

OPEN NINTH:

CONVERSATIONS BEYOND THE COURTROOM

ANALYZE THIS

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>>Welcome to another episode of Open Ninth: Conversations beyond the Courtroom in the Ninth Judicial Circuit Court of Florida. Now, here's your host, Chief Judge Fred Lauten.

>>**CHIEF JUDGE LAUTEN:** I'm here today with my good friend and colleague, Circuit Court Judge Diana Tennis. She's currently assigned to the domestic relations division in Orange County, and we welcome her to Open Ninth. Judge Tennis, welcome.

>>**JUDGE TENNIS:** Thank you so much, Judge Lauten. I'm thrilled to be here.

>>**CHIEF JUDGE LAUTEN:** Great, we're glad to have you here. Can you tell our listeners a little bit about where you grew up and where you went to law school, and your entrance into the legal profession?

>>**JUDGE TENNIS:** Well, sure. I grew up in the mid-west but I moved to Florida when I was 12 so I really feel like I'm basically a Floridian at this point. And I went to college at the University of Florida. I went to law school there as well, and then after I graduated I went to work at the Public Defender's Office when it was being run by Joe DuRocher here in Orlando. And I spent two fantastic years being in the courtroom, doing exactly what I've always dreamed of doing, fighting the good fight for my clients, talking to juries. It was really a blissful two year, and then I decided I needed – I needed more and I wanted to open my own practice and have more money. I was making a whopping like \$26,000 at that point.

>>**CHIEF JUDGE LAUTEN:** Yikes.

>>**JUDGE TENNIS:** I know, and that's for an entire year.

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

>>**JUDGE TENNIS:** So I decided, I really – I’ve got to eat something more than Ramen noodles, so I struck out on my own and hung a shingle. And I did that for 22 – 20 years or so, and then I decided I wanted to ascend to the bench and be one of your colleagues and learn something new and grow a little bit professionally. So I ran for judge in 2014 and was lucky enough to win.

>>**CHIEF JUDGE LAUTEN:** Great. So I know that you excelled in law school and graduated near the top of your class and graduated with honors. And then two years at the Public Defender’s Office, a little – that’s a little less than the time a lot of people spend there before they branch out into private practice. That must have been a courageous, kind of a bold move at the time.

>>**JUDGE TENNIS:** It may have been. You know, I think when you’re that age, you’re luckily too foolish to sometimes know when you’re doing things you shouldn’t. I will say that I was in a felony division at nine months in so I had been in a felony division for about 13, 14 months when I decided to make the leap. And I also did – I did things that I think a lot of young lawyers should think about doing, and that is I sat in on a lot of other more experienced lawyers’ trials. I did a lot of that. I did a lot of second chairing big cases to get some experience. That was back in the day when you could actually wander through the clerk’s office and, you know, eyeball the big fat files and you knew that’s where the good motions were and you could always, you know, take a look at some other really good lawyers’ motions that way too. You can’t do that these days.

>>**CHIEF JUDGE LAUTEN:** Right. And I know today people’s caseloads in the State Attorney and Public Defender’s Offices are pretty heavy but I think a lot of judges think it would be very helpful, and you would learn a lot if you watched other people do what it is that you also

do, and see some different techniques and different approaches. I don't know how much of that's going on these days, but it's really a valuable lesson.

>>**JUDGE TENNIS:** I think it is too. I think the other thing about watching that's really important, that a lot of lawyers don't get a chance to do, is watching themselves.

>>**CHIEF JUDGE LAUTEN:** Right, which is painful to do though.

>>**JUDGE TENNIS:** Oh, it's so painful. I hate my voice. In fact, I may not even listen to this, to be honest with you. But that was one thing about having a few cases that got into the spotlight and had media attention and were either on TV or you know, played in their entirety or just portions. If you get a chance to actually watch yourself, you can see all sorts of idiosyncrasies and habits, and things that you don't know that you're doing, and I find it to be super helpful. So I tell young lawyers that all the time.

>>**CHIEF JUDGE LAUTEN:** Great. That's great. Let's talk a little bit about your private practice. So you leave. About how long did it take you to build up a practice, would you say, back when you left?

