

**OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
#JUSTSERVE: AN ATTORNEY'S VIEW
EPISODE 47
MAY 4, 2018
HOSTED BY: FREDERICK J. LAUTEN**

(Music)

>> 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 joined today by Mayanne Downs, the first woman President and Managing Director of GrayRobinson. Mayanne has served as President of the Orange County Bar Association, President of the Orange County Legal Aid Society, very impressively President of the Florida Bar, first woman, I believe, to be appointed as the City Attorney for the City of Orlando. I could go on and on and on, because Mayanne has so many achievements.

But we’re here today to talk about the importance of reporting for jury duty. So, Mayanne, I want to welcome you to Open Ninth, and thank you for taking time from your busy schedule to join us.

>> **MAYANNE DOWNS:** I believe in this, and I can’t think of anything I’d rather do.

>> **CHIEF JUDGE LAUTEN:** Great. Thanks so much.

So you were summoned, I understand, for jury duty in late August. And my first question is, what was your reaction when you opened the mail and there was a jury summons?

>> **MAYANNE DOWNS:** Well, you might not believe this, but I had a series of experiences when I was in business that led me to law school, and it started when I got a summons for jury duty many, many years ago. And I got onto a jury --

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

>> **MAYANNE DOWNS:** -- and we went all the way through the process and we deliberated and reached a verdict. And I was fascinated. Fascinated. And like so many people

who go through this experience, they start off, oh, I'm late, I've got to get back to work. And then they get hooked by it. So when I got my summons, I was all in.

>> **CHIEF JUDGE LAUTEN:** Great. Great. So do you remember, was it a civil or criminal case that you tried --

>> **MAYANNE DOWNS:** I remember everything about it.

>> **CHIEF JUDGE LAUTEN:** Where was it?

>> **MAYANNE DOWNS:** It was in Seminole County, Florida, 18th Circuit, not far from where we are here today.

>> **CHIEF JUDGE LAUTEN:** Right. Our neighboring circuit.

>> **MAYANNE DOWNS:** Our neighboring circuit, neighboring county, Seminole County. And it was a civil matter about a debt and an argument between a landlord and a tenant. And the landlord overreached and locked the tenant out and took all the tools he used to make a living as a mechanic. And so there were a lot of questions presented to us.

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

>> **MAYANNE DOWNS:** It was great. I remember everything about it.

>> **CHIEF JUDGE LAUTEN:** So this was before you even went to law school?

>> **MAYANNE DOWNS:** Right. And it was one of several kind of unusual events that led me to sell my business and go to law school.

>> **CHIEF JUDGE LAUTEN:** So I read recently the Florida Trend article where you're on the cover of Florida Trend magazine.

>> **MAYANNE DOWNS:** I'm sorry.

>> **CHIEF JUDGE LAUTEN:** And I loved it.

>> **MAYANNE DOWNS:** Embarrassing.

>> **CHIEF JUDGE LAUTEN:** And I noted in there that you owned a business and you or your mother -- or you -- I forget, please correct me --

>> **MAYANNE DOWNS:** Family business, yes.

>> **CHIEF JUDGE LAUTEN:** -- were sued.

>> **MAYANNE DOWNS:** Yes.

>> **CHIEF JUDGE LAUTEN:** And you met Judge Jackie Griffin, who was your attorney.

>> **MAYANNE DOWNS:** I did. I did.

>> **CHIEF JUDGE LAUTEN:** And --

>> **MAYANNE DOWNS:** Obviously, not a judge then, but yeah.

>> **CHIEF JUDGE LAUTEN:** Not a judge. But what a powerful person.

>> **MAYANNE DOWNS:** Oh, I often have a chance to talk to young lawyers, and I say, one of the very darkest days of my life was the day a Seminole County Deputy brought a sheaf of papers, put them in my hand, and I didn't know what it was but I knew it wasn't good.

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

>> **MAYANNE DOWNS:** And it was -- it seemed so awful. And it was really just an awful experience. I felt unable to understand it and out of my element, and I knew it was going to be expensive. And I feared for the outcome of whatever the dispute was.

But from that dark day came one of the greatest things I ever had in my life, which was the chance to become a lawyer.

>> **CHIEF JUDGE LAUTEN:** Great. And so is it fair to say that Jackie Griffin inspired you to go to law school?

