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**OPEN NINTH:**  
**CONVERSATIONS BEYOND THE COURTROOM**  
**WOMEN IN ROBES**  
**EPISODE 21**  
**APRIL 24, 2017**  
**HOSTED BY: FREDERICK J. LAUTEN**

1 (Music.)

2 >> Welcome to another episode of "Open Ninth:  
3 Conversations Beyond the Courtroom" in the Ninth Judicial  
4 Circuit Court of Florida.

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

7 >> **CHIEF JUDGE LAUTEN:** Well, welcome to "Open Ninth."  
8 I'm here today with my colleagues and good friends, Circuit  
9 Judge Alice Blackwell and Orange County Judge Nancy Clark.  
10 They are two of the 31 women judges who currently sit on the  
11 bench in the Ninth Judicial Circuit.

12 So for our listeners, we have 65 judges in the Ninth  
13 Circuit, and almost half of our bench is made up of women  
14 judges. And I think we kind of -- or at least lead the state  
15 in that. I don't know if we're alone. But I know that we're  
16 one of the leading circuits, if not the leading circuit, in  
17 terms of gender equality on the bench.

18 So first of all, welcome, both of you. I'm glad you're  
19 here.

20 >> **JUDGE BLACKWELL:** Thank you.

21 >> **JUDGE CLARK:** Thank you. Great to be here.

22 >> **CHIEF JUDGE LAUTEN:** And let me give our listeners  
23 just a little bit of background on both of you, and then  
24 we'll get into questioning.

25 So Judge Blackwell has been on the bench since 1991.

1 She received her law degree from the University of South  
2 Carolina and her bachelor's degree from Furman. And, Judge  
3 Blackwell, I guess when you took the bench, there were 38  
4 judges, not 65. But five of those judges were women.

5 And Judge Clark has been on the bench since 2000, and  
6 she and I worked together in the State Attorney's Office many  
7 years ago, more years for me than you. And she received  
8 her -- both her law degree and Bachelor's of Arts degree from  
9 the University of Florida.

10 And when Judge Clark took the bench in 2000, there were  
11 52 judges, so a few more than when Judge Blackwell started.  
12 And then the number of women judges had grown from five to  
13 11. And now we have 65 total judges, as I said, and 31  
14 judges are women. So we'll talk about that growth in just a  
15 moment.

16 And I could really spend the rest of the podcast telling  
17 our listeners about the committee assignments and the  
18 chair -- chairs that both of our judges have occupied, in all  
19 kinds of judicial activities from conferences to educational  
20 opportunities and the awards that they've received, including  
21 Jurist of the Year and -- but I'd take up the whole broad --  
22 podcast for that.

23 But if you'll bear with me or forgive me, I'm gonna hold  
24 off on that for just a bit, because I want to get into some  
25 conversation with you.

1           So recently, I think the *New York Times* reported that  
2 for the first time in U.S. history, about half of the -- no,  
3 more than half of the law students in America are women. So  
4 that they make up more than half and are now in the majority  
5 of students in law school.

6           So what I'm curious about is how each of you decided on  
7 a career in law, and let me start with you, Judge Blackwell,  
8 and then we'll go to Judge Clark.

9           **>> JUDGE BLACKWELL:** Well, I had an uncle who was a  
10 judge, and he was my Uncle Joe, and his name was Joseph Moss,  
11 and he was a judge in South Carolina. And when I went to my  
12 family reunions as a child, he was the most interesting,  
13 funny -- the -- just one that everybody loved to talk to. He  
14 told great stories and I got to hear about the courtroom and  
15 what he did.

16           And so I got intrigued with law at a very young age. So  
17 when I was eight or nine years old, if you asked me -- in  
18 South Carolina, I got called by two names. They'd say, Alice  
19 Louise, what do you want to be when you grow up? And I said,  
20 I want to be a judge. And that was because of Uncle Joe.  
21 And he eventually became the chief justice of the South  
22 Carolina Supreme Court.

23           **>> CHIEF JUDGE LAUTEN:** Wow. That's -- congratulations.  
24 That's very cool.

25           **>> JUDGE BLACKWELL:** And -- it was very cool. And I

1 spent a lot of time, um, with him in York, South Carolina,  
2 where he lived and practiced and got to see his, um -- the  
3 way he lived and what he did with his life, and I thought  
4 that was something I wanted to do.

5 >> **CHIEF JUDGE LAUTEN:** Did he encourage you to consider  
6 law or was it that there weren't women in law school at the  
7 time, so he didn't even think in those terms?