>>**JUDGE TENNIS:** Well, I was really lucky in that the community was so much smaller then. This is the early 90s; it wasn't nearly as competitive as it is now. And so I took a few cases with me from the PD's office and got an ad in the yellow pages. You know, you probably have to explain to some of the listeners what that is. It's a big book –

>>**CHIEF JUDGE LAUTEN:** Look that one up, folks.

>>**JUDGE TENNIS:** -- numbers, names. Anyway, anyway and so it wasn't – I would say it was probably two years before I felt fairly comfortable and that kind of thing. But running

a business on top of being a lawyer who loves the law, the business part is really hard. I mean, it's a lot harder frankly than the lawyer part.

>>**CHIEF JUDGE LAUTEN:** And a lot of lawyers aren't trained in business practices.

>>**JUDGE TENNIS:** None of us are. I mean, I don't think that's happening now.

>>**CHIEF JUDGE LAUTEN:** Yeah, sort of – political science majors, English majors, pre-law majors.

>>**JUDGE TENNIS:** Yes, poly-sci major, guilty as charged. Absolutely.

>>**CHIEF JUDGE LAUTEN:** History major, right.

>>**JUDGE TENNIS:** If I had only taken a bookkeeping class.

>>**CHIEF JUDGE LAUTEN:** Well, I kind of tripped into getting an M.B.A. before I went to law school, but no, you're right. Running a business practice, that's a whole skillset that you have to learn through trial and error. But you did it well and before your career as a private practitioner ended, you represented some pretty – a couple of high profile defendants. I wonder if you'll share with our listeners, to the degree you can, because even some things you learn representing clients might still be confidential but what – tell us a little bit about some of your high profile cases.

>>**JUDGE TENNIS:** Sure. Well, I would say the one that really kind of set my career going in that direction was my representation of Kenny Taylor. He was the gentleman that was accused of being the tourist rapist, for lack of a better word, back in 1998. And Kenny's wife called me. He had been arrested. They were getting ready to charge him with having attacked this British tourist. I went down to the jail to talk with him and I don't know what to tell you

other than it was just instinctual on my part. I just felt to my bones that he was telling me the truth when he said he had nothing to do with it, even though I had heard that quite a few times before. And he convinced me to get involved in his case, even though he didn't have any money. And about a week and a half later I took a trip to Atlanta with my legal assistant and a computer and a printer, and I collected about 15 affidavits from people who had seen him at work, had his hair cut, school, just had seen him all over the place for the period of time that the attack occurred in which further convinced me he couldn't possibly have done it. And I came home with those affidavits and I wanted his exoneration which I felt in my gut was coming to be as talked about as his arrest, which of course, front page above the fold. And so I – this was pre-Casey Anthony so, you know, this was really kind of a quiet town for that kind of thing. So I got out my yellow pages again and I found the numbers for some of the TV stations and I called them up and said I'm going to have a – I'm going to have a press conference for Mr. Kenny Taylor. And set up a card table in my parking lot at my office and put on, you know, a nice suit and went outside not knowing what would happen and they showed up. And I got to talk about how much I believed he was not guilty.

>>**CHIEF JUDGE LAUTEN:** Where were you in the case at that point in time? Was it still pending? Had it been dismissed?

>>**JUDGE TENNIS:** It was – it was way at the beginning. I was trying to get him out on bond. We were leading up to a bond hearing. No, I'm sorry, he had gotten out on bond at that point. And he was – they dropped the charges. I would say within another two or three weeks of that they no info'd the case.

>>**CHIEF JUDGE LAUTEN:** So in my career, I've been on both sides. I was a defense attorney, then a prosecutor, then a judge so I know you got this question all the time

when you were a defense attorney, how can you represent someone who is guilty? And my answer was, that's easy. You should try representing someone who you think is innocent and charged with a crime, if you want to experience real pressure.

