

OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
PASSING OF THE GAVEL
EPISODE 78
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HOSTED BY: FREDERICK J. LAUTEN

(Music)

NARRATOR: Welcome to another episode of “Open Ninth: Conversations Beyond the Courtroom” in the Ninth Judicial Circuit Court of Florida.

And now, here’s your host.

CHIEF JUDGE LAUTEN: Welcome to Open Ninth. I’m here today with my colleague and friend Judge Donald Myers who, within the next 30 days, will become the next Chief Judge of the Ninth Judicial Circuit. His official term starts July 1st, so we thought it would be interesting for the outgoing Chief to interview the incoming Chief.

So, Judge Myers, welcome to Open Ninth.

JUDGE MYERS: Thank you very much. Great to be here.

CHIEF JUDGE LAUTEN: So I know that you went to Emory University undergrad and that you got your undergraduate degree in psychology -- which, by the way, will help you well as Chief Judge of the circuit -- but that you also got a master’s degree in medical science and then didn’t go from there straight to law school.

So why don’t you tell our listeners about -- a little bit about your life after Emory with your master’s in medical science which, I understand, you had an emphasis in speech-language and hearing disorders.

JUDGE MYERS: Exactly. So there were two tracks inside of communicative disorders. I chose the speech-language pathology versus the audiology track and spent two years as a speech-language pathologist. I worked for a year here in Orange County with the Orange County Public Schools at a school that focused -- or emphasized, really, on children with special needs.

CHIEF JUDGE LAUTEN: What school was that?

JUDGE MYERS: It was Cherokee.

CHIEF JUDGE LAUTEN: Okay.

JUDGE MYERS: It's now still a Special Ed school for the County. It's not far from here. Great opportunity. I worked primarily with autistic children.

CHIEF JUDGE LAUTEN: Interesting. My sister teaches the hearing -- or she's retired, but her whole career taught the hearing-impaired. So she was sort of itinerant for a while. She would move from school to school to deal with children with challenges to hearing. And -- but you were predominantly at Cherokee?

JUDGE MYERS: Full time at Cherokee. And there was a population of students that required the service, so we treated -- worked with autistic children, speech-language delayed children, severely learning-disabled children, all of whom had needs somewhere on the spectrum for speech-language pathology services.

CHIEF JUDGE LAUTEN: That must have been pretty rewarding. Was that a pretty rewarding experience?

JUDGE MYERS: It was.

CHIEF JUDGE LAUTEN: Challenging, I would think.

JUDGE MYERS: Incredibly challenging, yes.

CHIEF JUDGE LAUTEN: So that sort of science/medical background, were you thinking about medical school as a possibility? Tell us about your trek to law school.

JUDGE MYERS: I had considered it. I spent a year here in Orange County working at Cherokee, and then had a job opportunity to go to the island of Kauai.

CHIEF JUDGE LAUTEN: That's pretty nice. That's tough. You had to go there, Hawaii, to work.

JUDGE MYERS: And while I was there, I worked also with -- I worked in a little different setting. It was an elementary school, but it was the elementary -- there's only a couple of them on the island. It's a relatively small population.

CHIEF JUDGE LAUTEN: Okay. Sure. Right.

JUDGE MYERS: So I worked with autistic children there, then supervised some assistants who did general speech therapy with kids. But I also did some consulting at a local hospital there for stroke victims, head-injury victims related to swallowing disorders and speech-language problems as well.

CHIEF JUDGE LAUTEN: Fascinating. So you -- how long were you on the island?

JUDGE MYERS: On the island for just about a year as well.

CHIEF JUDGE LAUTEN: Then what? Then what --

JUDGE MYERS: Laying on the beach there one day --

CHIEF JUDGE LAUTEN: Okay. There we go. It's a great start to the story.

JUDGE MYERS: Because you can do that as a teacher in Hawaii.

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: You can head out about 3 o'clock and head to the beach. So we're on about 300 yards of white sand at a locals-only beach back through the sugarcane fields --

CHIEF JUDGE LAUTEN: That sounds fabulous.