8 >> **JUDGE BLACKWELL:** He really didn't think in those  
9 terms. I just as a kid just thought I like what he does, and  
10 I'd like to do what he does.

11 >> **CHIEF JUDGE LAUTEN:** Great.

12 >> **JUDGE BLACKWELL:** It looks like great work and  
13 interesting, and it looked compelling to me, and I thought  
14 that was a great thing to do.

15 >> **CHIEF JUDGE LAUTEN:** And so your Uncle Joe was kind  
16 of the reason why you had an interest and a path towards law?

17 >> **JUDGE BLACKWELL:** And he came --

18 >> **CHIEF JUDGE LAUTEN:** That's great.

19 >> **JUDGE BLACKWELL:** -- and held the Bible for me when I  
20 was sworn in as a judge here so it was just --

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

22 >> **JUDGE BLACKWELL:** -- the best.

23 >> **CHIEF JUDGE LAUTEN:** Great.

24 Judge Clark, how about you?

25 >> **JUDGE CLARK:** Well, unlike Judge Blackwell, I did not

1 know in the eighth grade I wanted to go and be a lawyer, much  
2 less a judge. Um, I started taking political science classes  
3 at the University of Florida, and at that time, I wasn't  
4 sure. And so I thought I wanted to go to veterinarianian  
5 school, so I took a couple of math classes and decided very  
6 quickly that the prerequisite to doing so was probably not  
7 best suited for me.

8 So I started talking to a guidance counselor and began,  
9 then, looking more in -- career into law and also taking  
10 those types of classes. So it took me a little while --

11 >> **CHIEF JUDGE LAUTEN:** Right.

12 >> **JUDGE CLARK:** -- but that was okay. It finally came  
13 to fruition.

14 >> **CHIEF JUDGE LAUTEN:** So in law school itself, do you  
15 remember roughly the ratio of women to men in your class,  
16 Judge Clark? Let me start there.

17 >> **JUDGE CLARK:** It definitely was not half. It was  
18 probably about a third, I would say, that were -- that ratio.

19 >> **CHIEF JUDGE LAUTEN:** How about you, Judge Blackwell?

20 >> **JUDGE BLACKWELL:** Ten to 15 percent of the class were  
21 women. We were an oddity at that point.

22 >> **CHIEF JUDGE LAUTEN:** So -- yeah, we probably went to  
23 law school around the same time, and it was a distinct  
24 minority. There were women, and what I kept hearing from  
25 professors when I was there is, wow, there's more women than

1 we've ever had, but really dominated -- dominated by men.

2 So looking back on your career practicing, did either of  
3 you feel like you were breaking any glass ceilings? Were  
4 there glass ceilings in the practice that you had to deal  
5 with or not so much?

6 >> **JUDGE BLACKWELL:** There were. I think -- one of the  
7 reasons I chose to leave South Carolina and come to Florida  
8 is because I perceived that Florida was more open and  
9 available -- that leadership roles were more available to  
10 women in Florida than in a more traditional, sort of --  
11 traditionally male-dominated state.

12 So it was part of what motivated me to come to Florida.  
13 I came to a law firm where there had actually been a woman  
14 there before, and --

15 (Laughter.)

16 >> **CHIEF JUDGE LAUTEN:** Okay.

17 >> **JUDGE BLACKWELL:** -- that was really a cool thing.

18 >> **CHIEF JUDGE LAUTEN:** Ground breaking. Okay.

19 (Laughter.)

20 >> **JUDGE BLACKWELL:** So, yes, were there glass ceilings?  
21 Yes. But they were beginning to be broken in by many women  
22 around the time that I started practicing, which was in the  
23 1980s.

24 >> **CHIEF JUDGE LAUTEN:** And then I remember your first  
25 day at work, but I still want you to talk about, did you

1 sense that there was -- there were glass ceilings at the  
2 State Attorney's Office or --

3 >> **JUDGE CLARK:** No, I didn't. And I was gonna make  
4 that remark. You were my first supervisor, Judge Lauten, and  
5 you always did encourage opportunities and growth, so I never  
6 thought that at the State Attorney's Office.

7 And when I came, you know, as an attorney, and also then  
8 later as a judge, the roadwork was already kind of laid out.  
9 I was in that middle group where -- definitely not the first.  
10 But since then, as you've stated in the numbers, a lot more  
11 females have become judges and also going to law school.

12 And so the roadwork was kind of already laid and the map  
13 was out there. In fact, I specifically remember when Judge  
14 Blackwell first came on the bench. And I -- I specifically  
15 remember her because I recall the respect she had in the  
16 courtroom. I recall her demeanor and how hardworking she  
17 was, and I remember looking up to that. And that was a  
18 number of years ago. But I do recall that.

