

OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
A TALE OF TWO JUDGES
EPISODE 58
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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 Frederick J. Lauten.

>> **CHIEF JUDGE LAUTEN:** Hello, and welcome to Open Ninth. Little did we know when we recorded this episode that our good friend and colleague Judge Jamie Grosshans’ time with us at the Ninth Judicial Circuit would be so short. Judge Grosshans was appointed was appointed to the Orange County Court bench in late 2017. And then quickly thereafter, this up-and-coming Judge was appointed by the Governor of the State of Florida to the Fifth District Court of Appeal in July. This is one of the shortest tenures as a County Judge that I know of before someone has been promoted to the District Court of Appeal. And I, in fact, know of only one other judge in the history of the State of Florida, Judge Cory Ciklin, who was a County Judge appointed to the Court of Appeal, and that happened in South Florida.

Well, this is an incredible opportunity for Judge Grosshans. And while her presence on the bench here in Orlando will be missed, we know that she will be a valuable addition to the Fifth District Court of Appeal that meets in Daytona Beach.

So our region and this community only stands to benefit from her judgeship in this extended capacity. We know that she’ll do a great job there, as she did here in Orange County Court. And this a phenomenal opportunity for her. And now we, you and I, the listeners, get an opportunity to learn a little bit about Judge Grosshans and our colleague Judge Alvaro.

(Music)

>> **CHIEF JUDGE LAUTEN:** I'm joined today by Orange County Judge Jamie Grosshans and Circuit Court Judge Chad Alvaro who are the two most recent judges to take the bench in the Ninth Judicial Circuit.

So, both of you, welcome to Open Ninth.

>> **JUDGE GROSSHANS:** Thank you. It's great to be here.

>> **JUDGE ALVARO:** Thanks, Fred.

>> **CHIEF JUDGE LAUTEN:** So let's talk a little bit about where you grew up and went to school so our listeners get a little biographical information.

So, Judge Grosshans, we'll start with you, so --

>> **JUDGE GROSSHANS:** All right. I grew up in the very Deep South.

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

>> **JUDGE GROSSHANS:** Brookhaven, Mississippi, small town, southwest Mississippi. I spent a little time in Memphis, but most of my life was spent in Mississippi. And I went to the University of Mississippi, Ole Miss, for law school. I graduated there and then moved directly to Florida right after -- two weeks after I graduated.

>> **CHIEF JUDGE LAUTEN:** So what brought you to Florida from --

>> **JUDGE GROSSHANS:** Well, I met a boy.

>> **CHIEF JUDGE LAUTEN:** Oh, that's the usual story.

>> **JUDGE GROSSHANS:** And that's what happened, yeah.

>> **CHIEF JUDGE LAUTEN:** Here we go. This sounds like a novel.

>> **JUDGE GROSSHANS:** He's from Orlando, and so we were looking at where --

>> **CHIEF JUDGE LAUTEN:** That's your husband, Josh, or --

>> **JUDGE GROSSHANS:** Yes. Yes.

>> **CHIEF JUDGE LAUTEN:** It's a little prying, but --

>> **JUDGE GROSSHANS:** Just to clarify, that is my husband, Josh.

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

How about you, Chad?

>> **JUDGE ALVARO:** I was born and raised in Columbus, Ohio, so I'm not from here originally. After high school, I came down to go to Rollins College, which I understand is your alma mater.

>> **CHIEF JUDGE LAUTEN:** That's correct. Go Tars.

>> **JUDGE ALVARO:** And went back up North for law school, realized in those three years that I could no longer tolerate the weather, as much as I like the city.

>> **CHIEF JUDGE LAUTEN:** Amen.

>> **JUDGE ALVARO:** And there met a girl and dragged her back down here with me.

>> **CHIEF JUDGE LAUTEN:** Yeah. Well, I left Rollins and went to Villanova, outside of Philly, and I loved it. It was God's country, except for I couldn't stand the winters, so I understand that. So welcome back. That's great.

Well, why don't you tell us why you chose law as your pursuit.

>> **JUDGE GROSSHANS:** It's something I'd always really been interested in. I actually did not know any female attorneys. I had never met one up until I went to law school.

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

>> **JUDGE GROSSHANS:** Yeah. It was -- there were none practicing in Brookhaven at the time.

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

>> **JUDGE GROSSHANS:** And it's just -- even though in Mississippi the population of female attorneys was significant --

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

>> **JUDGE GROSSHANS:** -- they just hadn't trickled down to the smaller town yet to practice at that point, and I had never met one.

>> **CHIEF JUDGE LAUTEN:** Met male lawyers?

>> **JUDGE GROSSHANS:** Yes, many.

>> **CHIEF JUDGE LAUTEN:** Anything about watching them or learning from them, is that what sparked your interest in law, or did you just have an intellectual interest in it, or --

>> **JUDGE GROSSHANS:** It did. I just had some attorneys in that town that I really respected. I used to babysit their children, we would go to church together. I loved listening to them talk about their work and what they did. And I also thought I would be a doctor too, but I was terrible at science. So that was pretty easily --

>> **CHIEF JUDGE LAUTEN:** Okay. So at one point it was medical school, but that quickly --

>> **JUDGE GROSSHANS:** Yes.