JUDGE MYERS: -- and I have some friends who were there visiting us, and we're sitting on the beach --

CHIEF JUDGE LAUTEN: By us, is that you -- are you married then?

JUDGE MYERS: I am married, yes.

CHIEF JUDGE LAUTEN: So you're married to your beautiful wife Deborah --
Debbie.

JUDGE MYERS: Yes. Debbie, yes.

CHIEF JUDGE LAUTEN: Okay. And about where in this span of time did you get
married, just so --

JUDGE MYERS: We got married before we made the trip over to Hawaii.

CHIEF JUDGE LAUTEN: So you had -- not at Emory, not when you were an
undergrad, not when you got your master's, but shortly thereafter.

JUDGE MYERS: Yeah. She and I met actually when I was teaching at Cherokee.

CHIEF JUDGE LAUTEN: Oh, okay. Great. Great. Great. Great.

JUDGE MYERS: Right. Got married --

CHIEF JUDGE LAUTEN: So you both go to Hawaii.

JUDGE MYERS: Go to Hawaii, and we have some dear friends over. She was one of
my co-teachers at Cherokee, her husband was a lawyer. And we had brought them to this beach.
We had spearfished, caught some fish and grilled them right there on an open fire on the beach.

CHIEF JUDGE LAUTEN: Wow.

JUDGE MYERS: And he looks over at me and says, what are you going to do with the
rest of your life. And kind of a funny question when you're in paradise.

CHIEF JUDGE LAUTEN: Yeah, no kidding.

JUDGE MYERS: But I think he saw what I was already feeling, which was a little bit
of a discontent and the need to do something different and on a different level of challenge. He
suggested to me law school, and that was the beginning of the path to get back to Florida and end
up at the University of Florida to go to law school.

CHIEF JUDGE LAUTEN: And you went to law school -- what span of time were you in law school?

JUDGE MYERS: It would have been --

CHIEF JUDGE LAUTEN: '86 to '89, I think I read?

JUDGE MYERS: That's right, '86 to '89. I actually started in January of '87. I did it in about two-and-a-half years.

CHIEF JUDGE LAUTEN: Okay. So a little bit of an accelerated --

JUDGE MYERS: Um-hum.

CHIEF JUDGE LAUTEN: Did you feel like you were better prepared for law school having taken a break from being an undergraduate and master's student to law school? Because I went straight, and I know there were some people who took a break and they tended to either accelerate their studies or outperform some of the rest of us. So I was just curious what you thought about that break --

JUDGE MYERS: I remember my first semester distinctly --

CHIEF JUDGE LAUTEN: Okay.

JUDGE MYERS: -- and recall being deathly afraid at having taken a break that I was now competing with these young kids who had gone straight through, who were driven and motivated and practiced at this point. What I learned after the first semester was, hmm, I think I may have an advantage.

CHIEF JUDGE LAUTEN: Yeah, interesting. I think folks who had worked, you know, and taken a break, I thought -- that was my experience.

So I know you graduated with honors from the University of Florida, so you were a great student and you competed in mock trial competition and won awards for academic excellence

and taught probably first-year students in legal drafting. So that all indicates success in law school. And then you graduate, and is your decision Hawaii or Central Florida?

JUDGE MYERS: Family was in Central Florida.

CHIEF JUDGE LAUTEN: So that made it easy.

JUDGE MYERS: Pretty easy decision. And I -- but I do recall the conversation with Debbie saying, pick the state you'd like to live in for the rest of your life because I intend to take the bar examination one time.

CHIEF JUDGE LAUTEN: That's a good policy. That's a very good policy. So you started at Lowndes, Drosdick, Doster, Kantor & Reed, which is a pretty prestigious law firm. And tell us what you did there.

JUDGE MYERS: So a great group of people, and I had clerked there my second summer, offered me a job after the second summer. And so I went into the third year of law school knowing I had a job.

CHIEF JUDGE LAUTEN: That's a nice way to do it.