19 >> **JUDGE BLACKWELL:** Thank you.

20 >> **JUDGE CLARK:** And so specifically there weren't a lot  
21 of female judges at the time --

22 >> **CHIEF JUDGE LAUTEN:** Right. Five. I guess there  
23 were --

24 >> **JUDGE CLARK:** There were very few.

25 >> **CHIEF JUDGE LAUTEN:** -- five or fewer.



1           **>> JUDGE CLARK:** Yes. And I remember specifically Judge  
2 Blackwell.

3           **>> CHIEF JUDGE LAUTEN:** Great.

4           **>> JUDGE BLACKWELL:** That's nice. Thank you.

5           **>> CHIEF JUDGE LAUTEN:** I know the dean of the  
6 University of Florida Law School. I think it's Dean  
7 Rosenbury I think is her name. I apologize if I got her name  
8 wrong. But I believe that's it -- talks about not just  
9 mentorship, but sponsorship. And she distinguishes between  
10 mentors who sort of teach you how to do some -- how to  
11 practice law and sponsors who will advocate on your behalf.

12           Did you have either one of those as you practiced law,  
13 mentors or sponsors, or both?

14           **>> JUDGE BLACKWELL:** I did. And they were almost  
15 exclusively men because that's who were available as mentors  
16 and sponsors. And, um, I think back to the Lowndes Firm  
17 where I started working, and Tim Manor, who was a partner  
18 that I worked for there, really promoted me in a very  
19 unselfish and wonderful way. And I think definitely there  
20 were people like that as you came along in your career.

21           **>> CHIEF JUDGE LAUTEN:** Great. How about you?

22           **>> JUDGE CLARK:** I agree. I think there was a wide  
23 variety of sponsorship -- especially at the State's Attorney  
24 Office. Because the ratio probably was higher female  
25 lawyers, I would think, than some of the law firms in town.

1 Just sheer number, the size.

2 >> **CHIEF JUDGE LAUTEN:** Right.

3 >> **JUDGE CLARK:** So there were a lot of individuals to  
4 go to that both would assist and help. And also you had  
5 trial partners then --

6 >> **CHIEF JUDGE LAUTEN:** Right.

7 >> **JUDGE CLARK:** -- so they were there constantly with  
8 you in court and you come back to an office full of  
9 individuals that were always willing and able to help.

10 >> **CHIEF JUDGE LAUTEN:** So in fair disclosure for Judge  
11 Clark, I and others kind of quickly recognized her talent  
12 skill and her talent set, and would tell the State Attorney,  
13 Lawson Lamar, you should keep your eye on Judge Clark for  
14 positions of leadership because she clearly is a talented  
15 trial lawyer and a talented leader, and have kind of said  
16 that when I had the opportunity. So I'm not -- I don't want  
17 to claim credit for anything, I just want to say that early  
18 on, you know, in the State Attorney's Office, I -- but many  
19 others -- recognized your talent base.

20 I remember one woman judge colleague telling me that as  
21 an attorney, every now and then, she was presumed to be the  
22 secretary or the court reporter when she entered a room with  
23 men as attorneys.

24 Have -- did you have experiences like that in your  
25 practice before you became a judge?

1 >> **JUDGE BLACKWELL:** I -- I did have that experience.

2 And one that I can remember particularly was that I signed a  
3 pleading for a partner in the firm, and it wasn't a week  
4 later we got a motion to dismiss the pleading saying it  
5 hadn't been signed by a lawyer because they presumed because  
6 it was a woman's signature, that the secretary had signed it  
7 for the lawyer, instead of the lawyer signing it as the rules  
8 required.

9 >> **CHIEF JUDGE LAUTEN:** That's pretty crazy.

10 >> **JUDGE CLARK:** I --

11 >> **CHIEF JUDGE LAUTEN:** How about -- many experiences  
12 you had like that, assumptions?

13 >> **JUDGE CLARK:** I recall, you know, depositions because  
14 you would walk into a deposition and quite often -- or not  
15 quite often, every now and then, somebody would think that  
16 you were the court reporter. Also, you know, going into  
17 court, you'd have stacks of files in your hand going into the  
18 courthouse, and I recall a couple of times of the belief of a  
19 victim advocate or also an assistant bringing over files.

20 And like Judge Blackwell said, you know, pleadings back  
21 then were not electronic, so you couldn't Google a name and  
22 determine. You had -- remember the old books, the, um --  
23 remember we had the Orange County Bar --

24 >> **CHIEF JUDGE LAUTEN:** The Bar directory. Right.

