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OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
LET'S DO JUSTICE
EPISODE 26
JULY 10, 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:** Welcome to "Open Ninth." We're
8 here today with Circuit Judge Marc Lubet. Judge Lubet has a
9 fascinating background that we're going to get into in a
10 moment. In terms of seniority on the bench, it's 15th, which
11 means that only 15 judges have more seniority than Judge
12 Lubet as a judge in the circuit court. But nobody has more
13 seniority than Judge Lubet in the practice of law.

14 So, Marc, why don't you tell our listeners when you
15 began practicing law in your career.

16 >> **JUDGE LUBET:** I began practicing law in 1974 with a
17 personal injury defense firm, one of the biggest firms in
18 town at the time. And they hired me right out of law school.
19 And they started me at the magnificent salary of \$13,000 a
20 year.

21 >> **CHIEF JUDGE LAUTEN:** What was that firm?

22 >> **JUDGE LUBET:** That firm was Pitts, Eubanks, Ross &
23 Rumberger, where probably half the insurance defense and
24 plaintiffs lawyers in this town, at one time or another,
25 worked. And after about four months of working there, I got

1 an offer from the PD's office to come over there, but they
2 were only going to pay me \$9,000 a year. I just -- using my
3 math deduction, I decided I wasn't going to take a \$4,000 pay
4 cut.

5 So I stayed with Pitts for about a year. And then I
6 went to work for a small two-man law firm doing criminal
7 defense. And one of those persons was Jay Cohen. Not the
8 judge on the Fifth, but Jay Cohen the mediator. And he was
9 the man who trained me to be a criminal trial lawyer.

10 >> **CHIEF JUDGE LAUTEN:** I didn't know that. That's
11 fascinating.

12 So where did you go to law school? Are you a Florida
13 grad?

14 >> **JUDGE LUBET:** I went to the University of Florida
15 undergrad, and then I went to the University of Mississippi
16 for law school, Ole Miss.

17 >> **CHIEF JUDGE LAUTEN:** And are you a native Floridian?
18 Are you born in Florida? Where are you from?

19 >> **JUDGE LUBET:** I was born in Atlanta, Georgia. And my
20 father was still in med school at Case Western Reserve in
21 Cleveland, so we moved up there for about a year while he
22 finished up after World War II. And then we moved down to
23 the Brunswick, Georgia, area, St. Simons Island, and lived
24 there for 12 years.

25 >> **CHIEF JUDGE LAUTEN:** What was the practice of law

1 like in 1974 compared to now, in terms of what did your
2 office look like? What resources did you have available to
3 you?

4 >> **JUDGE LUBET:** Well, first of all, we didn't have any
5 computers.

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

7 >> **JUDGE LUBET:** Didn't have any fax machines. We had
8 IBM Selectric I or Selectric II typewriters. And when they
9 came out with the IBM Selectric III that had, like, a
10 ten-page memory to it or something, we thought technology
11 couldn't get any better than this.

12 We still had to use carbon paper for copies.

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

14 >> **JUDGE LUBET:** We did have copy machines, but they
15 weren't very -- the copies weren't very good. We used
16 runners to deliver stuff all over town. And the -- it was a
17 small -- my first office, I was by myself with -- sharing
18 space with two other lawyers. And it was just a
19 receptionist. I had a little secretary/receptionist desk in
20 my little office. And I think my rent was \$150 a month.

21 >> **CHIEF JUDGE LAUTEN:** Did -- so you started with an
22 insurance defense firm. Did you know what you wanted to
23 specialize in at that point or was it just, let's get a job
24 and start earning income and then we'll figure it out?

25 >> **JUDGE LUBET:** No. I knew what I wanted to do, but

1 there was always the "let's get a job."

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

3 >> **JUDGE LUBET:** And I just could not -- I interviewed
4 with Chan Muller and Kirk Kirkconnell, who had just recently
5 opened their firm. But they didn't have any room for
6 anybody.

7 >> **CHIEF JUDGE LAUTEN:** And for our listeners who don't
8 know, they're pretty much recognized criminal defense
9 attorney --

10 >> **JUDGE LUBET:** Outstanding lawyers. Outstanding
11 lawyers.

12 >> **CHIEF JUDGE LAUTEN:** Both of whom are no longer --

13 >> **JUDGE LUBET:** Passed away. Both are passed away.