>> **CHIEF JUDGE LAUTEN:** That's what happened to me too.

>> **JUDGE GROSSHANS:** Yes.

>> **CHIEF JUDGE LAUTEN:** No math skills.

>> **JUDGE GROSSHANS:** Right.

>> **CHIEF JUDGE LAUTEN:** How about you, Chad; when did you know or --

>> **JUDGE ALVARO:** I knew at a very young age. My parents tell me that they recall me saying I wanted to be three things, in this order. First it was a motorcycle racer, then it was

an architect, and then finally, again, at a young age, a lawyer. So I don't know how I went from point A to point C.

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

>> **JUDGE ALVARO:** But I mean, frankly, for as long as I can remember, I wanted to be a lawyer, which isn't everybody's story.

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

>> **JUDGE ALVARO:** I think I just kind of like -- I didn't realize it at the time that I initially wanted to be a lawyer. It was probably more born of watching LA Law and shows like that. But once I got into law school, I realized that I liked the exercise of having a set of facts and trying to find the right answer, and the sort of satisfaction that you kind of feel when you reach that right answer.

>> **CHIEF JUDGE LAUTEN:** So you knew when you attended Rollins that you would end that by applying to law school?

>> **JUDGE ALVARO:** Absolutely.

>> **CHIEF JUDGE LAUTEN:** What did you major in?

>> **JUDGE ALVARO:** That gave me the freedom to major in philosophy.

>> **CHIEF JUDGE LAUTEN:** Very good. Well, I think that's a great -- well, we'll talk about that in a minute. I think that is a very good major for law school. But I don't know how you answer the question -- when people ask me, what should I major in, I tell them, major in whatever you like studying because you just want to get good grades in college and get a good LSAT score. And the law schools -- at least in my experience -- they didn't care what you majored in as long as you performed well and got decent scores. And in some ways I steer

people away from prelaw because they'll teach you whatever they want or feel you need to know. In law school they might even say, forget all that prelaw stuff, you know, listen to us.

How about you? When did you -- well, you told us when you knew, but what did you study?

>> **JUDGE GROSSHANS:** Right. I was older, though. I was certainly not young. Although I do remember one of my favorite shows as a child, I would -- my mother would let me stay up and watch Matlock. I loved Matlock.

>> **CHIEF JUDGE LAUTEN:** Right. That's a -- courtroom scene after courtroom scene.

>> **JUDGE GROSSHANS:** Right. And he's always in the seersucker suit and all of that, so --

>> **CHIEF JUDGE LAUTEN:** That's funny. Andy Griffith. So what did you major in?

>> **JUDGE GROSSHANS:** History and social studies.

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

>> **JUDGE GROSSHANS:** Very typical path. I do think that the people who got the best grades in law school, though, were journalism majors because --

>> **CHIEF JUDGE LAUTEN:** Journalism majors?

>> **JUDGE GROSSHANS:** Yes. Because they were really good at listening and outlining in note form.

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

>> **JUDGE GROSSHANS:** So they always had excellent outlines. They were able to take what they heard and put it into a way to then say it out again.

>> **CHIEF JUDGE LAUTEN:** That's fascinating. The number one student at the end of my freshman year at Villanova was a German major at Duke, and the number two student was a math major. So I was just like -- I don't know. I don't think they're -- I think it's just, are you smart and are you disciplined.

>> **JUDGE GROSSHANS:** Right.

>> **CHIEF JUDGE LAUTEN:** But who knows.

What's your most vivid memory of law school? Do you have a vivid memory of it, other than first year being unbearable and awful? Or maybe that wasn't your experience.

>> **JUDGE GROSSHANS:** I had the best law school experience; I really did. I made lifelong friends. We're still a very tightknit group --

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

>> **JUDGE GROSSHANS:** -- even though we're all over the United States now.

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

>> **JUDGE GROSSHANS:** I do remember my -- I had a very semi-famous constitutional law professor. So when you came in on the very first day of constitutional law as this baby law school student, he would make you sit on the side of the room that your political beliefs were associated with.

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

>> **JUDGE GROSSHANS:** And then all the people who were sort of wishy-washy sat in the middle --

>> **CHIEF JUDGE LAUTEN:** Sat in the middle, right.

>> **JUDGE GROSSHANS:** -- and those are the people that he screamed at for an hour-and-a-half.

>> **CHIEF JUDGE LAUTEN:** Oh.

>> **JUDGE GROSSHANS:** This is the same professor that John Grisham had and referred to many times in *The Pelican Brief*.

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

>> **JUDGE GROSSHANS:** And blew him up in *The Pelican Brief* as well.

>> **CHIEF JUDGE LAUTEN:** Oh, yeah.