>> **MAYANNE DOWNS:** More than fair. She was -- I was just so fascinated by a woman being -- and you know, you were --

>> **CHIEF JUDGE LAUTEN:** There were not a lot of women in the profession.

>> **MAYANNE DOWNS:** -- at that time. And a trial lawyer. She wasn't just a woman lawyer, she was a trial lawyer. And that had seemed so unattainable. And she was so capable and smart and elegant, and a woman. She wasn't a baby man. And I became fascinated with her success and the intricacies of the law, and so all of that -- yeah.

>> **CHIEF JUDGE LAUTEN:** Fascinating.

>> **MAYANNE DOWNS:** She inspired me to -- and got me into law school, because that was a close call right there.

>> **CHIEF JUDGE LAUTEN:** I'm dubious of that claim, but I'll accept it if you say it.

>> **MAYANNE DOWNS:** No, it's true. It's true. It's absolutely true. She wrote a letter of recommendation for me. And I asked if I could have a copy and she said, certainly not, that's none of your business.

>> **CHIEF JUDGE LAUTEN:** You're kidding.

>> **MAYANNE DOWNS:** But it helped.

>> **CHIEF JUDGE LAUTEN:** For our listeners, so Jackie Griffin went on to become a Judge of the Fifth District Court of Appeal and is no longer with us, unfortunately. One of the smartest individuals I've ever met. She was just stellar and superb and had an intellect that most of us are jealous of.

>> **MAYANNE DOWNS:** So -- yes, Jackie's intellect was dazzling and mesmerizing. Not that she was a showoff, by any means --

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

>> **MAYANNE DOWNS:** -- or, I mean, in any way. In fact, she was just so comfortable and welcomed everybody else's points of view.

>> **CHIEF JUDGE LAUTEN:** Did the case where you retained her go to trial?

>> **MAYANNE DOWNS:** The funny thing about that case -- so I got sued in the fall of 1983, and hired her and got the first bill, which I can still recall having to sit down and think about how I was going to pay. It was \$5,283 in 1983, because it was in Federal Court. And this was a big piece of work, the Motion to Dismiss. And we filed that Motion to Dismiss, and I got intrigued by the process and the law.

And we had one hearing, and Judge Reed was the judge. Do you remember Judge Reed?

>> **CHIEF JUDGE LAUTEN:** I sure do.

>> **MAYANNE DOWNS:** And he recused himself. So then I took the LSAT class, took the LSAT, applied to law school, got in, sold my business, which is how I met the man I replaced as President of GrayRobinson, he was an associate of Jackie's --

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

>> **MAYANNE DOWNS:** -- and closed the sale of my business. And the reason I'm telling you this in detail is because I started law school in 1985, and I was graduated from law school and sworn in as a member of the Florida Bar before our local Federal Court issued the first ruling in that case.

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

>> **MAYANNE DOWNS:** So between the time Jackie filed that Motion to Dismiss and I had become a lawyer, the court denied all motions and we settled the case.

>> **CHIEF JUDGE LAUTEN:** My goodness. All right. Well, that's fascinating.

I want to, if you'll permit me, loop back to jury service for just a moment.

>> **MAYANNE DOWNS:** Yes.

>> **CHIEF JUDGE LAUTEN:** So you're intrigued and motivated -- jury service -- the jury experience motivated you to go to law school. Still, you were the President and Managing Director of a large law firm. So did you think about requesting an excuse from jury duty when you got your summons?

>> **MAYANNE DOWNS:** Well, we all --

>> **CHIEF JUDGE LAUTEN:** Think about it.

>> **MAYANNE DOWNS:** -- always think about excuses to do anything that isn't, you know, exactly what we want to do at the moment. But, no, I really didn't because I have questioned jurors and tried cases to jurors, and it is the essential foundation. None of us -- you, the judge, me, the lawyer, or as a party before -- none of us can do anything. We are blocked completely from the resolution of dispute without those jurors. And without the ability to resolve disputes that way, chaos is what would ultimately occur.

>> **CHIEF JUDGE LAUTEN:** Right. That's so well stated. And one of the things I tell jurors, and have -- being a lawyer and having served as a juror, I'm sure you appreciate that it is the most direct form of democracy. It's not someone else -- you don't elect someone else to vote for you and just hope that they match your instincts or your desires. You are directly responsible. Sometimes that's intimidating for some people. But I do tell jurors, the most direct form of democracy, and I applaud them when they do it.