14 >> **CHIEF JUDGE LAUTEN:** So you started at 13,000. Today
15 when you step out of law school, you're, you know -- some
16 students with hundreds of thousands in debt. Were you in
17 debt from law school?

18 >> **JUDGE LUBET:** Yes. I had about \$40,000 in debt,
19 which -- because I was living off the money. They used to
20 have something called a National Defense Loan.

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

22 >> **JUDGE LUBET:** And I got it from Dade Federal Savings,
23 which is no longer even in business. And the interest rate
24 was one percent, and you didn't have to start paying it back
25 until one year after you were out of law school.

1 So my payments were \$47 a month. And I paid it back
2 much -- I paid it back in, like, three years, the whole
3 thing.

4 But it was just so cheap back then to go to law school.
5 My tuition was, I believe, if I'm not mistaken, it was \$1,200
6 a year -- a semester. And that was for full time. That was
7 for 15 hours. Today, the young people are getting out of law
8 school \$150,000, \$160,000 in debt. And one course is more
9 than \$1,200.

10 **>> CHIEF JUDGE LAUTEN:** Sure. Sure.

11 **>> JUDGE LUBET:** But it was -- I had that debt when I
12 got out, and it was easy to pay back.

13 **>> CHIEF JUDGE LAUTEN:** So you switched your
14 specialization from insurance defense to criminal defense.
15 And wasn't that pretty much what you did until you became a
16 judge on the bench? You were criminal defense --

17 **>> JUDGE LUBET:** I -- about 75 percent of my practice
18 was criminal defense work. And about 25 percent was
19 domestic. But what I noticed very quickly, through all the
20 32 years that I practiced, was that criminal defense work
21 paid me about 80 percent of my -- 75 to 80 percent of my
22 income and took up about 40 percent of my time. And domestic
23 paid me about 20 percent of my income and took up about 60
24 percent of my time.

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

1 So how -- do you remember how many judges were either in
2 the criminal division or in the circuit when you started
3 practicing law?

4 **>> JUDGE LUBET:** I don't remember how many judges we had
5 here when I first started in '74. But I believe we had three
6 criminal judges is all we had, three circuit criminal judges.

7 I know my very first hearing was -- when I was with
8 Pitts, Eubanks was with Judge Claude Edwards. And I walked
9 in and sat down, and Bud Kirk, who was my supervisor, sat
10 next to me. And we were going to argue this small motion.

11 And we actually had prepared for days -- or I had
12 prepared for days for this, because this was gonna be my
13 first court appearance in front of a judge. And the opposing
14 counsel came in on crutches from a skiing accident. And when
15 she walked in the door, Judge Edwards jumps up and grabs her
16 and gives her a big hug and says, Ms. Patsy Fawsett, it is so
17 good to see you. Oh, I'm sorry to hear about your injury.
18 And I looked at Bud Kirk, and he looked at me, and he said,
19 we're done.

20 (Laughter.)

21 **>> CHIEF JUDGE LAUTEN:** So Patsy Fawcett went on to fame
22 as a federal district court judge.

23 **>> JUDGE LUBET:** She absolutely --

24 **>> CHIEF JUDGE LAUTEN:** And a chief judge.

25 **>> JUDGE LUBET:** She absolutely did. She was the first

1 person I ever argued against.

2 >> **CHIEF JUDGE LAUTEN:** That's pretty amazing.

3 >> **JUDGE LUBET:** But I will tell you one wonderful thing
4 about Judge Fawsett is, she was with Akerman Senterfitt. And
5 after I established my criminal defense firm, because of the
6 relationship we developed from that first meeting, she
7 regularly sent me criminal referrals for the rest of my --
8 until she went on the federal bench.

9 >> **CHIEF JUDGE LAUTEN:** So one of the themes that we
10 hear locally, somewhat consistently, is that the practice of
11 law was more civil back in those days than it is now; maybe
12 because of numbers, maybe because of other pressures. Do you
13 agree or disagree? Was it more civil to practice law back
14 then or not?

