: Well, I – when I first arrived, I thought, even though I enjoyed history and political science, that’s not a way to make a living. You need to do something serious. And so I you know was on a business track and I just did not find it rewarding. And the business school at University of Florida was pretty challenging, so if you didn’t find it rewarding, you weren’t engaged with material it was going to be a tough row to hoe, and so I ultimately realized –

CHIEF JUDGE MUNYON: Yeah, I went to the business school. It was –

JUDGE WOOTEN: Right.

CHIEF JUDGE MUNYON: Yeah.

JUDGE WOOTEN: So I had that semester on the business track where they throw all the weed-out courses at you and I said, you know what, you all have won. I’m not enjoying this. And you know whatever it might seem like, this is the quote unquote correct thing to do, I think I need to be engaged with what I’m studying and really enjoy it if I’m going to make it through this process.

CHIEF JUDGE MUNYON: Yeah, what does it say about me that I enjoyed cost accounting. I really don’t.

JUDGE WOOTEN: It takes a different type, so there’s no doubt about that.

CHIEF JUDGE MUNYON: So you studied political science. And majored in that. I assume you must have done pretty well in –

JUDGE WOOTEN: Found that to be a much more engaging set of subjects. I probably had almost enough hours to get a second degree in history but young and impatient and didn't really see a particular value in a second liberal arts degree, so I just stayed on my track to get my political science degree.

CHIEF JUDGE MUNYON: So when you graduated, what did you do?

JUDGE WOOTEN: Well, I had that realization that my first path was one that was much easier to lead to clear-cut employment, so I did have that moment where I took a breath and said I have a political science degree, but I don't see a lot of people specifically marketing and looking for someone with political science. So I took a breath and said I'm not sure what I want to do so maybe the best thing to do is just step back from the whole thing and I was fortunate, my family had a small restaurant in Apopka called The Catfish Place. And they said look, you know, we need somebody who wants to work hard, come on down here, you know, we'll feed you, if nothing else. We'll pay you and we'll let you work and see how you feel about the restaurant industry. So I took four years off, went down and did that and it was just an incredible experience for me.

CHIEF JUDGE MUNYON: Was that your first introduction really to living in the Orlando area?

JUDGE WOOTEN: Yes, absolutely. So before that it was Bay area, again had I told you on day one when I attended the University of Florida, I certainly would be back in the Bay area once I had my degree and live my life there. Had no real experience with Central Florida. Got

down here and I just fell in love with it. What I really liked about Central Florida at that time is it was a very open community. It was a growing community. It felt like a place where you could – you could arrive with no background. You weren't descended from a first family or anything of that nature. And you could make your own mark and that was very attractive to me even though I was working specifically in the family business. Just liked what the community had to offer.

CHIEF JUDGE MUNYON: And Orlando now and then was a young community compared to many communities in Florida, especially over in the Bay area. So what did you like about being in the restaurant business?

JUDGE WOOTEN: I liked the fact that you could see a very direct and tangible connection to your hard work. I liked the fact that we were in a customer facing business. We got to interact with people and a lot of times build you know – you were dealing with customers all the time and building relationships. You know and certainly our restaurant got its fair share of you know tourists and people coming by but really the restaurant was based on a core of returning customers who just loved the experience, you know the food and the ambiance and the fact that we were a small family restaurant and they just felt at home there. So those were all things that I really loved about that experience.

CHIEF JUDGE MUNYON: Working in a restaurant is hard. It's hard work. It's long work. What did you learn from the experience?

JUDGE WOOTEN: So again, there were things, the value of working hard, the value, particularly in a family restaurant that you're really only as good as the last meal you served. You don't have a corporate budget to fall back on. You don't have market research that can tell you this is the hot new product to serve. No reserve of you know money just sitting in the bank

to ride out a bad six weeks, this, that and the other. So you had to come to work each day ready to do the job to the best of your ability. Do it right, but really the interesting thing was, I had an opportunity to have a lot of experiences and interact with people that I might not otherwise have worked closely with, interacting with. You know, I mentioned before that my father was the first person on his side of the family to attend college. My mom didn't attend college. My parents worked very, very, very hard to – you know, they had that idea that you know our child should have life better than we do and so they worked very hard to give me a middle class, suburban you know, I say Brady Bunch kind of upbringing, which is great. They insulated me from a lot of things that maybe they interacted with but the downside of that is you can have a false sense of how life is for a lot of people. And so I got to meet people who were struggling with substance abuse. I got to meet people who had issues with domestic relationship problems, you know, people that you know, keeping a driver's license on a regular basis which was a challenge for them and see them as people versus see them as stereotypes or checkmarks or whatever it might be. And so that really helped me understand that not everyone has had the advantages I've had in life and I need to think carefully about projecting what I had in my life and assuming they had the same thing when I evaluate, you know, particularly now as a judge when they stand before me.