JUDGE MYERS: I was driven and motivated, wanted to be a trial lawyer. And so of course the first thing they did was to put me in a real estate department.

CHIEF JUDGE LAUTEN: Okay. There we go. So not too many trials there.

JUDGE MYERS: No. Had a great experience. I mean, I still remember closing a deal at 2 o'clock in the morning so I could communicate with Liechtenstein, where the -- one of the parties was.

CHIEF JUDGE LAUTEN: Wow.

JUDGE MYERS: It was interesting work. It wasn't, in the end, what I wanted to do.

CHIEF JUDGE LAUTEN: I see. Is that sort of why you left? Because that's a pretty significant powerhouse of a law firm and --

JUDGE MYERS: And some of my dearest friends are there still. I have a great sense of appreciation for the quality of lawyers and the work that's done there, but I really wanted to be a trial lawyer.

CHIEF JUDGE LAUTEN: Wanted to try cases. Okay. So where did you go from there?

JUDGE MYERS: So in the two years I -- or the four years I was at Lowndes, I tried two cases, both bench trials. So I went back to a small firm that I had clerked at my first summer in law school.

CHIEF JUDGE LAUTEN: How interesting.

JUDGE MYERS: Yeah. It was the Parrish, Bailey & Morsch Firm at the time. And in the next four years I tried thirteen jury trials with Mike Bailey, who was one of the partners there, and ultimately my partner in practice.

CHIEF JUDGE LAUTEN: And that firm did?

JUDGE MYERS: Personal injury, some business torts. Plaintiff's work, though, primarily.

CHIEF JUDGE LAUTEN: Right. So doing plaintiff's work, you have to teach yourself medicine a lot, don't you?

JUDGE MYERS: You do.

CHIEF JUDGE LAUTEN: Now, did you have a little bit of an advantage from your background?

JUDGE MYERS: Huge.

CHIEF JUDGE LAUTEN: Yeah, okay. Good.

JUDGE MYERS: Yeah. We had taken medical school classes while we were at Emory --

CHIEF JUDGE LAUTEN: Great.

JUDGE MYERS: -- particularly head and neck type classes. We had time in the cadaver lab.

CHIEF JUDGE LAUTEN: Wow.

JUDGE MYERS: We had done anatomy and physiology; again, particularly head and neck.

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: But the terminology, the nature of --

CHIEF JUDGE LAUTEN: Reading medical reports, that didn't throw you for a loop?

JUDGE MYERS: No.

CHIEF JUDGE LAUTEN: Yeah. Interesting.

JUDGE MYERS: Much more comfortable.

CHIEF JUDGE LAUTEN: All right. Thirteen trials, and pretty quickly. How long were you at that firm?

JUDGE MYERS: Four years.

CHIEF JUDGE LAUTEN: And then what was your career path?

JUDGE MYERS: And then Mike Bailey and I ventured out from that firm to create our own firm doing basically the same type of work. And we were together for the next 14 years.

CHIEF JUDGE LAUTEN: Wow. About how many jury trials in total in your career as a trial lawyer, just roughly, I mean?

JUDGE MYERS: Roughly, I'm going to suggest about 30, somewhere in that range.

CHIEF JUDGE LAUTEN: Yeah. But these are complex trials.

JUDGE MYERS: They're complex trials.

CHIEF JUDGE LAUTEN: These are not the, I could go in one day and try this case and be home that night.

JUDGE MYERS: I didn't have any trials -- jury trials that lasted less than three days, and some typically in the week range, and then a few two-weekers.

CHIEF JUDGE LAUTEN: Right. So you're a named partner in that firm. Were you the managing partner or --

JUDGE MYERS: I was. I enjoyed the administrative responsibility of the firm.

CHIEF JUDGE LAUTEN: Right. So why leave that track? What voice or bug said, maybe I'll leave this successful practice and -- and I want to hear about your conversation with Debbie about that choice.

JUDGE MYERS: So I'm in practice about 10 years. I've tried cases now. And you know this, being a trial lawyer yourself, that the person on the bench makes a difference to the outcome of a case.