15 >> **JUDGE LUBET:** I think it absolutely was. There
16 was -- I remember when we started the Florida Criminal --
17 Central Florida Criminal Defense Association. We had, like,
18 15 and 18 people in a meeting. We didn't have 150 like
19 now -- like they have now. And there's probably two or 300
20 criminal defense lawyers in this community now. We had maybe
21 25 to 30, at the most. And it may not have even been that
22 many.

23 But the judges back then, with Claude Edwards, and B.C.
24 Muszynski, and Richard Keating, and those -- the judges --
25 those judges, you just wouldn't dare be disrespectful to.

1 >> CHIEF JUDGE LAUTEN: Right. Right.

2 >> JUDGE LUBET: There was a whole different aura
3 surrounding the judiciary than there is today. Today, I --
4 and while I must say that most of the attorneys who appear in
5 front of me today are extremely respectful, back then, they
6 all were respectful.

7 >> CHIEF JUDGE LAUTEN: Right.

8 >> JUDGE LUBET: George Diamantis was there. I mean,
9 you just --

10 >> CHIEF JUDGE LAUTEN: Right.

11 >> JUDGE LUBET: -- would never be disrespectful to
12 these people.

13 >> CHIEF JUDGE LAUTEN: So I started my career with a
14 lot of those judges.

15 >> JUDGE LUBET: Yes.

16 >> CHIEF JUDGE LAUTEN: Yeah. You just wouldn't think
17 of ever being personal.

18 >> JUDGE LUBET: No.

19 >> CHIEF JUDGE LAUTEN: You treaded on ground very
20 lightly, even no argue back once it was pretty clear they'd
21 ruled. In fact, they ruled in a way where the argument was
22 over.

23 >> JUDGE LUBET: It was over. Yes.

24 >> CHIEF JUDGE LAUTEN: And once I observed a trial
25 where Judge Diamantis ruled on a motion for judgment of

1 acquittal, and had entered his ruling, and the lawyer kept
2 arguing, so he just got up and walked off the bench and just
3 left the courtroom.

4 >> **JUDGE LUBET:** I've seen that happen. I've seen it
5 happen.

6 >> **CHIEF JUDGE LAUTEN:** There was no screaming. There
7 was no reprimanding. But it was just, maybe he didn't
8 understand that I had ruled. I'm out of here.

9 >> **JUDGE LUBET:** I had Joe Baker do that to me several
10 times.

11 (Laughter.)

12 >> **CHIEF JUDGE LAUTEN:** So now you're practicing law in
13 1974, '75, '76. How did you develop your criminal practice?
14 Because you had quite a successful practice before you came
15 on the bench.

16 >> **JUDGE LUBET:** I did. First of all, there was no
17 advertising whatsoever back when I started. And even in -- I
18 don't remember when we started advertising, but throughout my
19 entire criminal practice, all 32 years of it, both criminal
20 and domestic, I never advertised one day the entire time. I
21 just wouldn't do that.

22 I -- my father had -- who was a doctor, as I said, had
23 told me, you didn't become a lawyer to become a used car
24 salesman. He was totally -- now doctors advertise too. He
25 was totally opposed to advertising for any of the professions

1 like that. And I just never advertised, never spent any
2 money advertising.

3 What I did was, I -- the way my practice started was
4 back then, the three or four criminal judges had their own
5 lists of court-appointed lawyers, and they could choose who
6 they wanted to appoint cases to that were in conflict --
7 where there were conflicts with the PD's office.

8 I got on all four lists. And I will be very candid with
9 you, chief Judge Gridley, Judge Cooper -- who's no longer
10 with us -- Judge Muszynski, and Judge Peter DeManio,
11 basically, kept me alive. They referred me five, six, seven
12 cases a week.

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

14 >> **JUDGE LUBET:** And they were paying -- back then, we
15 got \$750 flat for a plea. I don't care if you spend 100
16 hours on it and it pled, you got 750. If you went to trial,
17 you got 1200 bucks. And you can ask for more, but generally
18 you were beating your head against the wall.

19 So judge -- all of these judges just kept me going. And
20 I remember my very first year on my own, which was 1976, I
21 grossed \$40,000 that year, which I thought I had set the
22 world on fire.

23 (Laughter.)

24 >> **CHIEF JUDGE LAUTEN:** Right. Back then, maybe that
25 was setting the world on fire.

1 >> **JUDGE LUBET:** It was a lot of money.