CHIEF JUDGE MUNYON: When did you decide to go to law school?

JUDGE WOOTEN: So it was interesting. I had two groups of close friends. My close friends who were in law school and my close friends who worked in education. And they were battling for my soul, and they would each tell me the advantages and what was great about their job and why I shouldn't go do the other thing.

CHIEF JUDGE MUNYON: I could easily see you being a history professor.



JUDGE WOOTEN: One of my roommates when I was down in Apopka, was a high school Latin and Classics teacher and so he regularly was on me about, you would be great at this. This is what you should do. I actually spent my last year in Apopka working at the restaurant and I worked as a substitute teacher for Orange County Public Schools. And I learned a lot. I actually had a principal offer me a job. I'm not going to mention the name. I suspect he's moved on by now, but he offered me a job, you know, you have to go get your certificate and get your master's education, but we can hire you conditionally on you doing those things. And I explained my dilemma to him. He said, look, I think you'd be a great teacher, but if those were my two choices, I think you really probably should go explore the law because you could always – it's much easier to come back and teach later.

CHIEF JUDGE MUNYON: Right.

JUDGE WOOTEN: If you start as a teacher, it's going to be a lot harder to shift and pursue a legal career. So I had a lot of respect for him. He was a great principal. And that kind of helped tilt things towards the issue of going to law school.

CHIEF JUDGE MUNYON: So when you decided to go to law school, of course the University of Florida came to mind, I'm sure.

JUDGE WOOTEN: Might have been the only law school I applied to.

CHIEF JUDGE MUNYON: Oh, okay. And you would have to go full time.

JUDGE WOOTEN: I would have to go full time.

CHIEF JUDGE MUNYON: And give up your restaurant job.

JUDGE WOOTEN: I did have to do that and that was – that was a tough conversation, but again, my family was very supportive, they understood. And I very much presented it, look, if I don't do this now, and I stay in the restaurant, I feel like there may be a day in the future where I really beat myself up that I didn't explore this.

CHIEF JUDGE MUNYON: Right.

JUDGE WOOTEN: And so they said, look, go do it, you know. If you don't like it, it doesn't work out, you know you've always got a job here with us. So they didn't put any pressure on me. They were sad to see me go, but they knew it was important that I pursue that.

CHIEF JUDGE MUNYON: And is there any particular course of study at the law school that particularly peaked your interests?

JUDGE WOOTEN: So it's interesting, I'll refer you back to when I arrived at University of Florida as a freshman. When I arrived at law school, I knew exactly what I was going to do. I was going to be a corporate attorney. I was going to do mergers and acquisitions. No doubt about that. And I was – you know, your first year in law school, at that time you didn't really have much choice about what you took. So –

CHIEF JUDGE MUNYON: We all took the same things.

JUDGE WOOTEN: Yep. A friend of mine was trying out for trial team. And he said, can you be my witness. I'm like, what are you talking about? He goes, well, you've got to bring your own witness. Here's your script. This is what you're going to do and we're going to get evaluated on how we do as the trial lawyer in the case. I'm like, sure, fine, I'll do it for you. And I went into that and I sat there and I watched them do this thing, and I just fell in love. I just thought it was the neatest thing in the world that you could stand in a courtroom and question

witnesses and make arguments. And so once again, what I thought I was going to do, met reality and met the, you should do something you enjoy. And so I was just drawn to that point to trial litigation so you know, evidence class. You know there was a famous professor at the time at the University of Florida, Smokin Joe Little. Some people may be cringing right now, and he was University of Florida's version of the Paper Chase Professor. I mean, he would call on you and if you didn't have the answer, he'd just keep asking you questions, making sure everyone in the room knew you weren't prepared, which as a result, you usually prepared in Smokin Joe Little's classes. But he taught Florida Common Law, Florida State and Local Government, Florida Worker's Comp, which convinced me that I didn't want to do worker's comp by the time I was done. But those classes, and then obviously when I got to the trial clinic class and I got to go work as a certified legal intern at the prosecutor's office up there, I was just in heaven at that point in time. And I knew I wanted to be in a courtroom.