>> **MAYANNE DOWNS:** I think that's a great way to say it. And, you know, being on a jury, whether you go all the way through the process or you're a part of the process or occasionally just sitting there available -- because the truth is, a lot of matters resolve. Once they see the badges and those people who will decide their fate, sometimes they resolve it.

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

>> **MAYANNE DOWNS:** It really doesn't matter what role you play, except it's even more fun if you actually get on a jury.

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

>> **MAYANNE DOWNS:** What matters is that you show up and you're engaged in the process. And I tell this to clients all the time and they say, oh, I got called for -- oh, I've got this and, oh, can you get me out of it. Like I can get them out of it, which I can't. And I always say, no, and you don't want me to, because every single person I have ever known who has done it has come away and said, it was fascinating, I have a greater appreciation for the process, I understand why it matters in our country and our community. And, on top of all that, the way you all do it here, I sat here in that lovely, comfortable place, I charged my iPhone because you thought of even that.

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

>> **MAYANNE DOWNS:** There was a charging station. There was this wonderful woman serving this coffee, and she talked me into this caramel coffee, which I'm going to have to go back and say something ugly to her because now she's hooked me on it, caramel coffee. And it was a very pleasant experience.

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

>> **MAYANNE DOWNS:** It was organized, it was informative, my time was not wasted, my time was respected. And so why wouldn't you do your part.

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

Well, Mayanne, you may know this, you may not know this. So we're one of the only circuits, I think, in the State of Florida where Court Administration runs the Jury program. Most

-- in most other circuits, the Clerk of the Court runs the Jury program. And we have had an agreement with clerks who have been very cooperative with us for years to allow us to manage it because we believe that we, in Court Administration and the judges who work with Court Administration, know what we need and when we need it. And we're also very conscious of we want jurors to be comfortable and to feel welcomed and to feel important. And so we want to get our hands on that program, and so we run it.

>> **MAYANNE DOWNS:** It shows.

>> **CHIEF JUDGE LAUTEN:** Well, thank you. Thanks very much.

So we -- if you have any suggestions about how we can improve the process downstairs or at all, the registration process, the welcoming process -- and we'll talk about those in a few moments.

Let's talk about your registration process. So you get in the mail your summons, and it asks for some biographical information from you. Was that easy enough to handle? Was that challenging in any way?

>> **MAYANNE DOWNS:** Super easy. It was available to do, you know, more manually. You could also go online and preregister. All that was easy. The biographical information was easy, you know, minimal stuff.

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

>> **MAYANNE DOWNS:** Super easy to do.

>> **CHIEF JUDGE LAUTEN:** So then did you call a phone number and find out your number and whether we needed you?

>> **MAYANNE DOWNS:** Yes, I did. I had it taped to my computer and I had that great moment of schizophrenia, which is you're coming -- to be there.

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

>> **MAYANNE DOWNS:** And, you know, there was the little part of me that said, maybe I'll sleep in for an extra 30 minutes, but --

>> **CHIEF JUDGE LAUTEN:** Well, you don't get to sleep in if you're called in much. You have get there fairly early.

>> **MAYANNE DOWNS:** Yeah. Yeah. No, no, no. I -- in other words, you can call and learn that you're not necessary that day.

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

>> **MAYANNE DOWNS:** I found out I was necessary.

>> **CHIEF JUDGE LAUTEN:** Yeah. Let me emphasize that just for our listeners. So you get a summons. That doesn't automatically mean we're going to call you in.

>> **MAYANNE DOWNS:** That's right.

>> **CHIEF JUDGE LAUTEN:** So we survey the judges, find out what our needs are. We've gotten pretty good at estimating how many jurors we need in response to the judges telling us what they're handling. And then we -- online, you can call in and find out we need jurors 0 to 218. And if you got summons 219, you don't come in.

And I just want to emphasize that for our listeners. So it doesn't automatically mean you're here, although you really should plan your schedule for -- so that --

>> **MAYANNE DOWNS:** Right. Because you don't find out until fairly shortly before, and you find out you're on deck.

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

>> **MAYANNE DOWNS:** That's it.

>> **CHIEF JUDGE LAUTEN:** All right. So you have to get here a little bit early, is that fair enough?

>> **MAYANNE DOWNS:** Yeah, but it was easy. Parking was -- is right here.

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

>> **MAYANNE DOWNS:** Signage is great.