2 But I -- what I did is I took a lot of cases,
3 court-appointeds, and I got lots of people with my card in
4 their pocket. And slowly -- slowly but surely, I got
5 involved in some fairly -- really high-profile cases. And
6 because of the high-profile cases, my business really took
7 off.

8 >> **CHIEF JUDGE LAUTEN:** Right. So today, so our
9 listeners know, judges still appoint private attorneys when
10 the public defender and now CCR, Capital Collateral
11 Representatives --

12 >> **JUDGE LUBET:** Right.

13 >> **CHIEF JUDGE LAUTEN:** -- have conflicts. But we use a
14 wheel. So we kind of go around this wheel, and it's -- kind
15 of spread the wealth.

16 >> **JUDGE LUBET:** Exactly.

17 >> **CHIEF JUDGE LAUTEN:** But it was common back in the
18 '70s where judges had their list, and just would -- and
19 they would pick lawyers who they knew would perform.

20 >> **JUDGE LUBET:** Exactly.

21 >> **CHIEF JUDGE LAUTEN:** So you must -- well, I know you
22 had a great reputation, and I'm sure you developed it early
23 on.

24 About how many jury trials do you think you did in your
25 career before you took the bench?

1 **>> JUDGE LUBET:** In my entire career before I took the
2 bench, I think -- because I did a lot of federal criminal
3 work also. And I was on the federal appointment panel for
4 ten years, maybe, 12 years maybe. And then I came off of
5 that and just took retained federal cases. But I probably
6 did a hundred -- anywhere from -- right around 150 jury
7 trials. All around the country, actually.

8 I ended up getting involved in murder cases all over the
9 country: Los Angeles; San Francisco; Buffalo, New York;
10 Corpus Christi, Texas. I got involved in a lot of murder
11 cases, and handled cases all over the country pro hac vice,
12 coming in as special counsel, which is a procedure you can do
13 here in Florida, also, if you're not a member of the Florida
14 Bar.

15 And I tried -- we tried -- I was partners with -- which
16 is -- I want to brag about this. Both of -- two of my four
17 former partners, John Woodard, who is one of them, who we
18 were partners for ten years, is a county court judge up in
19 Seminole County; and Mark Blechman, who was my partner for 12
20 years, is a circuit judge with me here, and we're right
21 across the hall from each other.

22 **>> CHIEF JUDGE LAUTEN:** That's right.

23 **>> JUDGE LUBET:** And we -- we all three tried a lot of
24 cases.

25 **>> CHIEF JUDGE LAUTEN:** Right. So 20 -- or 32 -- excuse

1 me -- 32 years of practice. In 2007, you get on the bench.

2 How is the bench different than what you thought it was
3 gonna be?

4 >> **JUDGE LUBET:** Well, it's --

5 >> **CHIEF JUDGE LAUTEN:** Or was it different? Maybe it
6 wasn't different from what you thought it was gonna be.

7 >> **JUDGE LUBET:** No. It's not so different than I
8 thought it was gonna be. I'll tell you this: To me, it was
9 a whole lot less stress than being a lawyer. Because I had a
10 very large practice. I had three or four employees at a
11 time. And I have to say, you had to make payroll every week,
12 which I don't have to do anymore.

13 And you had to carry -- you know, have malpractice
14 insurance, and you had to do this, you had to do that, to
15 keep your practice running smoothly and getting calls at 2:00
16 and 3:00 in the morning. I -- the quality of life as a judge
17 is tremendously better to me. Maybe not to everyone, but to
18 me, it's tremendously better than it was as a lawyer.

19 I had a -- I had a problem being a workaholic, and I
20 worked 50, 60 hours every week. I was at the jail on the
21 weekends. I was at the jail -- I was at my office almost
22 every Sunday night because getting ready for trials on
23 Monday, and I had my whole staff there. And it's just --
24 it's a lot less stress. It's still a lot of work. And there
25 is stress being a judge. It's just a different type of

1 stress.

2 >> **CHIEF JUDGE LAUTEN:** Right. You have to make
3 decisions that affect people's lives.

4 >> **JUDGE LUBET:** Instantly.

5 >> **CHIEF JUDGE LAUTEN:** When you were a lawyer, you
6 looked up to someone sitting there with a black robe saying,
7 you make that decision. Here's my best argument. Now you're
8 the person making that decision.