CHIEF JUDGE MUNYON: So did that seal your fate, you decided you wanted to be a prosecutor?

JUDGE WOOTEN: Yes. I knew I wanted to be in a courtroom. Rod Smith, who was the sitting State Attorney at the time had actually been one of my instructors in our trial practice class, he wanted to hire me but his office was – nobody left his office, so he rarely had vacancies. I also connected with Lawson Lamar, former Orange County Sheriff who was then the State Attorney at the time and he asked me to come down and work for him so that was the one job I applied for and I got hired. And kind of what they say is the rest is history.

CHIEF JUDGE MUNYON: So yeah, and you already knew the area.

JUDGE WOOTEN: Yes.

CHIEF JUDGE MUNYON: And knew you loved Orlando, or specifically Apopka.

JUDGE WOOTEN: But I – Orlando in general again for the reasons I said, it's a place where you could come and you could make your place on your merit and not worry about what school you went to or what family you were connected to, or how long your family had been in the community. So that was very attractive to me.

CHIEF JUDGE MUNYON: So when you start at the State Attorney's Office, generally you start at the bottom. So where did you start and where did you go from there?

JUDGE WOOTEN: So I was – way back then, there was actually a separate traffic court from our misdemeanor court.

CHIEF JUDGE MUNYON: I remember that.

JUDGE WOOTEN: And it was in what people call the old JC Penney building on Orange and Robinson. So I was assigned to the traffic division. Reggie Whitehead was my first judge and my first meaningful work in front of Judge Whitehead was with this lawyer name Stu Hyman that people may know. And I'm not going to lie, Stu probably got the best of me that day, but Judge Whitehead did an absolutely fantastic job and had some good pointers for me after the fact. And you know pretty much, if you survived that, you're going to survive anything that's going to happen here. So it was a very positive first experience. So I was there for a while, then I rotated over to the misdemeanor side of the equation. I was in front of Mike Miller for about 15 months. Did 44 jury trials in that time.

CHIEF JUDGE MUNYON: Wow, that's exhausting.

JUDGE WOOTEN: It was. Judge Miller was willing to write checks that my body had to cash because he was proud of the fact that we were trying more cases than any one and I was certainly not going to back down, or say hey, I've had enough, you know, judge, can we not you know try a case for a few days here. But again, that was a great experience. It really let me hone my craft in cases where the stakes are not as high as the legislature say they are in circuit court cases and things of that nature. So arguably in some ways as a prosecutor, you know, these cases in county court where there's not a lot of evidence, there's not a lot of investigation, getting a conviction there can be harder than in circuit court because you don't have a lot to show a jury. You have to really find a way to be persuasive and draw their attention to the facts that you do have. Just a fantastic experience.

CHIEF JUDGE MUNYON: And sometimes you have to convince a jury that they should care because it seems like something that's really minor.

JUDGE WOOTEN: Right, and many lessons I learned were lessons I learned the hard way where a verdict didn't go my way and then somewhere along the way, someone shared with me, well, you know, they thought you proved everything, they just didn't think it mattered.

CHIEF JUDGE MUNYON: Right.

JUDGE WOOTEN: Which is very frustrating, but you learn from that. You learn how to talk to juries and make sure they commit to follow the law even if it may not seem like a big deal to them.

CHIEF JUDGE MUNYON: So I assume after you finished in misdemeanor court, you went to felonies.

JUDGE WOOTEN: Did go to felony. So was there for well – we're talking about amounts of time so it seemed like not a long time. I was probably in felony for about three years and the State Attorney asked me to come back to be a supervisor back in the traffic division because he was happy with the work I did when I was there. There was a vacancy and he liked how I worked with the other lawyers and so he thought it was a good fit and so I took him up on that with the one condition that I still get to try cases as well. I didn't know how to just immediately become a complete and total middle manager so he was fine with that. He in fact expected most of his managers to continue to keep their feet in the fire as they would say.

CHIEF JUDGE MUNYON: So you got to train young state attorneys.

JUDGE WOOTEN: Absolutely. So which again has been a great experience. Typically, I think most – well, maybe most people don't know, most state attorneys and public defender's offices, they have a large number of people that arrive, work for two or three years and then they move on to some other pursuit of law. And so I had an opportunity to work with many, many people and it's great to see them now. I see them coming back in my courtroom as very experienced defense attorneys or back as experienced seasoned prosecutors. Some of them are judges now. So in many ways the best kind of supervising job because I feel like I got to help people take those first steps as a lawyer and maybe have some small tiny influence in how they approach the practice of law and how they approached working in an adversarial system.