>> **CHIEF JUDGE LAUTEN:** So you --

>> **MAYANNE DOWNS:** City of Orlando runs that, so I know it's --

>> **CHIEF JUDGE LAUTEN:** That's true. Your city runs that parking garage for us.

Thank you.

So you walk into the courthouse and the Jury Room. First of all, jurors have their own entrance line. We want to emphasize that.

>> **MAYANNE DOWNS:** Yeah.

>> **CHIEF JUDGE LAUTEN:** Now, you go into the Jury Room, and tell us what that was like.

>> **MAYANNE DOWNS:** And you walk in and they are prepared for the number of people coming in. I had the moment's wait of the woman in front of me just saying thank you. It was almost weightless. And then of course the person greeted me, checked to see whether I had filled out this information. And if I hadn't had a chance to in advance, there was a station right there -- well, here, go fill this in and come right back.

And then -- and this is the thing I liked the best, because I have a thing about time. They said, we will start promptly and here's what will happen. You're -- there's going to be a video, you're going to be welcomed, have a seat, there's coffee. It was all simple and clear, lots of room, comfortable, cozy places to sit, and started on time.

>> **CHIEF JUDGE LAUTEN:** So you understand our system better than most. How was the orientation process, the video and the --

>> **MAYANNE DOWNS:** It was great.

>> **CHIEF JUDGE LAUTEN:** You know, the women who make the presentation are performers.

>> **MAYANNE DOWNS:** They were great. But I just have to say, my thing is time. Just don't waste my time.

>> **CHIEF JUDGE LAUTEN:** Gotcha.

>> **MAYANNE DOWNS:** Tell me what I need to know. And they were pleasant, they were positive and upbeat. There was no -- sometimes people think it's funny to be negative about an experience, but they were very positive. And there was a brief video, as you know, and an explanation of what we could expect for the rest of that day --

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

>> **MAYANNE DOWNS:** -- with time periods announced. And then we were free to flip through magazines, check on email, you know, snooze. The guy next to me had a lovely nap.

>> **CHIEF JUDGE LAUTEN:** Good for him.

>> **MAYANNE DOWNS:** Yeah. I --

>> **CHIEF JUDGE LAUTEN:** We want them napping downstairs and not in the --

>> **MAYANNE DOWNS:** That's right, not during the trial. I was impressed he could sleep so comfortably right there in the room.

>> **CHIEF JUDGE LAUTEN:** So we also broadcast a little bit of biographical information about each one of our judges to humanize the judges and demystify --

>> **MAYANNE DOWNS:** Oh, I'm so glad you reminded of that, because there were a couple of my friends, and I found out things about them I didn't know, and I thought that was so great that, you know, there was some of their personal interests, where they went to law school, where they're from, and --

>> **CHIEF JUDGE LAUTEN:** Children. We let them decided what they wanted to display, but --

>> **MAYANNE DOWNS:** Yeah. I like that.

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

>> **MAYANNE DOWNS:** And I think the humanizing is good.

>> **CHIEF JUDGE LAUTEN:** Great. Great. So did you get called up to a courtroom?

>> **MAYANNE DOWNS:** I did not. I was that close.

>> **CHIEF JUDGE LAUTEN:** I see.

>> **MAYANNE DOWNS:** I was that close, and waited for the next -- you know, the next panel.

>> **CHIEF JUDGE LAUTEN:** Right. So you didn't go up to a courtroom. So about what time were you excused?

>> **MAYANNE DOWNS:** You know what? Actually, I kind of misstated that.

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

>> **MAYANNE DOWNS:** I actually did get called up to a courtroom.

>> **CHIEF JUDGE LAUTEN:** Okay. So you were put in a line?

>> **MAYANNE DOWNS:** But they -- but the judge was one of my former law partners.

>> **CHIEF JUDGE LAUTEN:** Oh, so it was a little hard for you to walk in there?

>> **MAYANNE DOWNS:** So -- well, I got called out of the line and all the -- because it wouldn't have been okay for me to go in there.

>> **CHIEF JUDGE LAUTEN:** Yeah, it wouldn't have worked. Right. So I know who that must have been.

>> **MAYANNE DOWNS:** So -- yes. So I didn't get called all the way into the room, but I did get called outside the courtroom. And the other jurors I'm sure were thinking, wow, was it the Cheetos she had first thing in the morning; she's getting pulled out here. And I did -- there's a great vending machine setup, and I'm embarrassed to that I bought a large pack of Cheetos and had it for breakfast, and they were awesome.