25 >> **JUDGE CLARK:** With the face with the Bar directory,

1 so that's how you would look it up. If you didn't literally  
2 sign the pleading -- and in your case, you signed the  
3 pleading, and they can't quite believe that you were supposed  
4 to sign that pleading at the time. But if you didn't sign  
5 the pleading -- that's what was in the file. So if you  
6 walked into a courtroom a lot of times -- or sometimes they  
7 did not know.

8 >> **CHIEF JUDGE LAUTEN:** I hope this isn't true, but it  
9 wouldn't shock me if it is or -- and that is when you  
10 practiced as attorneys and you were in a courtroom, did you  
11 ever feel bias from the bench or hopefully that's not the  
12 case, but --

13 >> **JUDGE BLACKWELL:** I had a judge who's now retired  
14 argue with me one time about putting "esquire" at the end of  
15 my name.

16 >> **CHIEF JUDGE LAUTEN:** No kidding.

17 >> **JUDGE BLACKWELL:** And he took me back into chambers  
18 and got out *Black's Law Dictionary* and made me read the  
19 definition of esquire to explain to me that it was a male  
20 term and not a female term.

21 >> **CHIEF JUDGE LAUTEN:** Did he suggest what should be  
22 after your name?

23 >> **JUDGE BLACKWELL:** Attorney-at-law. You should use  
24 attorney-at-law and men should use esquire.

25 >> **CHIEF JUDGE LAUTEN:** You learn something every

1 podcast, because I've never really heard that before. Is  
2 that a discarded rule now, do you think? I mean --

3 >> **JUDGE BLACKWELL:** I think it is.

4 >> **CHIEF JUDGE LAUTEN:** Yeah.

5 >> **JUDGE BLACKWELL:** I think we understand esquire to  
6 historically mean a lawyer. But I think --

7 >> **CHIEF JUDGE LAUTEN:** Of course there were only men  
8 who were lawyers for the longest time.

9 >> **JUDGE BLACKWELL:** Correct. Correct.

10 >> **CHIEF JUDGE LAUTEN:** And I guess what -- esquire was  
11 a term -- an honorific term, I guess? I'm not sure.

12 >> **JUDGE BLACKWELL:** Right. But what I do think is that  
13 as a woman, you had to be a little more prepared and a little  
14 more professional in order to convince -- particularly older  
15 male judges -- that you knew what you were doing. You just  
16 didn't get the benefit of that presumption because you were  
17 an oddity and something new to them.

18 >> **CHIEF JUDGE LAUTEN:** Feel the same way -- pretty much  
19 the same way?

20 >> **JUDGE CLARK:** I had the exact same thing happen. And  
21 it was also a visiting judge, retired judge. And it was  
22 during a trial. I got, you know, called out to another  
23 courtroom to do a trial. And during the trial, it was as if  
24 I was getting the brunt of everything in the courtroom. It  
25 was very difficult, and I recall that.

1           And after the trial, the courthouse, the old courthouse,  
2 was quite abuzz with what had been occurring in the courtroom  
3 while I was there.

4           I then got a call from a juror that had served on that  
5 jury about two or three weeks later, and it was a female  
6 juror, and she wanted to know how this had happened, why I  
7 had been singled out. And it was quite obviously for being  
8 what she considered, as she said, merely because you're a  
9 female in the courtroom. And at that time, you know, she  
10 just said she really appreciated how I handled it. But I  
11 recall -- and that was the only time ever that a juror has  
12 ever called me --

13           **>> CHIEF JUDGE LAUTEN:** Interesting.

14           **>> JUDGE CLARK:** -- and said what -- why were you being  
15 treated this way?

16           And it was a long time ago, 28, 29 years ago. And it  
17 was a, you know, a visiting judge that was retired. And I  
18 think now, you know, we also have so many more seminars and  
19 educational courses that now, once again, make each of us  
20 more aware.

21           **>> CHIEF JUDGE LAUTEN:** Well, let's, though -- let's  
22 shift to your experiences on the bench.

23           First of all, in the courtroom itself, we all tend to  
24 walk in there wearing a black robe, and that pretty much  
25 identifies us as the presiding officer and the power figure

1 in the room.

2 But how about on the bench, have you -- have you sensed  
3 what you thought was bias or is it that lawyers act  
4 differently with you? Or I'm curious -- I can't see the  
5 world through your eyes and you can't see the world through  
6 my eyes, but I quickly understand this: What little hair I  
7 have is gray. I have a gray goatee, I have glasses, and I'm  
8 a white male. And that was -- that was what judges looked  
9 like for centuries.