CHIEF JUDGE MUNYON: So how long were you a supervisor in county court?

JUDGE WOOTEN: Well, off and on from about – because I rotated out a few times. I started in November of 2000, and I was back supervising in county court in 2012 when I got appointed to the bench. So I'd say a total 12 years as some kind of supervisor. I always had some

supervisory responsibility, not all of it was in county court. I also supervised in our intake bureau, the juvenile bureau, and the felony bureau at different points in time.

CHIEF JUDGE MUNYON: So describe for me what the intake unit does because that might be a term that not everyone's familiar with.

JUDGE WOOTEN: Sure. It varies on who the state attorney is but generally in the Ninth Circuit, most of the state attorneys have had an intake bureau and it works in substantially the same way. You've got a group of lawyers that should have more experience than the average lawyer so they have a better understanding of how cases – what's a good case, what's a bad case, what problems might exist in a case. And they receive submissions from law enforcement. You know, law enforcement arrests someone or conducts an investigation, they think charges should be filed. They send it to the State Attorney's Office. The intake bureau's job over there is to review that case, determine if there's enough evidence to charge a crime. If so, what crime should be charged and is it appropriate under all the circumstances to proceed forward with that formal charge. And if they answer all those questions, they file the formal charge that gets presented to a judge and to a defendant, and that's what goes to trial at the end of our process.

CHIEF JUDGE MUNYON: And then their part in it basically ends and they pass it along to a trial prosecutor.

JUDGE WOOTEN: Pass it on to a trial prosecutor.

CHIEF JUDGE MUNYON: And the felony bureau are those trial prosecutors.

JUDGE WOOTEN: Those are trial prosecutors. So I also supervised up there as well, so again that was another great experience and a little bit different because now you've got lawyers, they know all the basics. They've done the basic things. You know, they know how to show up

at work. They know how to use the system and so now it's really helping them polish their craft as a persuader and as a presenter, but also polish their ability to evaluate a case and seek justice. Prosecutors are administrators of justice. It's right there in the rules of professional responsibility and that was always taken seriously when I was at the State Attorney's Office personally by me but from the State Attorney on down that you know, seek justice, not just a verdict. Seek justice.

CHIEF JUDGE MUNYON: So what made you decide to seek the bench after being a prosecutor for what was that, almost 18 years?

JUDGE WOOTEN: All tolled –

CHIEF JUDGE MUNYON: 17, 18 years.

JUDGE WOOTEN: 16 and a half, I believe.

CHIEF JUDGE MUNYON: 16 and a half.

JUDGE WOOTEN: Was where I got to. So seeking justice where I just ended the last question. I realized in my time there that I felt like we had a good State Attorney's Office. I felt like I had achieved personally pretty much all the goals I wanted to achieve as a trial lawyer, and I really began to understand how important it is to have someone with the right temperament and a sense of justice and a commitment to the process of justice. I know many times when people think about judges, we have this Hollywood vision of a judge is you know this solomonesque person that listens, when they sit back and they rub their chin and they find the right thing to do. Well, you know, the right thing to do oftentimes depends on who you ask as we see whenever a court decision comes out and people line up on both sides to go back and forth. What we have is a justice process and the judge plays a critical role in making sure that the process is adhered to. Judges are invested in the outcome, what they're – the result of the case, what they're invested in



is making sure at the end of the day everyone has confidence that our process of justice was adhered to. And so whatever the outcome is, whether someone is guilty or not, whether someone is awarded damages or not, who gets the children in divorce, everyone can say, whatever the decision was, everyone got a fair shake and the process worked. And I just felt based on some experiences that I had the right temperament and the right commitment to process that I ought to seek the opportunity to go do that work. So I did and ultimately Governor Scott saw it the same way and appointed me.

CHIEF JUDGE MUNYON: So when did you take the bench? I know it was in 2012.

JUDGE WOOTEN: June 1<sup>st</sup> of 2012.

CHIEF JUDGE MUNYON: And you were immediately assigned where?