CHIEF JUDGE LAUTEN: Right. That's right.

JUDGE MYERS: And I gained an appreciation for that, and sometimes a frustration with that, and over the years just made the decision I'd really like the opportunity someday to be able to do that.

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: But times were good, and it was a difficult decision to make. We had become accustomed to living at a certain lifestyle.

CHIEF JUDGE LAUTEN: To the private sector income that it's associated with --

JUDGE MYERS: Yes. But we --

CHIEF JUDGE LAUTEN: -- as we like to say here.

JUDGE MYERS: Yeah. So my conversation with Debbie ultimately was, you know, what would we need to do in order for me to have that opportunity. And for us it was simply to become debt-free.

CHIEF JUDGE LAUTEN: I see.

JUDGE MYERS: And once we had done that, we knew we could live on just about anything. And so we committed to do that, we achieved that, and that was when I made the decision I would go ahead and look for a race to run in.

CHIEF JUDGE LAUTEN: Yeah. I, you know, know this is true in a lot of instances, successful private practitioners usually take a cut in pay to get here. Government employees might get a raise, might stay about the same. We don't make a bad salary compared to other people in our community. But in private practice you often take a pay cut to become a judge. So that's interesting; become debt-free and then this salary. And then there are some fringe benefits to being a judge.

It's funny. You said the judge makes a difference in the outcome, and I think that that's true. I'm not -- for the kinds of cases I tried, a lot of those were criminal cases, I'm not sure the judge made a difference always in the outcome, but he or she certainly made a difference in how enjoyable or unenjoyable the experience was in trial.

JUDGE MYERS: There was a bit of that as well, yes.

CHIEF JUDGE LAUTEN: All right. So you decide you want to be on the bench. And what was your path to the bench?

JUDGE MYERS: Well, at that point, I began to explore the ideas of appointment versus election.

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: And a seat came available in one of our adjoining counties. I was not a resident there, and I made the decision that that was not the right move for our family. So I continued to explore that and honestly concluded I wasn't certain I had the political horsepower at the time to make it through the appointment process in Tallahassee.

And so I made the decision to run, and about that time one of our Orange County circuit judges retired at the end of his natural term, so his seat became an election. And I approached him and said with all respect -- and he was a judge I had tried cases in front of --

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: -- and said, I'd very much like to do this. And he was -- obviously has to remain neutral in that process and couldn't be involved, but he was very encouraging in the conversation.

CHIEF JUDGE LAUTEN: Yeah, great. So you had -- if I recall, but correct me because I might have this wrong. But do I recollect correctly that you filed to run but ultimately no one ran against you? Is that right? I thought that's what happened, but --

JUDGE MYERS: That's the shortcut version. For about three days, I had an opponent.

CHIEF JUDGE LAUTEN: Oh, you did? Okay.

JUDGE MYERS: Yes.

CHIEF JUDGE LAUTEN: Well, I mean, that speaks well of your reputation. I think to run and then not have an opponent is a little bit rare. A couple of our colleagues have done it. But, to me, that always bespoke of that is a good lawyer who people realize would make a good

judge, and so people might just go, like, don't get in that race because I'm going to support Don Myers, so --

JUDGE MYERS: I hope that was the case. I --

CHIEF JUDGE LAUTEN: That's what I heard, at least in the courthouse, if that gives you any comfort.

So you started with us January of 2011?

JUDGE MYERS: Um-hum.

CHIEF JUDGE LAUTEN: And started in Osceola County. Why don't you tell our listeners what you did there.

JUDGE MYERS: So I was assigned -- given my nature for handling jury trials, was immediately assigned to a division --

CHIEF JUDGE LAUTEN: Non-jury trials.

JUDGE MYERS: No jury trials, right.

CHIEF JUDGE LAUTEN: Of course.

JUDGE MYERS: I went and handled a Unified Family Division, so it was domestic cases, domestic violence and juvenile delinquency. My first time in any of those areas of practice.