>> **JUDGE GROSSHANS:** He did not get along --

>> **CHIEF JUDGE LAUTEN:** So the minority of students were right, left in the classroom, and most people were sitting in the --

>> **JUDGE GROSSHANS:** Most people sat in the middle and then he --

>> **CHIEF JUDGE LAUTEN:** And he decided, I'm going to pick on them?

>> **JUDGE GROSSHANS:** Um-hum. Because he thought they didn't know what they thought, so he would spend most of his time yelling at them with great aplomb.

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

How about you; what was your most --

>> **JUDGE ALVARO:** I have no memories of law school.

>> **CHIEF JUDGE LAUTEN:** The therapy has taken hold and --

>> **JUDGE ALVARO:** Yes, exactly. Exactly. Hours and hours of therapy.

But I kind of approached -- when I went back to -- when I went to law school and moved back to Columbus, I kind of approached it as a job. You know, and I was living with my parents, and I'd get up and I'd go to my job and then I'd come home. And I didn't really have many connections with many of the students in the law school class, and I think part of that was born

of the fact that I knew I was coming back to Florida. And to a great extent, I wish I'd gone to law school in Florida, but it just wasn't practical at the time.

>> **CHIEF JUDGE LAUTEN:** Right. You know, I didn't go to law school in Florida. So I got to Villanova and I just didn't know anybody, so there was that sort of, I just don't know anybody here.

>> **JUDGE ALVARO:** See, I knew everybody in town, but I knew them from growing up in the town.

>> **CHIEF JUDGE LAUTEN:** Oh, that could be dangerous.

>> **JUDGE ALVARO:** And not all of them went to law school, so --

>> **CHIEF JUDGE LAUTEN:** And then one of my memories was first year, we sat in these raked style, you know, theater style seats, and in between every two students was a microphone that you had to turn on and talk into when you were called upon to brief a case and answer.

>> **JUDGE GROSSHANS:** Wow.

>> **CHIEF JUDGE LAUTEN:** And, you know, depending on the professor, you might be on the mic for 30 to 60 minutes or just one answer. You just never knew, depending on the class. And we had the classic contract professor who was like Houseman in *Paper Chase*. He was just mean, ornery, would scream at you, you never knew whether you were right or wrong or close. But -- you know, and we were just waiting for him to invoke that scene, here is a dime, or quarter -- whatever the currency was -- go call your mom and tell her you're not going to make it in law school.

>> **JUDGE GROSSHANS:** One of Josh's stories from law school, my husband, is that he had a professor who would have a student come in late and get -- like he would ask him -- old student --

>> **CHIEF JUDGE LAUTEN:** It was a setup?

>> **JUDGE GROSSHANS:** -- and throw him out of class on the first day, every semester, so that the entire class would be terror-filled moving forward.

>> **CHIEF JUDGE LAUTEN:** Set the tone. Right.

I -- my sense is maybe some of that is less frequent in current -- in the current law schools. I don't know why. I mean, you know, some of the recent grads I've talked to -- what; what happened to you in law school. But I'm not really sure.

All right. So you graduated from law school. The career path you chose, was that evident to you, or did you sort of fall into it, or did you know what you wanted to do once you got out?

>> **JUDGE GROSSHANS:** Well, I thought, when I was in law school, I was going to practice international law, and eventually I wanted to be an ambassador. That was my longtime goal.

>> **CHIEF JUDGE LAUTEN:** Right. Did you speak another language?

>> **JUDGE GROSSHANS:** I was learning, at the time.

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

>> **JUDGE GROSSHANS:** But I just really loved that area of law. So that's what almost all of my law school classes were my second year; you know, the visionary year, where you don't know what you're doing yet but you get to pick classes. So I took classes that, quite frankly, were not applicable to most of my life.

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

>> **JUDGE GROSSHANS:** But then my third year I thought, maybe I should take something practical, and so I started more in the criminal law field. And I was interning; I got to intern with the Department of Justice in DC with the Civil Rights division there. And then I got to intern at the US Attorney's Office in northern Mississippi. So I really got more of a feel for that work.

>> **CHIEF JUDGE LAUTEN:** Did you start off as a federal prosecutor?

>> **JUDGE GROSSHANS:** No. No. I came here --

>> **CHIEF JUDGE LAUTEN:** Because those jobs are hard --

>> **JUDGE GROSSHANS:** Those are very hard to get. But I did come here and get a job as a prosecutor with the State Attorney's Office.

>> **CHIEF JUDGE LAUTEN:** With the Ninth Circuit.

>> **JUDGE GROSSHANS:** Yes.

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

How about you; career path?

>> **JUDGE ALVARO:** My path wasn't entirely clear. I clerked for a Common Pleas Court judge when I was in Columbus and got some good experience there. Saw a lot of the criminal aspect side of it and -- you know, which I hadn't seen, I hadn't really been exposed to.

After that, I kind of -- not because of it -- I kind of thought that in-house counsel would be a good place. Little did I know at the time that that's not exactly a role that you assume fresh out of law school. So -- but, I mean, to that -- I took a class third year about in-house counsel and the duties associated with it, and I just thought it sounded interesting because it was not narrowly confined to the law. You were also a business person as much as you were a lawyer.