10 And so I have that benefit. When I walk in, people look  
11 up at me and they go, well, he looks like the caricature of a  
12 judge, I've been told sometimes.

13 How about you, what's your impressions about  
14 presiding -- especially early on?

15 >> **JUDGE BLACKWELL:** Yeah. Early on, because I came to  
16 the bench at such a young age, I was 34 when I joined the  
17 bench. And I think you saw a lot of double-takes, you know,  
18 people would walk in and sort of look up at the bench and  
19 look again to see --

20 >> **CHIEF JUDGE LAUTEN:** What's she doing up there?

21 >> **JUDGE BLACKWELL:** Yeah. And -- so I think there was  
22 some of that. There are studies that say that men tend to  
23 interrupt women more than they interrupt other men, and I  
24 often found in the courtroom with older men that there was  
25 some need to control that tendency early on.

1 >> CHIEF JUDGE LAUTEN: Mm-hmm.

2 >> JUDGE BLACKWELL: Until you sort of made your  
3 reputation and people knew who you were.

4 And then there was one gentleman lawyer who was famous  
5 in the courthouse who just couldn't quit telling me how  
6 pretty I was when he was making his argument, and I had to  
7 bring him in chambers and explain to him --

8 >> CHIEF JUDGE LAUTEN: Say please stop.

9 >> JUDGE BLACKWELL: -- I know that you think it's nice,  
10 but it's not nice. You need to stop.

11 >> CHIEF JUDGE LAUTEN: Wow. Amazing. Amazing.

12 How about experiences -- any experience like that? Or  
13 maybe the women who preceded you kind of took the brunt of  
14 those experiences?

15 >> JUDGE CLARK: I think they did. I think they did.  
16 And I think in county court because, you know, now when I  
17 came on the bench, there were three female judges at the  
18 time, and now there are 10 out of the 18 --

19 >> CHIEF JUDGE LAUTEN: Mm-hmm.

20 >> JUDGE CLARK: -- in Orange County. So I think a lot  
21 of the trials and tribulations, so to speak, and that shock  
22 value, have probably been -- through the years, kind of been  
23 helped through judges like Judge Blackwell. So I haven't  
24 sensed that.

25 >> CHIEF JUDGE LAUTEN: So I think we've all heard this



1 said before, but I'm curious of your reaction to it. So if  
2 you have a male judge who's really tough on the litigants and  
3 lays down the law and demands compliance with rules and  
4 insists that people be on time, you know, even if that judge  
5 is gruff, he's sort of defined as he's just a tough old  
6 judge.

7 And if a woman does the same thing -- so for the male  
8 judge, they wouldn't say what an S.O.B. But for the woman  
9 who's presiding, they might use a different "B" word. What's  
10 your impression of that? Do you think there's any validity  
11 to that? And how do you deal with that being a woman and a  
12 judge?

13 >> **JUDGE BLACKWELL:** I -- women lawyers talk about this,  
14 and women judges talk about this issue. And I think in some  
15 ways, it's real. We have internal biases about how we expect  
16 the different sexes to operate and to act, and that comes  
17 into play in the courtroom.

18 I think for women judges, what you have to be aware of  
19 is that you can be firm and you can be every bit as demanding  
20 as the crotchety old white-haired judge, but you have to just  
21 do it in a little different way. And you just do it -- you  
22 do it by using the rules to your advantage. You know, it's  
23 not me being mean, it's the rules making you do this. This  
24 is what the law says.

25 And for me, I always have tried to set a tone in the

1 courtroom of -- of people feeling comfortable and acting  
2 professional, and I think I can do that without having to be  
3 the "B" that everybody thinks you have to be.

4 >> **CHIEF JUDGE LAUTEN:** Have you ever -- either one of  
5 you -- ever felt that a lawyer is treating you in a way that  
6 they wouldn't treat a male judge? Like, have you ever sat up  
7 there and said you wouldn't pull this or you wouldn't act  
8 this way if I were a man presiding up there? Have you ever  
9 experienced --

10 >> **JUDGE CLARK:** No, I haven't experienced that.

11 >> **CHIEF JUDGE LAUTEN:** Okay.

12 >> **JUDGE CLARK:** But I just want to add to what Judge  
13 Blackwell said about the delivery. I think it is the  
14 delivery and the style sometimes that sometimes shifts it  
15 from, like you say, male judges just stating this and when a  
16 female judge says it, it just comes out differently.