9 >> **JUDGE LUBET:** Exactly.

10 >> **CHIEF JUDGE LAUTEN:** Different kind of stress.

11 >> **JUDGE LUBET:** It's a different -- it is different,
12 yeah.

13 >> **CHIEF JUDGE LAUTEN:** Your work ethic, you're one of
14 the last cars out of this parking lot every -- five days a
15 week. I know that. So you brought that to the bench with
16 you, that working more than the minimum number of hours that
17 might even be required to do the job.

18 Have you enjoyed your time on the bench?

19 >> **JUDGE LUBET:** I have.

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

21 >> **JUDGE LUBET:** I have really enjoyed my time on the
22 bench. There have been -- as in any job, there's been
23 aggravation. There's been times when you want to change
24 something that couldn't be changed because it just wasn't
25 going to happen. Whereas in private practice, you could

1 change your office around to do something different than you
2 were doing before.

3 But overall, my time on the bench has been extremely
4 rewarding, and I have really enjoyed it. I -- I have 18
5 months left, and I am looking forward to retirement.

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

7 >> **JUDGE LUBET:** I really am.

8 >> **CHIEF JUDGE LAUTEN:** It sounds like you've earned it.

9 >> **JUDGE LUBET:** I'll be 72 when I retire. But it's --
10 being on the bench is -- it's just an incredible job because
11 there's so many times that I have seen that I can save, if
12 you will -- and I hate to use that term -- but save somebody
13 from themselves.

14 >> **CHIEF JUDGE LAUTEN:** So let me ask you this, Marc, 32
15 years of practice, ten years on the bench, you know,
16 retirement's in sight.

17 >> **JUDGE LUBET:** My 11th year, actually.

18 >> **CHIEF JUDGE LAUTEN:** Eleven years on the bench. What
19 advice would you give to someone who's practicing law now who
20 might want someday to be on the bench? With all of that
21 experience, what would you tell them if they are thinking,
22 I'd like to be a judge, in terms of preparation or career
23 path? What advice would you give to an aspiring judge?

24 >> **JUDGE LUBET:** First of all, get into the courtroom.
25 That's -- if you want to be a judge, you've got to get into

1 the courtroom, in my opinion. I see some judges that didn't
2 go into the courtroom a lot, and they adjust, and they learn.
3 But it's a harder learning curve for a lot of them.

4 For myself and Blechman and Wayne Wooten, who's one of
5 our circuit judges, and the judges who have been trial
6 lawyers, going on to the bench is such an easier transition
7 than coming -- coming from a practice where you were not in
8 court much. It was very smooth for me.

9 The other thing you've got to learn is you got to be
10 able to compartmentalize. You cannot take everything you
11 do -- either as a lawyer or a judge -- and internalize it.
12 If you do that, it will drive you crazy.

13 I have had to send people to -- to life in prison that I
14 really didn't think they deserved that, but that's what the
15 law required when the verdict came back on, for instance,
16 a -- it could have been a cap sex batt that I really wasn't
17 sure that the guy was guilty. But the jury --

18 >> **CHIEF JUDGE LAUTEN:** The jury was.

19 >> **JUDGE LUBET:** -- found him -- the jury was absolutely
20 convinced he was, which took away my choices.

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

22 >> **JUDGE LUBET:** And, therefore, the legislature said I
23 had to do what I had to do. So you can't -- you got to
24 compartmentalize that part of your life.

25 >> **CHIEF JUDGE LAUTEN:** Would you add people management

1 or people skills to --

2 >> JUDGE LUBET: Absolutely.

3 >> CHIEF JUDGE LAUTEN: -- as an essential ingredient to
4 being a judge? You have to work with people and manage other
5 people.

6 >> JUDGE LUBET: Yeah.

7 >> CHIEF JUDGE LAUTEN: Which sometimes, I think,
8 surprises people. They think you just rule.

9 >> JUDGE LUBET: No. You've got to be able to -- the --
10 probably as critical as anything, is managing a docket.

11 >> CHIEF JUDGE LAUTEN: Right.

12 >> JUDGE LUBET: And the cases -- as our former Chief
13 Judge, Belvin Perry, told me when I first came on the bench,
14 you've got to keep your docket under control. He said, it's
15 like a tidal wave. If you let that tidal wave crash down on
16 you, you're never gonna get out from under it.