>> **CHIEF JUDGE LAUTEN:** Right. Advice -- business advice and legal advice.

>> **JUDGE ALVARO:** Right. But then ultimately, I mean, again, coming from a law school in Columbus where all the on-campus interviews were mostly with firms in or around the State of Ohio, I was a little more limited and I was forced to kind of broaden my scope. And I remember I was looking -- I wasn't specifically looking at Orlando, although that was my first choice. I was looking in Tampa. I remember I looked at the PD's Office in Miami, which would have drastically changed, probably, the person that sits here in front of you today.

>> **CHIEF JUDGE LAUTEN:** The trajectory of your life.

>> **JUDGE GROSSHANS:** Of course, yeah.

>> **JUDGE ALVARO:** But ultimately I was extended an offer by the firm that I ended up staying with for 15 years before taking the bench.

>> **CHIEF JUDGE LAUTEN:** And that was?

>> **JUDGE ALVARO:** And that was Mateer & Harbert.

>> **CHIEF JUDGE LAUTEN:** So in a commercial practice; would you call it that?

>> **JUDGE ALVARO:** Commercial practice exclusively.

>> **CHIEF JUDGE LAUTEN:** Commercial litigation practice.

>> **JUDGE ALVARO:** Commercial litigation, but it very quickly assumed a focus on construction law and litigation.

>> **CHIEF JUDGE LAUTEN:** So prosecutor; what else? Anything else?

>> **JUDGE GROSSHANS:** Well, after that, I worked briefly for a civil firm. And I started my own firm and did criminal defense, and that's what was the majority of my practice until I took family law. And so I would say the last six or seven years of my practice before taking the bench was a majority of family law.

>> **CHIEF JUDGE LAUTEN:** So at what point in your career did the idea of, maybe I'd like to be a judge, enter into your reality?

>> **JUDGE GROSSHANS:** I would say for me it was a speech that John Jordan, Judge Jordan here, gave at an organizational meeting I was at probably seven years ago, in which he was really giving a call for service in this way and for the civic duty of being a judge. And it was an excellent speech, and I think that was probably the first time I thought seriously about it. It's just something I had considered before.

>> **CHIEF JUDGE LAUTEN:** How long between that and your taking the bench; six, seven years?

>> **JUDGE GROSSHANS:** Yes.

>> **CHIEF JUDGE LAUTEN:** Okay. So the idea was planted. What did you do with it? Did you just let it grow a little bit, did you apply or run or --

>> **JUDGE GROSSHANS:** Well, in my case, I just really did focus on -- I had a lot of, you know, shuffling that was going on between having a practice and practicing law and having a family and all of that type of thing. So I focused on that in figuring out that balance to the best that it can be balanced, which is sometimes just a figment of your imagination.

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

>> **JUDGE GROSSHANS:** And then as I pursued that, there did kind of come a turning point where I realized I needed to stop complaining about rulings I didn't like or things that I didn't like and actually, if I felt that strongly --

>> **CHIEF JUDGE LAUTEN:** You got rulings you didn't like?

>> **JUDGE GROSSHANS:** Every now and then just by, like, the US Supreme Court. Never by the Ninth Circuit.

>> **CHIEF JUDGE LAUTEN:** Oh, all right. Oh, holy smokes.

>> **JUDGE GROSSHANS:** No -- yeah -- no. This circuit, all the rulings were perfect. But for the most part I felt like I really should not -- stop complaining about it from the sidelines if this was something I wanted to do. So I started focusing more on what I felt I needed to do to prepare for that, and then I did apply for an appointment and that's how I became a judge, through the appointment process.

>> **CHIEF JUDGE LAUTEN:** First time you applied you ended up on the bench?

>> **JUDGE GROSSHANS:** Yes. Yes.

>> **CHIEF JUDGE LAUTEN:** Congratulations. That's a good feat.

>> **JUDGE GROSSHANS:** Thank you.

>> **CHIEF JUDGE LAUTEN:** Let's hear from Chad about -- when did you know, and then what did you do?

>> **JUDGE ALVARO:** The notion of it always intrigued me, so I always liked the idea --

>> **CHIEF JUDGE LAUTEN:** From the beginning?

>> **JUDGE ALVARO:** From the beginning. I read religiously the columns in the ABA Journal and a judicial -- or I should say a legal literary magazine called *The Green Bag*, and was always interested in that aspect of it. And a lot of it, frankly, was because of the writing portion of it. I mean, I've always loved to write. It's something I've -- you know, it's never been a chore to me, when I was a lawyer or now that I'm on the bench, writing a brief or an opinion. So it always intrigued me.

But the flipside of that was, we are, by and large, elected at some point or another in the State of Florida, and I just -- I never quite caught into the idea of running for office. I'm going to

have to do it now, and I accept that. But I've seen -- I think everybody's seen that elections don't necessarily bring out the best of everyone, and I didn't want that to even be a possibility in my case.