17 So sometimes it appears that it could be aggressive or  
18 pushy or even too passive. So I think that's what is  
19 reflected a number of times is just the delivery and the --  
20 how it is actually, you know, the style it is. And I do  
21 think as a female judge, it is something that, you know --  
22 like you stated, that we work on the rules and things to back  
23 up that. But I do think it is part of the process, and I do  
24 think it sometimes does get looked at differently.

25 >> **CHIEF JUDGE LAUTEN:** So for our listeners' benefit,

1 we -- I just came from teaching new judges today on a subject  
2 matter, but we spent a lot of time with the new judges, and  
3 we've done this for years now, talk about substantive  
4 fairness and procedural fairness, and that any judge, man or  
5 woman, can reach the correct conclusion, but you can do it in  
6 a way where the litigants walk out feeling like they weren't  
7 heard and they weren't treated fairly because it might be  
8 that you make your mind up in two minutes in a matter where  
9 it was clear they were gonna win and you just push them out  
10 of the courtroom, and they get outside and feel like they  
11 weren't heard.

12 So we just want to emphasize that for all genders and  
13 all of our judges, we're teaching procedural fairnesses.  
14 Sometimes equally as important as substantive fairness. In  
15 other words, for our listeners' benefit, how you treat people  
16 is sometimes just as important as how you rule in the course  
17 of --

18 **>> JUDGE BLACKWELL:** Right. Studies have shown that  
19 people will live with a -- what -- an adverse decision if  
20 they feel like they were heard and their point of view was  
21 considered. And so a large part of what we teach judges to  
22 do is to be active listeners and to respond back.

23 Women judges get a bump in that area. And the bump we  
24 get is that women are perceived -- whether it's true or  
25 not -- as being inherently more fair than men. So we get a

1 bump in that arena because people just think that women are  
2 fairer than men are.

3 >> **CHIEF JUDGE LAUTEN:** Do you -- I don't know how to  
4 quantify this, but I know people write about this. Do you  
5 think women reach decisions differently than men? Is that  
6 too -- is that too general a statement and maybe even  
7 stereotypical? Or is there something to that? Because I've  
8 read some studies that say women reach different -- and  
9 sometimes the authors say "and better" -- decisions than men,  
10 and maybe it's what you just talked about. Maybe men aren't  
11 as good of listeners. I don't know.

12 >> **JUDGE BLACKWELL:** I don't know. I would hesitate to  
13 say that women reach better decisions than men.

14 >> **CHIEF JUDGE LAUTEN:** All right.

15 >> **JUDGE BLACKWELL:** I think there are different  
16 decision-making styles. I think women, as -- to be sort  
17 of -- to make a gross statement that isn't always true, but I  
18 think women sort of tend to be more collaborative. And so  
19 there may be a -- more sense of sort of inclusion in the  
20 courtroom that women inherently bring. I don't think that's  
21 true for all women. Just like I don't think it's true for  
22 all men, that they aren't collaborative.

23 But I do think as a generalization that people sort of  
24 expect that as women they may -- may respond to some of that  
25 in the courtroom in a different way.

1           **>> JUDGE CLARK:** That's what I was gonna add. I think  
2 the -- maybe there's a different process in reaching that  
3 decision. And I think the decisions themselves are probably  
4 the same.

5           **>> JUDGE BLACKWELL:** Right.

6           **>> JUDGE CLARK:** But how to get from that decision may  
7 be perceived as different just because of the way it's done.

8           **>> CHIEF JUDGE LAUTEN:** And the other thing that we  
9 teach new judges? Part is the Myers-Briggs test, and so we  
10 know that no matter what your gender is, people kind of  
11 prefer to reach a decision, intake information, and then  
12 process it, and reach a result in different ways. So there  
13 are judges who are extroverts or introverts, and they're  
14 sensing or intuitive, and they're feelers or thinkers, or  
15 they're judging and perceiving. So there's no one  
16 cookie-cutter model for a judge. And, in fact, that would be  
17 crazy if there was.

18           **>> JUDGE CLARK:** Right. That's what makes us unique.

19           **>> CHIEF JUDGE LAUTEN:** Makes us unique. But that's  
20 true, I think across genders too, that there are introverted  
21 and extroverted men and women, judges who are men or women  
22 who need a little bit of information, they're ready to  
23 decide. And others who want more, more, more, more, those  
24 are perceivers.

25           Well, let's talk a little bit about the future. What do

1 you see your role being with the next generation of women  
2 that come into the profession, who want to be on the bench,  
3 any one of those? Do you perceive any particular role that  
4 you occupy? Or are we past that, perhaps?

5 >> **JUDGE BLACKWELL:** I think we're past that. When my  
6 son was four years old, John, they asked him at preschool,  
7 John, do you want to be a judge like your mom? And he said,  
8 oh, no, silly. Only girls can be judges.