>> **CHIEF JUDGE LAUTEN:** Good for you. Very good.

>> **MAYANNE DOWNS:** Great, huge amount of food available, by the way.

>> **CHIEF JUDGE LAUTEN:** There is food and coffee.

>> **MAYANNE DOWNS:** Yeah.

>> **CHIEF JUDGE LAUTEN:** Had you thought about what it might have been like, you a managing partner of a law firm, trained in the law, experienced trial lawyer, you've tried dozens and dozens if not hundreds of cases, to sit there and watch another lawyer perform?

>> **MAYANNE DOWNS:** Well, yeah, but I would love to have gotten on a jury because, you know, we all see every day through whatever lens we bring to the task --

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

>> **MAYANNE DOWNS:** And I read this interesting little story the other day about a guy whose vision he thought was deteriorating, so he made an appointment with his eye doctor, went in, and the eye exam revealed that he had six layers of contacts in one eye.

>> **CHIEF JUDGE LAUTEN:** What?

>> **MAYANNE DOWNS:** So you know what happened; he thought it wasn't quite right and, instead of successfully taking the contact out and putting a new one in, he kept layering it on.

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

>> **MAYANNE DOWNS:** The reason I'm saying that is because his lens was giving him imperfect vision. So my lens is on the other side of that jury box. What a great opportunity -- I've always wanted to be on a jury since I went to law school and became a lawyer to see what it would feel like through that lens.

>> **CHIEF JUDGE LAUTEN:** So, you know, I'm exempt from jury service; judges can't sit. But I've been fascinated by what would that lens -- what would that perspective look like. And I'm sure having done what we both do now, we would see it entirely differently.

>> **MAYANNE DOWNS:** Right. Right.

>> **CHIEF JUDGE LAUTEN:** And maybe looking at things maybe that other jurors wouldn't be seeing. I'd be watching, how does the judge perform, what are the lawyers doing, what are the parties like, and also trying to listen to the facts at the same time.

But I'm going to shift gears a little bit, Mayanne, because I know one of your priorities and a concern that you expressed when you were President of the Florida Bar was the fact that jury trials are actually decreasing if not dwindling in both Florida and the United States. And they're such a critical component of our system of justice.

So if we can, I'd like to talk a little bit about that and why do you have the concern, and if you can express it to our listeners.

>> **MAYANNE DOWNS:** Right. Well, as we said a little bit earlier -- and I have had the opportunity to talk about this in a lot of different settings; you know, business people,

community groups, law students, lawyers, non-lawyers, all those kind of different lenses of the way to see things. But the thing that separates us from places in the world where everything has broken down -- everything, chaos as we said earlier -- one of the things is the ability to resolve a dispute in a way that matters and sticks. And the jurors, through the process of the jury trial, they're the gatekeeper for that. They're the discipline, the security camera at the bank, the law enforcement officer in all sorts of environments where safety is even more important than it is every day.

It's that if I have a dispute and I can't resolve it myself, what am I going to do? Am I going to pick up a bat and hit my neighbor? Am I going to defame him around town or, worse, break into some really horrific -- and that's what happens when people can't resolve disputes. And so it's saddens me that jury trials are decreasing, although I do recognize there's some good parts of the cause for that.

>> **CHIEF JUDGE LAUTEN:** Right, alternative dispute resolution.

>> **MAYANNE DOWNS:** Mediation, alternative dispute resolution.

>> **CHIEF JUDGE LAUTEN:** Good lawyers saying, let's get together and --

>> **MAYANNE DOWNS:** Good -- that's right. And maybe a world becoming a little more sophisticated place so that clients understand that not only is our job to champion your cause but also to speak honestly with you about the risks of going to trial.

But at the end of the day, it's that specter, it's that picture on the wall of the judge and jurors who, without partiality, being objective, not being a part of the dispute, will listen to it within the rules that we've put in place to be sure that's fair, and they'll -- at the end of the day, they will have the guts and the commitment and the direct involvement in the democratic process to say, here's the answer you said you wanted; here it is.

>> **CHIEF JUDGE LAUTEN:** So I'm going to make a statement, then I'm going to ask you for your perspective on this. So I, as a judge -- and I've been a judge for 26 years -- a lot of people ask me, you know, don't you think jurors get it wrong a lot. And my answer is no. And my answer is no for two reasons. One, in the theoretical realm, they get it right because that's their job. So by definition, we ask them to make a decision, and when they make a decision, they've done what we've asked them to do. You might not like the decision, but that's what we charge them with doing. And if you've never done it, you don't realize how hard it can be.