>> **CHIEF JUDGE LAUTEN:** Well, maybe we should tell our listeners; so the trial judges in Florida are elected officials. So when we go to some events -- community event and they say, would all the elected officials stand up, the judges in Florida legitimately can stand up. But we're elected trial judges in contested elections. So some person can choose to run for the seat.

The appellate judges in Florida, while they're elected, they are elected in a merit retention system. So they're appointed initially by the governor of the State of Florida, and then when the time -- when their seat is up for election, then they stand for merit retention, which is the voters either say, yes, keep that judge, or, no, eliminate the judge.

The difference -- the biggest difference between us as trial judges and the appellate judges is, a lawyer can just say, I'm going to run against Judge Lauten, and put his or her name in. No one can run against, for example, Judge Cohen, the Chief Judge of the Fifth. The voters just say, we approve Judge Cohen's performance, or, we don't.

One interesting statistic is no judge on the appellate bench in Florida has ever lost a merit retention election. And of course, judges that -- on the trial bench get opponents. Sometimes they're reelected, sometimes they're not.

We kind of have a tradition in our region that there aren't a lot of contested races, but that has changed in the recent past. In the last decade or so there are more, sort of, challenges to incumbent judges. And when I started, that didn't happen.

So both of you were appointed. Both of you were appointed by Governor Scott, I believe. Correct me if I'm wrong.

>> **JUDGE GROSSHANS:** Yes. Um-hum.

>> **JUDGE ALVARO:** That's right.

>> **CHIEF JUDGE LAUTEN:** And I'm trying to think who's the most recent, and I should know this.

>> **JUDGE ALVARO:** That would be me.

>> **JUDGE GROSSHANS:** Chad is the newest, yes.

>> **JUDGE ALVARO:** I was appointed effective April 9th.

>> **CHIEF JUDGE LAUTEN:** And you were appointed --

>> **JUDGE GROSSHANS:** September of last --

>> **CHIEF JUDGE LAUTEN:** Of 2017.

>> **JUDGE GROSSHANS:** Yes.

>> **CHIEF JUDGE LAUTEN:** April 9th of 2018.

>> **JUDGE ALVARO:** Yes.

>> **CHIEF JUDGE LAUTEN:** And tell the listeners where you're sitting, so they'll know.

>> **JUDGE GROSSHANS:** I currently sit in the County Criminal division, so I hear misdemeanors, criminal traffic cases, and those type of things. And it's truly the best job in the world.

>> **CHIEF JUDGE LAUTEN:** And the people's court --

>> **JUDGE GROSSHANS:** The people's court, yes.

>> **CHIEF JUDGE LAUTEN:** -- and high-volume court.

>> **JUDGE GROSSHANS:** Yes.

>> **CHIEF JUDGE LAUTEN:** So you see a lot of people.

>> **JUDGE GROSSHANS:** Yes.

>> **CHIEF JUDGE LAUTEN:** And as you know, I'm not telling you anything you don't know, most court users -- most of them -- go to County court.

So, Chad, tell our listeners where you're sitting.

>> **JUDGE ALVARO:** I'm in Circuit Civil. I'm in a general civil division, and we handle all sorts of commercial cases, of course, involving contracts. But also -- which -- that's the sort of stuff that I was intimately familiar with during the course of my practice. But then we also have cases such as medical malpractice and cases along those lines, auto negligence as well.

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

Name one thing that surprised you about the job once you got it. That when you started doing what you're doing, going, okay, I didn't really foresee this or I didn't intimately understand this aspect of the job.

>> **JUDGE GROSSHANS:** That everyone looks at you all the time.

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

>> **JUDGE GROSSHANS:** I was very unprepared for that. I never considered that when you're sitting up there and you have a courtroom full of people who are not allowed to have electronic devices, they have nothing to do but stare at you. And so when you're arraigning 75 people, they're all just sitting there watching every movement. And so if you're someone that, you know, slumps or you realize you're just kind of doing something strange and all of a sudden you realize 75 pairs of eyes are watching you be awkward --

>> **CHIEF JUDGE LAUTEN:** It's interesting. Right.

>> **JUDGE GROSSHANS:** -- it's a harsh realization.

>> **CHIEF JUDGE LAUTEN:** I just want to supplement that because it's intriguing that you would say that. Judge Thompson, Emerson Thompson, who was the Chief Judge of our Circuit, the Chief Judge of the Fifth District Court of Appeal, first African-American on the bench, he tells new judges -- he did when he was Chief -- that the robe is like a magnifying glass. Whatever strength you have is magnified; whatever weaknesses you have are magnified. So that's kind of interesting.

>> **JUDGE GROSSHANS:** Yes.

>> **CHIEF JUDGE LAUTEN:** And I love how you put that; people are watching everything you do.

>> **JUDGE GROSSHANS:** Yes.

>> **CHIEF JUDGE LAUTEN:** That is kind of disconcerting at first. You get used to it, but it's weird.

>> **JUDGE GROSSHANS:** Yes. Yes.