>>**JUDGE TENNIS:** It's – it's very, very, very true. And so Kenny's case is a great story for me personally because I just felt like I had done the right thing as a person and a lawyer to do my best to help this person who I truly believed was innocent. And as it turns out, he absolutely was. But when I answer that question, I don't lead with the Kenny Taylor story because I want people to understand that when you are a criminal defense lawyer or you're somebody like you and I that just believes in the system, you have to have somebody working hard at all three points, at the defense point, at the prosecution point and the judge point. And you have to have everybody working ethically and fairly and giving it their very best shot. And then if somebody on occasion who is guilty walks away, I am absolutely okay with that. That's how our system is set up.

>>**CHIEF JUDGE LAUTEN:** Sure. It sounds like I minimized, but I –

>>**JUDGE TENNIS:** No, no, no –

>>**CHIEF JUDGE LAUTEN:** I don't mean to minimize. So people who are charged and might be guilty need representation as much as anyone else because the system itself is so complicated and it's a little confounding if you don't – if you're not trained in it. Someone could be overcharged –

>>**JUDGE TENNIS:** Absolutely.

>>**CHIEF JUDGE LAUTEN:** Someone could receive a sentence that's truly not a fair sentence even if they deserved to be sentenced.

>>**JUDGE TENNIS:** Right.

>>**CHIEF JUDGE LAUTEN:** So the role of the defense attorney is critical. And you really have to ask people, do you really want people going into court on their own, not being defended by a talented lawyer? And when you push them hard enough, most of the time, not always, but most of the time people go, no, that's the system we want.

>>**JUDGE TENNIS:** Yep.

>>**CHIEF JUDGE LAUTEN:** So Kenny Taylor. What other high profile? Any other high profile cases?

>>**JUDGE TENNIS:** I have. I've been – I hate to use the word lucky, but I feel – I do feel gratitude for having a number of cases that ended up in the press, brought to me, not because they ended up in the press but because they were there because they were really important cases and meant a lot to the people that were involved on both sides of them. I've had – one of the murder cases that I successfully defended was on 48 hours. I had another one on Discovery Network. And I guess I was lucky in that I tried probably a dozen to fifteen murder cases and it tended to be only the ones I won made it to big time t.v. So that was very lucky for me too, but I felt good about helping people in a really horrible time.

>>**CHIEF JUDGE LAUTEN:** Let's talk about then you getting involved in the media coverage of cases, not as the defense attorney defending a person, but as a commentator. Maybe you can tell our listeners – I know your story a little bit, but it's intriguing. Maybe you can tell our listeners your story and it's obviously going to slide into the Casey Anthony case.

>>**JUDGE TENNIS:** Yeah, all things in this town, at some point if you're talking about the law, it slides into the Casey Anthony case. Well, I had given interviews and such related to

my own cases over time and gave some level of commentary, but it really wasn't until the Casey Anthony case that I think any of us that were in the legal field were asked or called upon to explain on a daily basis what the heck was going on to the poor citizens of this – of Central Florida who were just in the middle of a legal circus. And I think really wanting information and wanting answers about what was going on. So I had given some comments to a couple of the reporters that came around the courthouse. And one day a friend/reporter said well, over at a local station, they're wanting you to come in in person. Could you do that at 5:00 o'clock, and do a little interview on the 5:00 o'clock news? I'm like, sure. Well, I didn't realize, once they have you on speed dial, if you're willing to show up at any time and can help them help their viewers understand, I basically moved in there. And once the trial started, you know, I really moved in there. And I got really close to those folks and felt like we did a really good job I hope every day of trying to explain to lay people the many layers of complexity about what's going on in a really high profile murder case. So that's the one that kind of sucked me into it.

>>**CHIEF JUDGE LAUTEN:** So Casey Anthony sort of started off as a big local story but still was a local story. At what point in time did you feel the ground shift to holy smokes, this is bigger than just the Central Florida region?

>>**JUDGE TENNIS:** You know, that's a fabulous question because I would not have ever expected it, but to be honest with you, I was not a huge watch news kind of person. And I certainly had not been a big watch other people's trials every single minute, but I – but when I went in, the station I was doing work with had decided that they were going to do the Casey Anthony right. They were not going to get all swept in this. They were not going to get sucked in. They were not going to set aside all their regular programming. We were just going to give a tidbit here and there and be done with it. And then we – they had me in for the start of the jury

selection on day one, and it was supposed to be, you go in at 8:00, you give a little, you know, here's what's going to happen in jury selection and then maybe go back later at 6:00 p.m., maybe. Well, at 9:00 o'clock they're like, could you hang on a little while longer? At noon they bring us lunch. I'm like, when am I going to get out of here. And it just – it just turned into gavel to gavel coverage. It just turned into every day and at that point I thought, if you're going to sweep your entire day – now, after we – this station started it, the other stations followed suit. If all of these local stations are going to do nothing but show jury selection, which is the most boring part for folks on the outside, then that means everybody in the world has to be watching.