9 (Laughter.)

10 >> **CHIEF JUDGE LAUTEN:** That's great.

11 >> **JUDGE BLACKWELL:** In his generation -- he's now 25.  
12 In his generation, women do the same things that men do. And  
13 I just don't think the generations after Judge Clark's and  
14 mine really perceive as much of a difference as there was for  
15 us when we came through.

16 >> **JUDGE CLARK:** But I do hope that they -- the  
17 generations looking in can also see the balance that you can  
18 have being a judge and your personal life. I think that  
19 probably is easier to recognize the more that you see judges  
20 coming in and seeing that they have both of those things.  
21 You can have a great personal life. You can work hard. You  
22 can do everything you're -- that's required, but there is a  
23 good balance to it also.

24 >> **CHIEF JUDGE LAUTEN:** So I know the Florida Bar has  
25 done studies and is struggling a little bit with partnership

1 tracks and other issues that -- that pertain predominantly to  
2 women. Not exclusively. And so there's the "mommy track"  
3 issue and the partnership issue in the Florida Bar. There  
4 are enough women who are partners.

5 And if women and men -- but predominantly women want to  
6 have children and raise family, are they disadvantaged in the  
7 partnership track?

8 On the bench, I don't know that you're so disadvantaged  
9 because you kind of control your own schedule and unless --  
10 and tell me if you disagree with me -- if you're gonna give  
11 birth, it's like you -- you take some time off, we find a  
12 replacement for you during, you know, whatever time it is,  
13 three months, four months, and then you get back to work.

14 Backup in the law firm, maybe you're diverted from the  
15 track that you were on. And I know the Bar is struggling  
16 with that.

17 What are your thoughts on that?

18 **>> JUDGE BLACKWELL:** I heard from my male partners as a  
19 lawyer that there was a definite look at women who got  
20 pregnant because there was the sense well, not only they have  
21 to have time off after the baby, but their loyalty might not  
22 be a hundred percent to the practice afterwards. And there's  
23 sort of that concept of the ideal worker is someone who  
24 doesn't have to take time away for family matters and do  
25 other things.

1 I had both of my children while I was on the bench, and  
2 a robe was a great maternity outfit.

3 >> **CHIEF JUDGE LAUTEN:** There we go.

4 >> **JUDGE BLACKWELL:** I mean, it was just great. But I  
5 remember when I went up and told Fritz Pfeiffer, who was the  
6 Chief Judge then, that I was pregnant and was going to need  
7 maternity leave, that he -- his mouth dropped open and he  
8 didn't know what to say. He -- we've never had a pregnant  
9 judge before.

10 >> **CHIEF JUDGE LAUTEN:** Oh, my goodness.

11 >> **JUDGE BLACKWELL:** I don't know what to do. So we  
12 worked it all out.

13 >> **CHIEF JUDGE LAUTEN:** Right. Right.

14 >> **JUDGE BLACKWELL:** And got it -- and worked it out and  
15 it was fine. And -- so I think that we are making strides in  
16 the legal arena in law firms where they are being much more  
17 sensitive to women's needs to have time off, but also men's  
18 needs. Young lawyers that I know, the men are taking  
19 paternity leave too.

20 >> **CHIEF JUDGE LAUTEN:** Right.

21 >> **JUDGE BLACKWELL:** In order to bond with their baby  
22 and to have time to develop that relationship.

23 >> **CHIEF JUDGE LAUTEN:** And so one -- we know that one  
24 of the issues the Florida Bar is studying is the whole family  
25 leave issue --



1 >> **JUDGE BLACKWELL:** Correct.

2 >> **CHIEF JUDGE LAUTEN:** -- and whether it should take a  
3 stance to say men and women. Either parent should be able to  
4 claim family leave, that the Court should be very  
5 accommodating with continuances and understand that in the  
6 modern world, either gender is gonna want time off because  
7 it's critical to bond with your child at birth and those  
8 immediate weeks after birth. It's critical for growth and  
9 health and stability and intellectual stability and social  
10 stability. And so I know the Florida Bar right now is -- is  
11 researching that issue and they've come to the courts about  
12 encouraging us to make sure we give continuances under those  
13 circumstances. And it's an issue that's --

14 >> **JUDGE CLARK:** And I think we've improved in that  
15 area. And I've even seen that in the 17 years that I've been  
16 on the bench. So I think we've become more -- we've  
17 acknowledged it and recognize that, you know, people need  
18 good balances in their life. And to allow those continuances  
19 and allow those things to occur -- and it's the right thing  
20 to do. It's just the right thing to do.