>> **CHIEF JUDGE LAUTEN:** How about you? Any aspect of the job that you went, okay, I didn't know about this one till I got here?

>> **JUDGE ALVARO:** Well, not exactly. But what did surprise me -- or pleasantly surprise me is both the quality of the lawyering that I have seen in this circuit in the last, you know, almost two months, as well as the professionalism. And part of that is, it's not that I didn't expect it, but I steeled myself for the realization that there's a broad spectrum of behavior, and so I was pleasantly surprised and continue to be.

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

>> **JUDGE ALVARO:** One of the things that I also tend to do, which I have to work on, is tend to separate myself from the, you know, emotional aspect of it and focus on kind of the academic aspects of it. But you can't do that when you have the litigants sitting there right in front of you and you realize how heavily these decisions that you are making, or a jury is making, weigh on them. And that's something that I think was surprising and also good, ultimately.

>> **CHIEF JUDGE LAUTEN:** Hardest part of the job so far; what would you -- how would you answer that question?

>> **JUDGE ALVARO:** It's a boring answer, but the hardest part of the job --

>> **CHIEF JUDGE LAUTEN:** I thought you were going to say it was a boring question. Okay, I'll rephrase it.

>> **JUDGE ALVARO:** The hardest part is case management, docket management. I would not have thought that I'd have as many cases on my docket as I do. I think 2600 or so, last time I checked, and it's just a tremendous volume of work. And, you know, I want the parties who want to go to trial to get their trial and get it as soon as possible, and that's not always possible.

>> **CHIEF JUDGE LAUTEN:** Right. Yeah. Can I elaborate with you on that a little bit?

>> **JUDGE ALVARO:** Sure.

>> **CHIEF JUDGE LAUTEN:** So I think the public very often looks at a judge and says, well, he or she gets to ponder this case and understand it completely, and then bring all of their skill set to bear on the rational decision that they need to make, and think about it carefully and then announce a decision and then move on.

Okay. That's true, but you have to do that about -- with about 2700 cases in a year, and you have to do that about 10 times the number of cases. So, you know, 27,000 decisions in one year. And I think what surprises the public and also what surprises some new judges is, I had no idea how unrelenting the volume was; like, as soon as I'm done with this case there's another case, and as soon as I'm done with that there's another case, and another case, and another case, and another case. And it just keeps coming. It's like the loaves and the fishes, but magnified. So that's interesting and I think it's helpful for our listeners to hear that.

>> **JUDGE ALVARO:** And from my perspective --

>> **CHIEF JUDGE LAUTEN:** Go ahead.

>> **JUDGE ALVARO:** In the Business Court division, for instance -- which is no more, very sadly -- but I mean that was kind of the ideal context for a judge to sit there and really have the time to handle a docket like that, because it was such a reduced docket. So I'm sorry to see it go.

>> **CHIEF JUDGE LAUTEN:** Biggest difficulty that you would identify in your time on the bench?

>> **JUDGE GROSSHANS:** I think one of the hardest things for me -- and I am assuming for most people who are transitioning from being an attorney to being a judge -- is that you're an advocate when you're an attorney.

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

>> **JUDGE GROSSHANS:** And there are times when it's very difficult to reign that part in and realize that that is no longer your role --

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

>> **JUDGE GROSSHANS:** -- and you're staying in your lane as a neutral arbiter, not an advocate for one side or the other.

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

>> **JUDGE GROSSHANS:** And when you've spent years being an advocate, it is quite a mindset change that's important.

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

>> **JUDGE GROSSHANS:** And every now and then -- because you'll think of questions --

>> **CHIEF JUDGE LAUTEN:** That should be asked.

>> **JUDGE GROSSHANS:** -- that you think, oh, this would be a --

>> **CHIEF JUDGE LAUTEN:** Yeah, this is the obvious question; why aren't you asking this.

>> **JUDGE GROSSHANS:** Yes. And you -- silence is very golden for a judge, and it becomes difficult.

>> **CHIEF JUDGE LAUTEN:** Right. Or I'm sure you've mentally thought, here's the closing argument I'd give in this case.

>> **JUDGE GROSSHANS:** Exactly. Or why are they picking that juror.

>> **CHIEF JUDGE LAUTEN:** Yeah. That is -- that's true.

How do you manage stress? What do you do to manage stress? Let me start with you, Jamie. Then we'll go to --

>> **JUDGE GROSSHANS:** Well, I have a great community of friends, family, and that helps a lot to do that. And I think very much it is a conscious balancing decision that everybody

would take their work home in their head, if they could. I learned it a lot practicing family law, though.

>> **CHIEF JUDGE LAUTEN:** To leave it behind?

>> **JUDGE GROSSHANS:** That was a good preparation, because that will weigh on you, and I had to learn to separate it. And when I'm with my family or with -- outside of work, to really focus on that and be present.

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

>> **JUDGE GROSSHANS:** Put the phone down and be present. And so that's, for me, I think, my best --

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

How do you manage stress, Chad?