>>**CHIEF JUDGE LAUTEN:** So then the village was set up across the street –

>>**JUDGE TENNIS:** Yes.

>>**CHIEF JUDGE LAUTEN:** -- and I'm fascinated about your impressions from being in that setting. We saw it from the outside; you participated from the inside. Tell us a little bit about that.

>>**JUDGE TENNIS:** It was so – well, it looked like a – one of those wild west cities that's built overnight in the gold rush kind of thing and just slaphazard, tents and trucks and wires and cameras and reporters trying to find little bits of ground where they could get their shot without having everything else in the background. It was the summer, so of course, it rained every single day and so there's six inches of sloth that you got to get through to get to this tent to go to that thing to, you know, be on TV for your few moments with this national channel and then maybe scurry over to another local channel and do some minutes. And it was – it felt kind of crazy.

>>**CHIEF JUDGE LAUTEN:** It was kind of crazy, wasn't it?

>>**JUDGE TENNIS:** But exciting in the – in a sense that, with a super serious horrible situation that brought about this case, but it also had a lot of legal fascination for those of us who love the law. It had fascinating experts. It had bizarre twists and turns. It had surprising lawyer moments. It had – there was a lot to dissect for the watching community and I think most of us who were involved in it really enjoyed the teaching aspect of it a lot.

>>**CHIEF JUDGE LAUTEN:** So a little bit more about the village. So you're out there; it's the dead of summer, it's hot. Can they air condition where you are so that you're not melting while you're on the camera? Cause you're also under lights, aren't you?

>>**JUDGE TENNIS:** Most – yes, most of the tents/trucks had some level of AC. I will say that there was a couple fairly severe exceptions to that. And they would have fans. You would be there as little as possible but, of course, the on-air personality or the local reporter is stuck in that little van for the duration of the day. So they dressed down and we just kind of got through it. But most of them were relatively comfortable.

>>**CHIEF JUDGE LAUTEN:** Gotcha. And so you're out there and national correspondence are right next door to you. Kind of an interesting contrast. Let me ask you this and if you don't want to answer it, don't. Were you – do you get – are you compensated while you're doing that kind of work? Are you a volunteer, in essence, what?

>>**JUDGE TENNIS:** That super varies across the board. For the Casey Anthony trial and then later for the George Zimmerman trial, I got what I would call a very modest stipend for the fact that I was really setting aside a law practice for that period of time. Now, nobody would consider what I received to be like a huge amount of money, but there is something to be said for sharing your knowledge with the public is a much better advertisement of your knowledge of the

law than paying for an ad on the TV. So I can't say that I did not get remuneration and reputational elevation and some – a couple fairly hefty cases. But I didn't get paid a lot, no.

>>**CHIEF JUDGE LAUTEN:** So for our listeners, you're not Nancy Grace where that's your full-time job or Anderson Cooper –

>>**JUDGE TENNIS:** No, I am not Judge – I'm not Judge Judy but if somebody is looking for a new one, I could be – I could be lured.

>>**CHIEF JUDGE LAUTEN:** Me too. I – always volunteering, you know. I don't think they want my mug on TV. But you – but yes, I'm sure the listeners understand you took time away from an active law practice, or you never slept. I don't know, probably a combination of both.

>>**JUDGE TENNIS:** Yeah, kind of a combination of both.

>>**CHIEF JUDGE LAUTEN:** So you go through that experience and then probably thinking, well, that's it, that's once in a lifetime –

>>**JUDGE TENNIS:** Never will have that happen again.

>>**CHIEF JUDGE LAUTEN:** And then what happened in our neighboring county? Why don't you tell our listeners?