17 >> CHIEF JUDGE LAUTEN: Right.

18 >> JUDGE LUBET: I have managed to keep my docket under
19 pretty good control. There's -- you've got to be able to
20 organize and have -- the other thing I will tell you, Chief,
21 is you've got to have a great assistant.

22 >> CHIEF JUDGE LAUTEN: And you have one.

23 >> JUDGE LUBET: I have a great assistant. She's been
24 with me 13 years.

25 >> CHIEF JUDGE LAUTEN: So do I. But so do you.

1 >> **JUDGE LUBET:** Yes, you do.

2 (Laughter.)

3 >> **JUDGE LUBET:** But she's been with me 13 years, and
4 she has been phenomenal. I couldn't have done this without
5 her. She's so organized. But you've got -- and you've also
6 got to be -- understand when you come on the bench that
7 people that you're seeing are not numbers. They're not --
8 they're not Case 2017-CF-12345. It's John Smith.

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

10 >> **JUDGE LUBET:** And John Smith had issues.

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

12 >> **JUDGE LUBET:** And what do I have to do to try and
13 help society -- keep society safe plus get John Smith through
14 these issues where we won't see John Smith again? Whether
15 it's a long prison term because of something terrible he did
16 or whether it's counseling and probation and drug counseling.
17 There's just -- you've got to learn that these are people
18 you're dealing with.

19 >> **CHIEF JUDGE LAUTEN:** I'm gonna switch gears a little
20 bit.

21 >> **JUDGE LUBET:** Sure.

22 >> **CHIEF JUDGE LAUTEN:** Because I, in prepping for this,
23 learned that you might have one of the more interesting --
24 maybe the largest collections of knives in a collection that
25 you've assembled, and I want to talk to you a little bit

1 about that.

2 >> JUDGE LUBET: Okay.

3 >> CHIEF JUDGE LAUTEN: So what I've been told is
4 sufficient upwards of 100 handcrafted knives; is that right?

5 >> JUDGE LUBET: I do. I collected handcrafted fighting
6 knives and survival knives. And I have -- I think I have --
7 in fact, I'm sure I have 28 Randall Knives.

8 >> CHIEF JUDGE LAUTEN: So tell our listeners a little
9 bit about that, because I know it's --

10 >> JUDGE LUBET: Sure. Randall Knives are made here in
11 Orlando. They've been made here in Orlando since before
12 World War II by Bo Randall. And they're all handcrafted here
13 in Orlando. I believe it's down off --

14 >> CHIEF JUDGE LAUTEN: The Trail.

15 >> JUDGE LUBET: -- the Trail. Yes, it's down off
16 Orange Blossom Trail, a little shop that you wouldn't even
17 recognize unless you're really looking for it. But if you
18 order a Randall Knife from them -- and they have a huge
19 catalog of knives they'll build for you, and they'll
20 customize them for you -- it's about a four-year wait to get
21 your knife.

22 >> CHIEF JUDGE LAUTEN: Really?

23 >> JUDGE LUBET: And you have to pay half up-front, I
24 believe is the way they used to do it. I don't know if
25 they're still doing it like that. But I believe they do.

1 You pay half up-front. And then, when the knife is finished,
2 they let you know, and you come in and pay the other half.

3 But if you order a knife from them, you're going to wait
4 three to four years to get that knife. That's how far back.

5 >> **CHIEF JUDGE LAUTEN:** Why knives? What -- what was
6 the attraction -- why did you get attracted to --

7 >> **JUDGE LUBET:** I just -- I just like -- I like knives.
8 I am one of those very rare people who -- we're not gonna get
9 into politics -- who is a very strong believer in the Second
10 Amendment, also, as opposed to some others of my particular
11 political persuasion. And I do -- I like guns and knives.

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

13 >> **JUDGE LUBET:** And I have -- I started collecting
14 these knives because I just thought they were beautiful.

15 >> **CHIEF JUDGE LAUTEN:** And is it mostly --

16 >> **JUDGE LUBET:** And I don't use them.

17 >> **CHIEF JUDGE LAUTEN:** I was gonna ask you that. Do
18 you use them for anything? Or sit --

19 >> **JUDGE LUBET:** I really don't. I just collect them.
20 And none of them lose value.