>> **JUDGE ALVARO:** I run. I tend to do it in the middle of the day if I can accommodate it. But I find that just doing that alone, I mean, you come out of it -- you know, run a few miles, come out of it, and it just sets you up for the rest of the day, and kind of shake off the rest of whatever has happened the previous part of the day.

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

>> **JUDGE GROSSHANS:** I manage stress by not running.

>> **CHIEF JUDGE LAUTEN:** Oh, is that right? Yeah. Right.

>> **JUDGE GROSSHANS:** Yes.

>> **CHIEF JUDGE LAUTEN:** Worst job you've ever had.

>> **JUDGE GROSSHANS:** I've never had a bad job.

>> **CHIEF JUDGE LAUTEN:** You haven't had a bad job?

>> **JUDGE GROSSHANS:** Unh-unh -- maybe --

>> **CHIEF JUDGE LAUTEN:** All right. God bless you, my child.

>> **JUDGE GROSSHANS:** Yes.

>> **JUDGE ALVARO:** Worst job I ever had was only the worst job I ever had because I thought it was going to be the best job I ever had, and that was being a lifeguard. I was a lifeguard and I had an idealized notion of what being a lifeguard meant. But more often it meant hosing pee off the pool deck.

>> **CHIEF JUDGE LAUTEN:** I'm going to keep that in mind.

Yeah. I worked construction one summer, and that paid well, and I needed money to go to school. But what I was surprised at, and I don't know why I didn't think about it, in Florida if you work construction -- it wasn't the work. It was, you have to get to the construction site at the crack of dawn in the summer, which is when I had the job, because it rained almost every day at 3 o'clock. So you had to use every minute of sunlight to get the work done so, you know, I had to get up in the darkness of night and get to the job site. I was like, I'm a college kid; I'm not used to getting up at 5:30 in the morning; you've got to be kidding me.

Who's been your inspiration? I'll start with Chad now; I'll come to you, Jamie.

>> **JUDGE ALVARO:** My inspiration.

>> **JUDGE GROSSHANS:** That's a good one.

>> **JUDGE ALVARO:** I think I'm going to blow this one, Fred. I don't know that I necessarily have an inspiration.

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

>> **JUDGE ALVARO:** Kind of just --

>> **CHIEF JUDGE LAUTEN:** We'll give you a pass on this.

>> **JUDGE ALVARO:** Yeah.

>> **CHIEF JUDGE LAUTEN:** That's okay.

Let's go to Jamie.

>> **JUDGE GROSSHANS:** That is such a good question. I feel like I've had so many. I've had people who are inspirations in so many different ways.

>> **CHIEF JUDGE LAUTEN:** Well, let me ask you this. Is there anyone who has inspired you as a judge, where you go, that if I -- you know, I hope I'm like that person?

>> **JUDGE GROSSHANS:** There -- you know, there is. I call her currently The Wise One, and that would be Judge Heather Higbee, which she will be so angry if she hears this podcast. But I refer to her as that because I got to appear in front of her numerous times on the bench, both in the criminal and family law bench. And I always felt like she really treated every single person with respect, even in very frustrating situations.

>> **CHIEF JUDGE LAUTEN:** That's a great role model.

>> **JUDGE GROSSHANS:** So whenever I am trying to think about how I want to respond to a difficult situation in court, I always tell her I, like, try to channel the Heather Higbee moment and do that. So that's who, if I were to pick someone from this circuit, I would say I find her extremely inspiring.

>> **CHIEF JUDGE LAUTEN:** If you had a public forum and you could tell the public one or two things that you really want them to know about being a judge, what would you identify for them?

>> **JUDGE GROSSHANS:** I don't think the public understands what judges give up, honestly. Judges can't have opinions that are vocalized anymore. There's a lot of things judges can't do. There's a lot of events judges can't be at. There's a lot of things like that. And I'm sure the public would like to know, in many ways, how judges do feel about things, but that's not

our role and that's not something that's allowed. And I think that's something the public would probably benefit from understanding better before they go to the ballot box. And I think that would be something that would be helpful for them to understand the limitations.

>> **CHIEF JUDGE LAUTEN:** So can you elaborate on that? For example, I don't know if you're referring to this, but a judge running for election, a lawyer or a judge -- incumbent judge running, couldn't say, I believe in sentencing all burglars to jail.

>> **JUDGE GROSSHANS:** Right.

>> **CHIEF JUDGE LAUTEN:** Or I --

>> **JUDGE GROSSHANS:** Or I believe this law is wrong or right, or anything. And, of course, a judge has a personal opinion. But one of the greatest callings to being a judge is being able to set that aside and apply the law.

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

>> **JUDGE GROSSHANS:** And I think that's something that the public may not fully understand.

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

All right. How about you, Chad?

>> **JUDGE ALVARO:** I think the public probably doesn't understand just how hard judges are trying. And I think there's a public perception that maybe if you're not -- that once you're in that position, you become kind of indifferent or ambivalent as to the causes that come before you. But -- and that when you're not on the bench, you're probably somewhere off on the golf course or something like that. And the reverse is true. I mean, when we're not on the bench, we're back in chambers and working within the confines of the law to reach the right answer.