>> **MAYANNE DOWNS:** I -- yeah.

>> **CHIEF JUDGE LAUTEN:** But two -- and then I'm going to let you respond.

>> **MAYANNE DOWNS:** Sorry. Yes.

>> **CHIEF JUDGE LAUTEN:** Because I want to add this too.

>> **MAYANNE DOWNS:** I love that.

>> **CHIEF JUDGE LAUTEN:** Two, in my experience -- so that's the theoretical answer. The actual experience that I have had is almost all the time jurors seem to get it right, or at least I agree with -- I think they got the right decision. Maybe I would have gone the other way, but I could understand them coming up with this verdict. That's reassuring, too. So not only theoretically are they doing their job, because we make them do it, but most of the time I just think they reached the right conclusion.

You've been involved in lots of litigation. What's your thoughts in that area?

>> **MAYANNE DOWNS:** Well, I completely agree. And I will say as a preface, I don't think people recognize on a regular walking-around basis how tough it is to be a judge. Because exactly one-half of the people, 50 percent, are not going to be happy with the decision, except that they should always recognize that they had the choice to make their own decision.

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

>> **MAYANNE DOWNS:** But they chose to let someone else make it. And you and I both know there are a lot of good reasons to make that choice.

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

>> **MAYANNE DOWNS:** But my experience has been that jurors get it. And I always cringe when I hear highfalutin people say, well, you know, I might -- this is so complicated or my matter was so important and how could just these regular jurors -- regular people possibly make those decisions. Man, they do it every day.

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

>> **MAYANNE DOWNS:** And I have never seen a jury not care. Never once have I seen an empaneled jury not work hard. Now, they get bored sometimes because, frankly, their time gets wasted and we bore them.

>> **CHIEF JUDGE LAUTEN:** Because we -- and we bore them.

>> **MAYANNE DOWNS:** That's right. That's right. And sometimes, as you know, we have to bore them.

>> **CHIEF JUDGE LAUTEN:** Right, sometimes you do.

>> **MAYANNE DOWNS:** Because we've got to put stuff in that we kind of wish we didn't.

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

>> **MAYANNE DOWNS:** And there's a lot of complexity to the game than may be evident.

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

>> **MAYANNE DOWNS:** The game of litigation. Not that it's really a game, but it's like a game and we have rules.

>> **CHIEF JUDGE LAUTEN:** Right. It's like a game.

>> **MAYANNE DOWNS:** But that is exactly my experience that jurors get it, they want to do their jobs. By the time they sit down, they really get how important it is, how central it is, how hard everybody has worked to be there, that nobody in that room is cavalier about what's happening.

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

>> **MAYANNE DOWNS:** And that's been my experience, they get it right.

>> **CHIEF JUDGE LAUTEN:** Mine too. Mine too. And one thing we're fighting, and we're fighting at all kinds of levels, but with, you know, the court system we fight this too, is that if there ever is a pretty extravagant jury verdict --

>> **MAYANNE DOWNS:** Yeah.

>> **CHIEF JUDGE LAUTEN:** -- it's on the news, it gets all the conversation in the community. You and I know as trained lawyers, very often those very large verdicts are reduced by the judge, and that news doesn't seem to get out. And if they're really sort of runaway, there are some procedures in the system to deal with that. So most of the time, like day in and day out, jurors reach tough decisions and they do a very good job with it and it's reasoned and -- but that doesn't make the news because what makes the news are sensational stories.

>> **MAYANNE DOWNS:** Well, yeah.

>> **CHIEF JUDGE LAUTEN:** And they're not that many of them, but they're always the lead.

>> **MAYANNE DOWNS:** Sure. Well, splashy is more entertaining, and I get it. You know, there's some interesting stuff on the internet. And I won't purport to be an expert on the McDonald's hot coffee case --

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

>> **MAYANNE DOWNS:** -- but I got tired of my clients saying, oh, yeah, the hot coffee case. And so I read about it. And there was a whole lot more to that story both before the injuries occurred and then what happened to that case afterward. And you're right, when juries maybe go beyond the bounds of what you think just sitting in your chair reading the newspaper or hearing about it on a radio show, there are mechanisms in place. And you're right, nobody ever comes back and says, hey, you know that case we were talking about four-and-a-half months ago, guess what, the judge knocked it down to ten dollars or reversed it or whatever.