21 >> **CHIEF JUDGE LAUTEN:** Really?

22 >> **JUDGE LUBET:** Oh, they go up in value. Especially
23 the Randalls.

24 >> **CHIEF JUDGE LAUTEN:** And wasn't Randall asked to
25 design a knife for NASA for --

1 **>> JUDGE LUBET:** For NASA, yes. He did. He designed a
2 knife called the Astro that was actually carried, I believe,
3 in the Mercury Capsule by the -- one of the astronauts. And
4 that knife -- or a copy of that knife was in the Metropolitan
5 Museum of Modern Art, I believe, in New York. And I have one
6 of those. I do have one of those.

7 **>> CHIEF JUDGE LAUTEN:** Wow. So guns. About how many
8 guns have you collected over your -- I hear you have quite
9 a --

10 **>> JUDGE LUBET:** Sixty to 70. I have 60 to 70 firearms.
11 I don't hunt, by choice. I do shoot a lot of target. I do
12 target shooting.

13 **>> CHIEF JUDGE LAUTEN:** Sport shooting, target shooting?

14 **>> JUDGE LUBET:** Yes. And I'm a member of a gun club,
15 and I go out and sport shoot rifles and pistols.

16 But the guns I have are -- you know, everything's in
17 safes because --

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

19 **>> JUDGE LUBET:** -- you just got to be so careful.

20 **>> CHIEF JUDGE LAUTEN:** Sure. And knives -- do you
21 display the knives at home?

22 **>> JUDGE LUBET:** No.

23 **>> CHIEF JUDGE LAUTEN:** Are those locked up too?

24 **>> JUDGE LUBET:** Yes. The reason you don't want to
25 display stuff is you have people coming into your home for

1 different reasons --

2 >> **CHIEF JUDGE LAUTEN:** Right. You're inviting them to
3 come back and take them.

4 >> **JUDGE LUBET:** Right. Come back and steal whatcha
5 got. And I'd rather not do that.

6 >> **CHIEF JUDGE LAUTEN:** I understand. Right. So you
7 have quite an investment, a hundred knives and 60 guns.

8 >> **JUDGE LUBET:** It's a huge investment.

9 >> **CHIEF JUDGE LAUTEN:** And I hope you feel secure where
10 you live.

11 >> **JUDGE LUBET:** Oh, yes. My wife is also a very good
12 shot, and she has hidden in our house several firearms where
13 she could reach them if she needs to.

14 >> **CHIEF JUDGE LAUTEN:** For sport shooting, do you have
15 a favorite weapon that you like to fire?

16 >> **JUDGE LUBET:** Yes. I like to fire 1911 .45s. I like
17 to fire my M4 and M16s. I have two M1 Garands from 1953, a
18 .30-06 Garand, and I shoot those.

19 >> **CHIEF JUDGE LAUTEN:** Wow.

20 >> **JUDGE LUBET:** And I've shot a military match with
21 those out at my sportsman's club. It's a club in Lake
22 County.

23 And I just -- I like guns.

24 (Laughter.)

25 >> **CHIEF JUDGE LAUTEN:** So I know -- the listeners

1 probably don't know this, but judges are permitted to carry
2 weapons for security and conceal weapons. And we routinely
3 go and shoot at the sheriff's range --

4 >> **JUDGE LUBET:** Right.

5 >> **CHIEF JUDGE LAUTEN:** -- because the last thing you
6 want to do is carry a gun and not know how to operate it or
7 not be very accurate with it.

8 >> **JUDGE LUBET:** Right.

9 >> **CHIEF JUDGE LAUTEN:** And I know you go out there
10 sometimes, bring your our collection with you --

11 >> **JUDGE LUBET:** I do.

12 >> **CHIEF JUDGE LAUTEN:** -- and fire at the range, and
13 have shared that with your colleagues --

14 >> **JUDGE LUBET:** Yeah.

15 >> **CHIEF JUDGE LAUTEN:** -- who enjoy sometimes firing
16 those.

17 So a workaholic, 32 years practice, 11 on the bench.
18 You've got almost -- well, not quite two to go.

19 Will you be able to relax in retirement? Will you be
20 able to kick your feet up?

21 >> **JUDGE LUBET:** I really think I will.