>>**JUDGE TENNIS:** Well, and then Trevon Martin was shot by George Zimmerman and the maelstrom that erupted was very immediate, very national, very quickly. And although they're similarities in the sense that, you know, everybody descended once again on Central Florida, it felt so different. Not that – not that the tragedies were not comparable, but the legal and societal implications of the George Zimmerman/Trevon Martin case were significantly

higher. So I felt personally a higher duty to elevate the conversation and the topics we had. It was – there was a lot more legal meat to it, if you will, so it felt different, but the same.

>>**CHIEF JUDGE LAUTEN:** And then overlaid so significantly with the racial aspect of it.

>>**JUDGE TENNIS:** Absolutely.

>>**CHIEF JUDGE LAUTEN:** Interesting. I had conversations locally and regionally, and with I have friends who live up north, nationally. There were times when we said why was Casey Anthony such a national story because we've tried unfortunately more than one case where a child was murdered by a parent –

>>**JUDGE TENNIS:** Right.

>>**CHIEF JUDGE LAUTEN:** -- or abused. And so we were like, how did this catch on? Everybody had their own theory about her and the family. The Trevon Martin/George Zimmerman case we kind of understood right away. It had national issues, mostly racial issues and then stand your ground and self-defense, and all those legal issues that even today we're wrestling with locally and nationally.

>>**JUDGE TENNIS:** And they're really complicated. I mean, just like, you say the stand your ground and it almost sends shivers down my back because I just remember, you know, trying to – trying to put those legal concepts into sound bites that anybody's really going to understand. I mean, when you go to law school, you have an entire, you know, entire eight weeks devoted to self-defense and all of the myriad layers. To then try to explain that to people in a two minute session is just near impossible. So that was definitely a challenge.

>>**CHIEF JUDGE LAUTEN:** Having presided now as a judge and sitting as a judge, do you think the experience you have here would have, looking back, changed your perspective or your commentary in any way or are the two really kind of not – wouldn't affect one another that much?

>>**JUDGE TENNIS:** A great question. I think there's definitely an interchange. I will say that my work of having observed trials to report back to the public made me pay a lot more attention to the judges in those cases. And so I'm much more mindful, I hope I'm more mindful, or will be when I see the first camera in my courtroom as to how that all looks because, you know, the judges that I work with that were in high profile cases have all been unbelievably good about being professional and calm and deliberative, and all of those things because the public is making its assessments about the credibility and value of our justice system unfortunately or fortunately by watching these media cases, or some little teeny portion of these media cases, so I think that that has made me more mindful. Would I have been more empathetic toward judges and their plight if I'd known now how hard it is to make decisions on the fly? I'm sure. I don't remember ever being particularly hard on a judge on TV because that would have been stupid because I'm a lawyer in this town. But in my mind I might have been harsh. And now I just see how difficult it is to make a million decisions on the fly with people staring at you.

>>**CHIEF JUDGE LAUTEN:** One thing that we were kind of blessed by really though for Casey Anthony is we had our former Chief Judge Belvin Perry. I don't know that you could have selected a better judge, so we had a phenomenal, highly experienced, talented, smart trial judge. In Sanford, Deborah Nelson, very hard working, very smart, wanted to get it right. You could watch both of them, both intellectually and almost physically struggling with I want to get this right, I want to get this right, I want to get this right, so in that sense we were blessed

because we had two of our finest. And for our listeners I'm curious, as a trial lawyer I did this and I imagine you did, and I'm not looking for confirmation. So once I started thinking about would I want to be a judge in trials that I participated in as a lawyer, and I'd always think, I wonder how I'd rule on this one if I were sitting up there. And you always say, well, rule my way.

>>**JUDGE TENNIS:** You're right.

>>**CHIEF JUDGE LAUTEN:** But after a while, towards the end of my practicing career, I thought, would I go with my argument on this one or wouldn't I?

>>**JUDGE TENNIS:** I could see doing that. I remember having judges tell me while I was in front of them as a lawyer, but also a candidate, I remember one judge in Seminole County in particular and I got a little hot about him having ruled against me. And he said, but Ms. Tennis, just wait and see how this feels on the other side. Yeah, you're probably right; it probably isn't going to be so easy.