CHIEF JUDGE LAUTEN: That's how we always do it here for some reason. But I don't know if it's planned or we have a sick sense of humor or what. But -- so you were -- how long were you in Osceola County doing that?

JUDGE MYERS: I spent two years down there doing that.

CHIEF JUDGE LAUTEN: And then your next assignment was?

JUDGE MYERS: Was back to Orange County to handle a Felony Division.

CHIEF JUDGE LAUTEN: Because you had so much experience trying criminal cases -- like none.

All right. But I know there was a couple of issues there and then you went to -- not issues pertaining to you, but there was movement that Judge Perry had to address and you ended up from there in the Civil Division?

JUDGE MYERS: In a Civil Division, exactly.

CHIEF JUDGE LAUTEN: General Civil.

JUDGE MYERS: General Civil. And spent three-and-a-half years in a general Civil Division. Loved it.

CHIEF JUDGE LAUTEN: And you were pretty comfortable because that's what you did.

JUDGE MYERS: It's in the wheelhouse. But as you know, Fred, that civil -- the breadth of issues in civil is so diverse and so wide that you never really feel entirely comfortable with an issue that comes before you.

CHIEF JUDGE LAUTEN: Right. Right. I know you and I have both talked to the Judicial Nominating Committee, and for a while the Civil Bar said, we want more civil practitioners. Of course, the interesting thing is, if you're a civil practitioner, it's usually in one kind of narrow area of the law. Like you're a real estate lawyer, as you said earlier, or you're a personal injury lawyer or you're transactional. And then you get to Civil and you handle every single civil case that there is before we created Business Court, including complex and commercial litigation. So you had to be able -- you had to develop the facility for teaching yourself and learning --

JUDGE MYERS: You do. And although I will tell you I was incredibly grateful for the experiences I've had at the Lowndes firm --

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: -- in real estate --

CHIEF JUDGE LAUTEN: Yeah, I'm sure that came back to help, right?

JUDGE MYERS: -- in banker and lender litigation, in construction defect litigation.

All those things came back pretty quickly as I was picking up on the issues in that Civil Division.

CHIEF JUDGE LAUTEN: And then you went to one of the more challenging divisions in our court, and that was the Complex Commercial Litigation Division. Tell me when that span was. You were there for --

JUDGE MYERS: I was there for just a year.

CHIEF JUDGE LAUTEN: -- just a year because of our lack of resources. But --

JUDGE MYERS: Right. So just -- it would have been 2016 to '17, that year; the 2016 calendar year.

CHIEF JUDGE LAUTEN: All right. So -- and then -- and the only questionable decision in your professional life, you chose to run for Chief Judge -- no, I'm just teasing you about that.

For our listeners' sake, that's just a joke.

But then you decided at some point that you would like to take on the challenge of being Chief Judge. And I want to talk to you a little bit about that. So I think one of the obvious questions is why did you decide to run for Chief Judge?

JUDGE MYERS: You know, I think it is such an incredible opportunity to be able to serve my colleagues. I spent eight years in a division -- eight-and-a-half now, and been

incredibly blessed by the relationships that I've had, just some phenomenal colleagues in what we do that goes even beyond friendship, the level of professionalism of the people that I'm surrounded by. And I have a vision, I think, for some things that we can hope to accomplish building on, candidly, just a very strong platform that I attribute much of that to you and to Judge Perry even before you.

CHIEF JUDGE LAUTEN: Thank you. Thank you. Thank you. So tell us a little bit about your vision. What is your vision for your role and the court going forward? How long will this vision span in terms of some of the challenges?

JUDGE MYERS: Well, I know I'm elected for a two-year term, and I don't own this seat. I serve at the pleasure of my colleagues. This is an elected position. But I have three key areas that I think we're going to focus on.