>> **CHIEF JUDGE LAUTEN:** Right. Yeah. Well, you and I know, you know, federal judges and state judges remit -- that's the term -- remit some very large jury awards so they're less than they are first reported. That's the legal term, which is really a legal term for reducing the size of the judgement. That does happen.

>> **MAYANNE DOWNS:** Well, and the --

>> **CHIEF JUDGE LAUTEN:** I guess every now and then a jury might kind of go outside the norm, but I find it to be fairly rare.

>> **MAYANNE DOWNS:** Well, and maybe they saw something that we sitting in our chairs reading the newspaper didn't see. You know, maybe the way we hear about the case in this truncated version is missing some facts that would have made a difference.

>> **CHIEF JUDGE LAUTEN:** Well, I'm so glad you said that, because I get this also. I get people asking me often, you know, what did you think of this case and this verdict. And

what I've come to learn by being a judge, and I'm sure you've learned it being a trial lawyer, is it's very hard to comment on that. Because you have to say, for me to really give you an intelligent critique, I would have to sit through the whole trial. Because something might not be disclosed to you through the media that was the key piece, and it might have been technical or it might have been factual. It might have fit neatly into the jury instructions so that the decision would make sense to you if you just knew that.

Understandably, unless it's a case that's broadcast from beginning to end, the news has to summarize what happened. And if they're not trained lawyers they might miss something that's so critical that it would make more sense. So --

>> **MAYANNE DOWNS:** Well, I tell clients too, no matter how thin the pancake, there's always another side. And you don't always --

>> **CHIEF JUDGE LAUTEN:** That's good. I've got to remember that.

>> **MAYANNE DOWNS:** Yeah. You don't always get to see all of the sides. And that's why, to me, having had that glorious experience of being a juror before I went to law school and then being on the other side of that, my experience is you give them the facts and you instruct them right, they get it right; they get it.

>> **CHIEF JUDGE LAUTEN:** So, Mayanne, I'm going to end with this. Managing partner -- Managing Director, excuse me, and President of a large law firm, are you able to get in the courtroom and try cases, or is it so administrative that that's not available to you anymore?

>> **MAYANNE DOWNS:** Yeah, not very available to me. But I actually got to sit in on a deposition today, which I hadn't done in a long time, and I said to the young lawyer who was with me, you know, I haven't had any opportunity to let all my natural grouchiness out so this may go very badly for everybody in the room.

But I was just there to help. And I was not defending the deposition. And I had the hardest time shutting up, which ultimately, I know you'll be shocked to learn, I didn't.

>> **CHIEF JUDGE LAUTEN:** I'm shocked.

>> **MAYANNE DOWNS:** Yeah. Right. Right. I do, I miss my clients, I miss trying cases, I miss coming over here to the courthouse and having hearings. I miss it keenly. And some days I think maybe I shouldn't have stepped away from it. But you never know what will happen.

>> **CHIEF JUDGE LAUTEN:** That's right. You never know.

>> **MAYANNE DOWNS:** And maybe I'll be back.

>> **CHIEF JUDGE LAUTEN:** I'm going to add one more statement to our listeners, and I meant to do this earlier. And that is, if any of our listeners are employers, I urge them to consider paying their employees when they serve jury duty. And I know that, you know, a small operation, that could be a big commitment. But you've identified how essential jury service is to a functioning democracy. And our justice system, I think, is the envy of the world. And so I ask employers to be great community partners by paying their employees if they're able to.

And I know it's easier for the big companies, and they do it. Many of our large employers here do it. But every employer, if you would consider paying your employee when they serve on jury duty. I think it's like voting. It's like serving in the military. It's one of those essential ingredients that if you want to be an American citizen, you commit to meeting that obligation. And so I ask our employers to do that.

Thank you so much for taking time out of your very busy schedule. This has been delightful. And I hope you'll come back and maybe we can talk about another topic sometime.

>> **MAYANNE DOWNS:** I'm a believer. I thank you for the chance. And I will just say to anybody who is listening, if you get that juror summons what you need to say is, you know, this is cool; I get a chance to do something that I'm going to remember for a long time and it's going to make a difference. And you should be (indiscernible).

>> **CHIEF JUDGE LAUTEN:** Great. Thank you. Thanks for that. Thanks for being here.

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