22 (Laughter.)

23 >> **CHIEF JUDGE LAUTEN:** Well, you've earned it.

24 >> **JUDGE LUBET:** I think after 32 years of being in
25 practice and going through all the trials and tribulations of

1 practicing law and trying cases. And the -- the 11 -- I'm in
2 my 11th year on the bench. And I've got one more after
3 this. I think I probably have earned the right to kick back
4 a little bit.

5 >> **CHIEF JUDGE LAUTEN:** Well --

6 >> **JUDGE LUBET:** I -- I'll tell you one thing about
7 being a judge that I don't think a lot of people understand
8 is it's -- you're exhausted at the end of the day.

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

10 >> **JUDGE LUBET:** It's a tiring job.

11 >> **CHIEF JUDGE LAUTEN:** I know one of our colleagues
12 said that -- that while private practice was very stressful,
13 there were times when you could take a day off or if
14 everything washed away and your day was canceled, or two days
15 in a row canceled, you could stay away from work.

16 But here, what surprises a lot of people is we're tied
17 to a docket, so we have to plan any time away with our
18 families for vacations or graduations. Otherwise, we're here
19 because the caseload is here, and it demands that we be here
20 with it.

21 >> **JUDGE LUBET:** I -- I take -- I have never taken --
22 we're given X number of days per year that we can take off
23 pursuant to a local rule or custom. And I have never taken
24 that total amount of time. In fact, the most days off I've
25 ever taken, I believe in any one year, has been 17 days. And

1 I get almost twice that amount that I can legally take --

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

3 >> **JUDGE LUBET:** -- ethically take. But I just don't
4 have time to take it.

5 But I am also one of these people who was told when I
6 took this job, you're being hired by the people of this
7 community to -- to work, and we'll pay you. So I don't
8 believe in taking days off in the middle of the week. I
9 just -- I've taken -- you take medical time when you need it.
10 But I -- when my docket washes out, I don't go home,
11 generally.

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

13 >> **JUDGE LUBET:** Ninety-nine times out of a hundred, I
14 don't go home.

15 >> **CHIEF JUDGE LAUTEN:** I should add as chief, and I
16 think you agree with this, every now and then, though, you do
17 need a mental break. Our colleagues every now -- we just had
18 a judge finish a three-week long tobacco trial, and she was
19 exhausted.

20 >> **JUDGE LUBET:** Absolutely.

21 >> **CHIEF JUDGE LAUTEN:** Because it was three weeks in a
22 row of listening to every word being spoken because you might
23 have to rule on objections or make decisions based on what
24 you hear.

25 Like you say, you go home some nights, and it's like, I

1 can't engage intellectually anymore. I'm just brain dead
2 right now.

3 >> **JUDGE LUBET:** I tried a five-week death penalty case,
4 five full weeks. It took over -- almost -- it took seven
5 days -- business days -- just to get a jury.

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

7 >> **JUDGE LUBET:** And when you're finished with that and
8 you go home, and my wife says to you -- or my wife said to
9 me, what do you want for dinner? You can't answer -- you
10 can't make a decision on that.

11 >> **CHIEF JUDGE LAUTEN:** Whatever you serve me.

12 >> **JUDGE LUBET:** Yeah. I don't want to make any more
13 decisions today. I've decided enough.

14 >> **CHIEF JUDGE LAUTEN:** Yeah. Well, Judge Lubet, on
15 behalf of all of your colleagues here, it's a thrill to work
16 with you. You're -- one of your -- the things that you're
17 known for is that you're outspoken and tell us what you
18 think. And we appreciate that candor. And you're a great
19 colleague and a lot of fun to work with. And you have such a
20 wealth of trial experience and criminal law experience, that
21 I know people go into your office all the time for advice.

22 And also, I should note for our listeners, that you --
23 for your entire career -- have taken on interns to train
24 young people and what it means to be a lawyer.

25 So for your public service to the community, for your

1 service as a colleague to the judges who work with you, for
2 your service to the young lawyers who are now interning with
3 you, thank you so much for everything that you've done for
4 the legal profession and the courts.

5 >> **JUDGE LUBET:** You're very, very welcome. It's been a
6 pleasure.

7 >> **CHIEF JUDGE LAUTEN:** Thanks.

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14 (Music.)

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