>>**CHIEF JUDGE LAUTEN:** Yeah, it's a little hard – it's like everything. It looks easy until you're – now you do it, and it doesn't look so easy anymore.

>>**JUDGE TENNIS:** Right, right, right.

>>**CHIEF JUDGE LAUTEN:** So you also are very innovative in the use of social media. So you have conducted school town halls and have been active in conveying to the public through social media here's what courts do and you can watch us do it, and I'm happy to answer questions that I'm permitted to answer because some of them we're not allowed to comment on. And so I'm curious about your perspective of social media and the courts and the law today.

>>**JUDGE TENNIS:** Well, I think here in the 9th we're so blessed because we have an unbelievably advanced social media presence for courts. I mean, we're unparalleled probably in the country. I mean, this Podcast right here is earth shattering new stuff. I mean, we're breaking new ground and I think that that's what you have to do if you're going – if you're going to be able to communicate with people the message that we are – we're here for you. This courthouse is not some big strange, scary place in the middle of downtown Orlando. We – we are here to help you with everything that you need in your life that brings you to the courthouse and that's a myriad of things. And we're people, and I think if you want to, you know, convey that message across the board, you got to go where the people are, and the people are on social media.

>>**CHIEF JUDGE LAUTEN:** Particularly young people –

>>**JUDGE TENNIS:** You got to meet them where they are.

>>**CHIEF JUDGE LAUTEN:** Particularly young people. Really, it's kind of –

>>**JUDGE TENNIS:** Everybody.

>>**CHIEF JUDGE LAUTEN:** -- everybody now. But –

>>**JUDGE TENNIS:** I can't talk to my mom unless it's, you know, it's on Facebook. I mean, I don't – that's – she doesn't talk on the phone anymore.

>>**CHIEF JUDGE LAUTEN:** And another aspect of today that concerns me a little bit is I don't know that we have the level of civics education that we should have in our nation. And so reaching out, especially to high school students, which you have done through social media to educate them about civics is invaluable. And I think really important because with – you know, there's blessings and curses to everything. Some talk shows where people are screaming at each

other and the message is so harsh, and then when they see a judge who's more deliberative and dispassionate about discussing legal issues over social media, I think it's invaluable. So I really appreciate that. You've sat in the domestic division since you've become a judge, both in Osceola County and Orange County. You had a bit of a domestic practice, didn't you?

>>**JUDGE TENNIS:** I did. I did.

>>**CHIEF JUDGE LAUTEN:** And a criminal defense practice.

>>**JUDGE TENNIS:** Yeah.

>>**CHIEF JUDGE LAUTEN:** And I guess a general practice. I mean –

>>**JUDGE TENNIS:** To be honest, I did almost exclusively criminal defense and family for that 20 years.

>>**CHIEF JUDGE LAUTEN:** How have you found – how have you found the transition from practicing to the bench?

>>**JUDGE TENNIS:** Well, the upsides are fairly significant. In family law, in particular, I would say the frustration of being a lawyer is that you're dealing with really good people who are typically not at their best, and that they are most stressed out, and that they are, let's say least reasonable. And there's a lot of frustration around trying to get folks who are not themselves to do good reasonable things for their children. And as a judge, not only do I not have to really worry about controlling anybody, for lack of a better term, I also don't have to worry about what the judge is going to do. And so I find it much easier just personally, emotionally it's easier honestly to make those hard decisions than it was to kind of manage – manage people in it. And that's not to say that there aren't days where I think, oh, my gosh, why

– how am I going to decide how this child’s time sharing should be split up. I don’t know these people. I’ve heard three hours of testimony and I have to make this decision for people. But it still has been somewhat easier to make those decisions than to deal with all of the stress that goes into practicing. But I miss being in a courtroom, you know.

>>**CHIEF JUDGE LAUTEN:** As an advocate?

>>**JUDGE TENNIS:** Oh, yeah. I mean, that’s, you know, I have a background in theatre and the courtroom was always, you know, a bit of – a place where you got to be passionate and tell stories, you know, talk about what happened to juries and try to convince judges of things. I mean, it’s a really exciting place to be. It can also be scary and stressful and things go badly sometimes. But I miss that.