JUDGE WOOTEN: So I was assigned to the criminal division by Chief Judge Belvin Perry. Originally, I was supposed to go to the family division, and I was happy with that and he called me one weekend and told me that I needed to go sign up for death penalty school. And I said, why would I need to do that? You put me in family. And he said, no, no, I've had something come up. I need to make a change. I'm going to put you in the criminal division. And not thinking who I was talking to, I said, are you sure you want to do that? Then I realized I just told Belvin Perry, are you sure you want to do that? And he said, you don't want to go to criminal. I just was concerned because of my prior job.

CHIEF JUDGE MUNYON: Right.

JUDGE WOOTEN: Some people would be like wait a minute, this guy was a prosecutor and then two days later he's now sitting as a judge. But Judge Perry said he felt comfortable that

I could see the difference between the two jobs and I'd be able to establish to people that I saw the difference and so that's where I started.

CHIEF JUDGE MUNYON: And you stayed in Orange in criminal for three years?

JUDGE WOOTEN: Did three years in criminal and then I rotated to our injunction division which was where I was going to be when I first started and I spent three years there, which again was a very demanding job but it was also a very rewarding job because I got – I feel like I got to help some people along the way and potentially enter some orders and give some people some peace of mind and some degree of safety who were in bad situations.

CHIEF JUDGE MUNYON: I think many people don't realize how difficult the domestic violence injunction division can be because every week you have your week planned or kind of.

JUDGE WOOTEN: Very much so.

CHIEF JUDGE MUNYON: Yeah. You are either signing injunctions, you're doing longer hearings or you're doing the return hearings and then it's rinse and repeat every three weeks.

JUDGE WOOTEN: Right. It's very challenging because you're also dealing with a high volume. And oftentimes you're dealing with people who are representing themselves and so they're not trained in the law, so they're trying to tell you about their situation but maybe they don't know the exact right way to express themselves or to meet the elements that are going to allow me to grant an injunction or not grant an injunction. And you always have to read that with an eye towards, I have to follow the law. I have to follow the process here but I don't really know, as I'm reading this piece of paper, I really don't know the parties. I don't really know exactly what they're going through and I have to rely on what this person wrote down. And if

they didn't tell me everything or they didn't make clear, I might not grant an injunction, and we might end up with a tragic consequence afterwards. So there was definitely a pressure to it, but I knew how important it was to get it right. And I had a great team, you know, the judges that were working in that unit at that time were fantastic. You know Alice Blackwell who has been here forever was always a great resource to go to. You know, Dan Traver who's up on the Sixth DCA now worked with me for a period of time. And I'm leaving people out so I feel like someone might throw a rock through my window, but really it was a – Judge Latimore was with us and so we had a great team. We really helped each out, really leaned on each other when we needed to in order to get through that assignment.

CHIEF JUDGE MUNYON: And once you spent three years in that assignment, you went to Osceola.

JUDGE WOOTEN: I did.

CHIEF JUDGE MUNYON: In the criminal division.

JUDGE WOOTEN: Criminal division.

CHIEF JUDGE MUNYON: Back home.

JUDGE WOOTEN: Back home. And Osceola is a fantastic place. It's a hidden gem in our judicial assignments so it's a great courthouse to work in. Everyone's complaint is it's a tough drive and I get that but really a great place to work.

CHIEF JUDGE MUNYON: Awesome people.

JUDGE WOOTEN: Awesome people down there and it's small enough still that if you have a problem, it's not too hard to get to the one or two people you need to talk to get it

resolved. We're just so big here in Orange now that a lot of times getting a problem resolved involves layers of decisionmakers. It just takes a lot more time sometimes here in Orange.

CHIEF JUDGE MUNYON: Yeah, absolutely. And then after your assignment in Osceola, you're back in circuit criminal here in Orange.

JUDGE WOOTEN: Back here, circuit criminal. Wasn't quite my plan necessarily, but you may recall we had this thing called COVID and it really, particularly because the criminal justice system requires so much activity in person, that really got pushed back and delayed. We had a big backlog and I expected and anticipated that experienced criminal judges were going to be needed back in the criminal division. I spoke to the administrative judge at the time, Julie O'Kane, who's now retired, and she said you know it would be helpful if you came back because you know potentially we're going to just be going full tilt. So I came back. I would have been willing to do other things, but I understood how important it was that we get our strongest people in their strongest places to come out of COVID. And I've just started my third year back in the criminal division.

CHIEF JUDGE MUNYON: Well, speaking of the pandemic, taking us back full circle, I suspect that you're glad that you weren't in the restaurant industry during COVID because it decimated small restaurants.