>> **CHIEF JUDGE LAUTEN:** Yeah. That's great. Those are wonderful. That's great. I'm going to try something with both of you we haven't tried before, and this is called the rapid-fire section.

>> **JUDGE GROSSHANS:** Okay. I'm ready.

>> **CHIEF JUDGE LAUTEN:** We haven't done it before. And it's not that difficult.

>> **JUDGE GROSSHANS:** We need a buzzer, though.

>> **CHIEF JUDGE LAUTEN:** But I'm going to go -- start with you, Jamie, and then go to you, Chad.

>> **JUDGE GROSSHANS:** Okay.

>> **CHIEF JUDGE LAUTEN:** Okay. Ready? You ready?

>> **JUDGE GROSSHANS:** All right. I'm ready.

>> **CHIEF JUDGE LAUTEN:** Fiction or nonfiction?

>> **JUDGE GROSSHANS:** Fiction.

>> **JUDGE ALVARO:** Nonfiction.

>> **CHIEF JUDGE LAUTEN:** Whole wheat or white?

>> **JUDGE GROSSHANS:** Whole wheat.

>> **JUDGE ALVARO:** Whole wheat.

>> **CHIEF JUDGE LAUTEN:** Pepsi or Coke?

>> **JUDGE GROSSHANS:** Coke.

>> **JUDGE ALVARO:** Neither.

>> **CHIEF JUDGE LAUTEN:** Very good. Early bird or night owl?

>> **JUDGE GROSSHANS:** Night owl.

>> **JUDGE ALVARO:** Both.

>> **JUDGE GROSSHANS:** Now I'm an early bird because I have a three-year-old.

>> **CHIEF JUDGE LAUTEN:** Okay. Both. When do you sleep?

>> **JUDGE ALVARO:** I have to force myself to go to bed early so that I can get up early.

>> **CHIEF JUDGE LAUTEN:** All right. Cats or dogs?

>> **JUDGE ALVARO:** But I -- sometimes I fail.

>> **JUDGE GROSSHANS:** Dogs.

>> **CHIEF JUDGE LAUTEN:** Cats or dogs?

>> **JUDGE ALVARO:** It's been historically cats, even though I was raised -- are these supposed to be one-word answers?

>> **JUDGE GROSSHANS:** Yes.

>> **JUDGE ALVARO:** Okay. Cats.

>> **CHIEF JUDGE LAUTEN:** All right. Marvel or DC? I'm not even sure what I would say to this one.

>> **JUDGE GROSSHANS:** My kids are going to be so disappointed in me right now.

>> **CHIEF JUDGE LAUTEN:** You can say pass.

>> **JUDGE GROSSHANS:** DC.

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

>> **JUDGE ALVARO:** Marvel. But who has the time to watch all the movies?

>> **CHIEF JUDGE LAUTEN:** Coffee or tea?

>> **JUDGE GROSSHANS:** Coffee.

>> **JUDGE ALVARO:** Coffee.

>> **JUDGE GROSSHANS:** All day.

>> **CHIEF JUDGE LAUTEN:** Books or movies?

>> **JUDGE GROSSHANS:** Books.

>> **JUDGE ALVARO:** Books.

>> **CHIEF JUDGE LAUTEN:** Rollercoaster or Ferris wheel?

>> **JUDGE GROSSHANS:** Neither.

>> **JUDGE ALVARO:** Rollercoaster.

>> **CHIEF JUDGE LAUTEN:** Washing dishes or doing laundry?

>> **JUDGE GROSSHANS:** Laundry.

>> **JUDGE ALVARO:** Dishes.

>> **CHIEF JUDGE LAUTEN:** Pencil or pen?

>> **JUDGE GROSSHANS:** Pen.

>> **JUDGE ALVARO:** Pen.

>> **CHIEF JUDGE LAUTEN:** Sunrise or sunset?

>> **JUDGE GROSSHANS:** Sunset.

>> **JUDGE ALVARO:** Sunset.

>> **CHIEF JUDGE LAUTEN:** All righty. Thank you so much. We haven't tried that before. That was a lot of fun. I enjoyed that. I appreciate the time that you took out from your very busy calendars to join us, and we love having both of you on the bench.

>> **JUDGE GROSSHANS:** Thanks, Fred.

>> **CHIEF JUDGE LAUTEN:** And I do want to tell the public that you-all have really enhanced the quality of the bench. And while there is a public conversation about, you know, how the Nominating Committee should be constituted and how people become judges, both of you selected by Governor Scott kind of continue what I say publicly about Governor Scott,

which is his actual appointments have been superlative. And I want to let the public know that you have enhanced our bench, and it's a privilege to work you. And I really enjoyed having you here.

>> **JUDGE GROSSHANS:** Thank you, Fred. We appreciate that.

>> **JUDGE ALVARO:** Thank you very much.

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

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