>>**CHIEF JUDGE LAUTEN:** Right, that’s right. Anything about becoming a judge that hit you when you got here that you didn’t anticipate or that surprised you, anything, where you went, oh, I – I didn’t see that one coming or I didn’t –

>>**JUDGE TENNIS:** I would say I wish – I wish that as a – I wish I could have been a judge for a couple weeks, you know, in my – in my maybe tenth year of being a lawyer and then going back to being a lawyer because it’s just such a different perspective which is why I do – I hold a lot of seminars that I put on myself for – for lawyers, particularly family lawyers because I want to say to them, like I’m here to be honest with you. It looks so different from up here than it does from the bubble on each side of the – of the courtroom. And so I wish I had a little bit more of this perspective while litigating. It probably would have helped me a lot.

>>**CHIEF JUDGE LAUTEN:** So one of the impressions I have, I’ve wondered if I had ever went back to the practice of law is, as a judge, I appreciate that the lawyer can oftentimes

help me through a very difficult decision. While they have to advocate a particular position, you know, they're there to help me and they can really be beneficial to me. And I think if I sat on the other side of the table now, I would understand, you know, this judge is struggling. There is another side to this argument. Somehow I've got to help him or her get to where I think they ought to go. Sometimes conceding, okay, maybe the case law isn't as clear as I'd like it to be in my favor, but here's why you ought to decide it my way. And I just wonder – and I think I'd be just a little more patient with how hard it is. You feel that say way sometimes?

>>**JUDGE TENNIS:** Oh, definitely, definitely. I want to think that I was a lawyer that would concede the points that needed to be conceded but I'm not so arrogant to think that that always happened. But I know now, you're totally right, if a lawyer comes in and says, I want these three things, this second thing, here's a case that's actually against me and that has happened. And I'm like, bless you, bless you.

>>**CHIEF JUDGE LAUTEN:** Very impressive, isn't it?

>>**JUDGE TENNIS:** Because frankly, usually I've already found that case and I already know it but to have you tell that to me, they're credibility shoots up and that means when they come in the next time, and it's a really – it's a really close call, you know, I can't help myself, I've got that in the back of my head that they're credible, they're not going to lead me astray. It really does count for a lot.

>>**CHIEF JUDGE LAUTEN:** I think it's invaluable for lawyers to know how important their credibility is in front of any judge and how much you might have to rely upon that someday. And if you give it up or lose it, you've really lost an invaluable asset that you really have to have in your arsenal to be a successful lawyer. Well, you have not yet sat in

criminal. I'm sure you will at some point. You look forward to that assignment? Are you glad you started outside of the criminal area? What's your thoughts about that since you had such an active criminal practice?

>>**JUDGE TENNIS:** I'm really – I'm honestly torn. I'm honestly torn. I – there is something to be said for being in family. It's a little bit more problem-solving. From the judicial perspective, a little more work with everybody for the good of the family which I love and I feel great about. Criminal court is a little, in my perspective, a little dryer, a little more call the balls and strikes. You're not deciding what happened which means really giving up a lot of power to fact-finders which in criminal court are the juries for the most part. So I have mixed feelings. I love the excitement and the interesting stories in criminal court. But I love what I'm doing now so I think I'm just going, you know, I'm going to take it a day at a time. I'm going to try to always enjoy and love what I'm doing in the moment and whatever comes next will be a new adventure.

>>**CHIEF JUDGE LAUTEN:** Great, well, Judge Tennis, thank you for taking time out of your busy schedule.

>>**JUDGE TENNIS:** Thank you, Chief.

>>**CHIEF JUDGE LAUTEN:** This was fascinating. We could go on forever but at some point we have to draw these to a close. So that's a fascinating story. Your background is fascinating. We're thrilled to have you on the Ninth Circuit Bench. You're an invaluable asset and I'm just so glad we get to work together.

>>**JUDGE TENNIS:** Thank you so much. You are a fabulous Chief Judge. We all adore you and I couldn't be happier but to work for you.

>>**CHIEF JUDGE LAUTEN:** Thank you.

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