JUDGE WOOTEN: It did. It did. You know fortunately my family's restaurant had such a history and such a clientele that they managed to get by but it was rough. But they managed to get by and keep the doors open, but it probably had something to do with the decision that it was time to sell and move on to other things.

CHIEF JUDGE MUNYON: So in taking the bench, when you were a lawyer, you were in court every day as a prosecutor, nearly every day.

JUDGE WOOTEN: Pretty much.

CHIEF JUDGE MUNYON: And I know I thought I knew what a judge did before I took the bench and I was wrong. What were the revelations for you that were different from what you thought the job of being a judge would be like?

JUDGE WOOTEN: So I feel like I have to tell my first day story.

CHIEF JUDGE MUNYON: Okay.

JUDGE WOOTEN: So my first day is a Friday and I'm supposed to go to that death penalty school the following Monday. So Judge Perry says look, just -- we've got a senior judge to cover your docket. You just sit with a judge and watch them do their job for a day. So I was sitting with Judge O'Kane. And we're sitting there and I'm watching her do her thing and she turns and said, they need you to go to your courtroom to take some kind of plea. I'm not quite sure what's going on, but they need you. So I leave her courtroom. I go to court admin; they take my robe out of its box and take it out of the plastic wrapper and kind of shake the wrinkles off. They give it to me. I go down to the courtroom. I meet the senior judge. He says, well, it's a complicated situation. They're going to enter a plea today and there's going to be some testimony today but not all their witnesses are available. They're going to have to reconvene in about eight weeks to finish. I didn't think it was a good idea for me to hear the first half and then you have to read a transcript and I said, that's makes perfect sense. We're standing at the back door to go in the courtroom. And he says, oh, by the way, the media is here. And he opens the door for me. So that very first official act I do is preside over a case with a camera staring at me

the entire time. And we got through it but I will never ever, ever forget that moment. But I think the other moment I really remember is the first time I had a substantive motion argued by lawyers where it was going to be a close call. And they go back and forth, and they give their law and they finish. And now they turn and they're all looking at me. Staring at me with this intent, okay, Judge, tell us the answer. And I'm thinking, what are you looking at me for because you know this side had a pretty good point, but you know, over there, that sides' case, that's actually not bad. And it was the famous, you know again as a lawyer, and an advocate, oh, absolutely, this is an easy decision. You're going to do A, B and C. And when you – you know, when your butt it's that chair and everybody is staring at you and you're wearing the robe, that's when you truly realize this is a lot harder than you thought it was as a trial lawyer because as a trial lawyer, you're always an advocate. You always have a side. You always have, well, this is the way it ought to be and as a judge, you don't have a side. Your side is justice. Your side is the process and sometimes they're hard questions. Sometimes there's not an easy answer where a DCA has already looked at the exact issue and here's the opinion and you just do this; we've solved that question. So those were probably the things that really stuck out to me.

CHIEF JUDGE MUNYON: I don't know about you but I can remember when I did my first plea. I thought no big deal because I had either – I had participated in thousands of pleas before I took the bench as either a prosecutor or defense attorney. I thought I knew but it's very different when you're the one asking all the questions. Did you find that to be the case?

JUDGE WOOTEN: Well, again, Judge O'Kane was a godsend to me because she had a very thorough plea colloquy and for the first probably 100 I did, had my notebook at the bench and I went page by page through that colloquy to make sure I had all the questions. The real

challenge is when you ask one of those questions and the defendant gives you an answer that you weren't expecting. And then there's that moment of well, what do I do with this you know.

CHIEF JUDGE MUNYON: Yes.

JUDGE WOOTEN: No, I'm not satisfied with my lawyer. Okay, well, let's talk about that. So you know again, I had the same thought that I could do this falling off a log. Well, when you do it and when you know that whether you do it right or not is going to have the decision whether the plea is valid or not, it feels a lot different.

CHIEF JUDGE MUNYON: Yeah. Is the workload different than what you perceived as a lawyer?

JUDGE WOOTEN: I think most lawyers have this strange idea that you know they live in a world where they're in the courtroom and court finishes and they go back and what they know about is I've got these depositions to do and I've got this office conference. And I've got to meet this client, and I have to finish writing this thing and the judge, they just get off the bench and I don't know if they thought we were just wandering the halls or you know eating bonbons. But we have that whole second job waiting for us back at the chambers and you know, whether that's letters from people who want you to look at their case, whether you can or can't, dealing with scheduling issues, figuring out if you're going to have enough jurors or interpreters on a case. So there's definitely a lot more there that nobody sees. You know they see the judge in the courtroom. They think that's all that the judge does. It's a big part of what we do. It's not all we do.