21 >> **CHIEF JUDGE LAUTEN:** If a woman came to you who's  
22 practicing law and said, I have an interest in being on the  
23 bench, what -- what career advice would you give me, really  
24 man or woman, but let's focus for a moment with a woman.  
25 What would you -- how would you respond to that?

1           **>> JUDGE BLACKWELL:** I always tell them it's the best  
2 job in the whole word.

3           **>> CHIEF JUDGE LAUTEN:** I agree with that.

4           **>> JUDGE BLACKWELL:** And that I --

5           **>> JUDGE CLARK:** We all agree.

6           **>> JUDGE BLACKWELL:** And I think it's absolutely a great  
7 thing to do. I always tell people when they ask me about  
8 that is to be the very best lawyer that you can be, because  
9 that's the foundation for being a good judge.

10           And then the next thing I tell them is get involved in  
11 your community. Get to know people in your community. Spend  
12 time doing things that you care about in your community,  
13 because those are the people who will help you, either run a  
14 campaign or be appointed to fill a vacancy if there's a  
15 vacancy in between elections. And so -- that's what I tell  
16 young lawyers when they talk about that.

17           **>> JUDGE CLARK:** I tell them that in addition to those  
18 things that their reputation is everything. That you can be  
19 an advocate for your client or your position, but always  
20 remember your reputation will be there forever. So I think  
21 that is such an important thing.

22           And in addition, be prepared. Be candid with the Court.  
23 We -- we realize things can happen, and always be very candid  
24 with the Court. And also with opposing counsel. If you --  
25 if things change, you know, be true to your word. And your

1 word has to change because circumstances change, that's okay.  
2 It's all moving parts in the area of law.

3 But if you can speak with somebody and let the opposing  
4 individual, counsel, know, I just think it gives that balance  
5 and that reputation that everybody will continue to respect.  
6 And I think that's probably one of the biggest things in  
7 starting your career, any reason, whether it's to become a  
8 judge or not.

9 >> **CHIEF JUDGE LAUTEN:** Great advice. Great advice.

10 Well, you've both sat in every division that you can  
11 possibly sit in at the level where you are judges, so let me  
12 start with you, Judge Clark. What assignment do you prefer,  
13 if you get to pick?

14 >> **JUDGE CLARK:** Criminal.

15 >> **CHIEF JUDGE LAUTEN:** All right. And how about you,  
16 Judge Blackwell, do you have -- if you could pick any  
17 assignment, what would it be?

18 >> **JUDGE BLACKWELL:** I can't say I have a favorite.

19 >> **CHIEF JUDGE LAUTEN:** All right.

20 >> **JUDGE BLACKWELL:** I've loved everything I've done.

21 >> **CHIEF JUDGE LAUTEN:** Right. Right. So let our  
22 listeners know where you're currently sitting.

23 Judge Blackwell, let's start with that.

24 >> **JUDGE BLACKWELL:** I'm sitting in a domestic violence  
25 division where I hear only domestic -- civil domestic

1 violence injunctions and related family cases.

2 >> **CHIEF JUDGE LAUTEN:** And you are passionate about  
3 family law issues, always have been since day one on the  
4 bench. I want the listeners to know that.

5 And why don't you tell our listeners where -- what your  
6 current role is.

7 >> **JUDGE CLARK:** My current role is the county court  
8 administrative judge. So any given day, I really don't know  
9 what may or may not happen. So that is my current role now.  
10 And when I say criminal, now that you both have said that  
11 probably any division is a great division, my background is  
12 more toward criminal, so there's that nice comfort level  
13 there. And in addition to that, there's -- it's just that  
14 kind of comfort you have also. But I've been in every  
15 division.

16 >> **CHIEF JUDGE LAUTEN:** So Judge Clark, she just said,  
17 currently sits administrative judge. Judge Blackwell has  
18 been the administrative judge, is the associate  
19 administrative judge in the family division, but was the  
20 administrative judge in civil, served as chair of the  
21 conference of circuit court judges, has been awarded trial of  
22 the year.

23 Both Judge Blackwell and Judge Clark are recognized  
24 leaders within the branch, and certainly in the Ninth  
25 Judicial Circuit, but also both of them statewide and are

1 just model jurists, and I want to thank you for taking time  
2 out of your busy schedules and letting me talk to you today.

3 Thank you so much. I appreciate it.

4 >> **JUDGE BLACKWELL:** Thank you, Chief.

5 >> **JUDGE CLARK:** Thank you.

6 >> You've been listening to "Open Ninth: Conversations  
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9 Florida.

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12 (Music.)

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