CHIEF JUDGE MUNYON: And I think the out of court work, it's different with each division, but there's a lot of it with each division. I had assumed that there wasn't much post-conviction activity in criminal court because you never see it.

JUDGE WOOTEN: Right.

CHIEF JUDGE MUNYON: You don't have many evidentiary hearings.

JUDGE WOOTEN: Right.

CHIEF JUDGE MUNYON: And I would be oh so wrong because there is a lot that gets handled behind the scenes without an evidentiary hearing and all of that requires a judge's time to research and write and read transcripts.

JUDGE WOOTEN: It was very challenging. The good news with it was by seeing issues in post-conviction, it made me a better trial judge because it helped me understand what questions to ask and wait a minute, we just moved into a dicey area here, let me get the lawyers, make sure we're all on the same page about, you know, what's about to happen here.

CHIEF JUDGE MUNYON: Would you have any advice for new judges that are taking the bench now?

JUDGE WOOTEN: A five-minute recess is the best tool in a judge's toolbelt, particularly when they're new to the bench because again, you know, things come up and you get confronted with things and oftentimes people want you to make a snap, immediate decision. And sometimes a snap, immediate decision is just not the right idea. So you know what, let me think about that. Step off the bench, take a walk, get a drink of water, maybe talk to another judge. That, and I would just say you know elevate patience you know because again, and I know you've had this



experience as a judge, sometimes you sit there in a courtroom, you know you've got an issue, both sides make their argument, they present the law to you and you find none of it helpful. And none of it's really on point with what you have to decide and that can be frustrating at times. But it's, if we're the process people, if we can't keep our cool and keep a calm, even demeanor, then how can we really expect anybody else who's engaged and emotionally committed to the process to do so. So we got to be patient. We have to listen. We have to take just enough time to get it right. No more, but no less. So I think those are things I would share with new judges.

CHIEF JUDGE MUNYON: Well, we've talked a lot about your legal career and about being on the bench. What do you do for fun?

JUDGE WOOTEN: I am – gosh, what do I do for fun. Lots of things. I'm just trying to prioritize them here. I'm obsessed with the University of Florida college football. And then somewhat surprises people, I'm also an English premier league fanatic about the Liverpool football club. Just the one people don't see coming.

CHIEF JUDGE MUNYON: Yes.

JUDGE WOOTEN: When I was a kid, there was something called the North American Soccer League and they had a club called the Tampa Bay Rowdies. And one of their players was Tommy "The Tank" Smith. And you know for a ten-year-old boy, what cooler name could somebody have than Tommy "The Tank" Smith who had come over from Liverpool, played a season for the Rowdies and so I just said that will be my team. Didn't really mean much but now we live in this age of digital consumption, you know global products and so I really, that's become my second sports passion. My son shares that passion with me, so we drive my wife

crazy sometimes. Particularly if we have a bad weekend where both teams lose, a lot of frustration around the house.

CHIEF JUDGE MUNYON: Yelling at the television.

JUDGE WOOTEN: Yeah, and I realize now my son's figured, okay, dad's taught me it's perfectly acceptable to talk to people who can't hear and aren't going to be able to react but somehow if you just say run the ball loud enough the coach is going to cosmically figure out that he needs to call a running play. So I love playing board games. Got a group of friends that will play board games with. Again it's a – I like the intellectual stimulation of that and the socialization. Not much for computer or video games, really not my speed. So I think I'm definitely a people person so activities where I get to be around other people. Wife loves the beach so we'll spend time over at the beach whenever we can.

CHIEF JUDGE MUNYON: Yeah, who doesn't love the beach.

JUDGE WOOTEN: I could probably take it or leave it. And my wife knows that. This won't be a shocking revelation if she listens to the podcast, but she loves it so much that I'm perfectly happy to be over there with her whenever she wants to be over there.

CHIEF JUDGE MUNYON: Well, it has been awesome having you here with us today and telling us a little bit about yourself. So thank you for joining me.

JUDGE WOOTEN: I was glad to have the opportunity. You're welcome. I'll come back any time you want me to talk about something.

CHIEF JUDGE MUNYON: All right.

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