First is people. People are ultimately what make the Ninth Circuit as great as it is; our judges, our support staff, the people that we have the privilege of partnering with. And so I intend very early on to ensure that I am doing what I can as the Chief Judge to facilitate, to encourage, to provide opportunity for my colleagues, to ensure that they have the resources and support that they need. Which I know you recognized the challenge associated with that since I don't print money and aren't able --

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: -- and not able to make a budget happen. But nevertheless, I think there are opportunities for us to ensure that people are working in the right areas, they're doing the things that they are good at, and we're resourcing them with everything that we have to make that happen.

Just one example: We have a number of young judges now.

CHIEF JUDGE LAUTEN: We do.

JUDGE MYERS: Our judiciary in the Ninth has gotten very young.

CHIEF JUDGE LAUTEN: Has gotten younger.

JUDGE MYERS: That's right.

CHIEF JUDGE LAUTEN: It's about to get even younger.

JUDGE MYERS: They're a different breed of judge. They are very collegial, they are very relational, and they are very communicative. We don't currently have a platform in place for them to engage in collaborative effort, and so we're going to do some things to encourage collaboration on a higher level --

CHIEF JUDGE LAUTEN: Great. Great.

JUDGE MYERS: -- and enable them to work through thought process in the challenges that they face daily using the resources of each other. I think we can do that in an efficient way, and I think we can do it in a very cost -- inexpensive way --

CHIEF JUDGE LAUTEN: Sure. Sure.

JUDGE MYERS: -- and yet a way that will be very effective for them.

Many of our colleagues -- younger colleagues came out of practices where they were collaborative through email Listservs, for example.

CHIEF JUDGE LAUTEN: I see. Interesting.

JUDGE MYERS: And they communicate in writing, they ask each other questions, they get feedback, they receive sample orders and citations to law and things that will help them to do their jobs. I think we can do that here in the judiciary, and that's one of the things that we'll be doing.

CHIEF JUDGE LAUTEN: That's great. That's great. That's exciting. Yeah.

JUDGE MYERS: Yeah.

CHIEF JUDGE LAUTEN: What are the other areas?

JUDGE MYERS: The other area is property building. We have some challenges in the building that we're in. We're in an aging facility, although it's only 20 years old. And really comparatively around the State -- I want to be careful -- it is a fabulous location.

CHIEF JUDGE LAUTEN: Right. Right.

JUDGE MYERS: But we're space challenged.

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: And as you and I have spoken about, I think we've gotten to the place where our space drives the manner in which we handle cases, not the other way around. And I think that there are some things that we can do cost-effectively to change that and to make the most of what we have in the facility here.

Additionally, I'm very -- I'm just so pleased at the level of cooperation and commitment we have in working with our partners in this building.

For those listeners that don't know, as judges, we don't own this building. It belongs to --

CHIEF JUDGE LAUTEN: That's right. Sometime -- but we act like we do, but we really don't.

JUDGE MYERS: No, we don't. It is a County resource. The County provides it for us, and they are tremendous partners in this process.

CHIEF JUDGE LAUTEN: Right. They are.

JUDGE MYERS: And they have expressed a willingness to help us to the extent that they have the resources to be able to do so to create some flex space, some space that will be

usable -- multiuse for different types of cases, and we can adjust a courtroom to fit the case, not the case to fit the courtroom.

CHIEF JUDGE LAUTEN: Interesting. And the third area?

JUDGE MYERS: Third area is planning -- strategic planning. And we've already begun some of these conversations with the County as well. This building was designed to be a 100-year building. I think -- I may be quoting you, I'm not sure, but I think somebody recently said, we still handle cases like we did in the 1950's. But cases have changed.

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: And there's a need to handle things differently and to face the challenges that we have coming. So the challenge in the building is to develop a strategic plan that allows us to be ahead of the curve as we change the way that we handle cases in terms of technology, in terms of where space is located.

We all know that we enjoy a FaceTime conversation wherever we are.

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: Well, that same sort of appearance is a viable way to make an appearance in court without having to get into your car, drive down to the courthouse, go through parking, go through security, and make that appearance in front of the judge, in certain types of cases.

CHIEF JUDGE LAUTEN: Right. Right.

JUDGE MYERS: Not all of them, but certain types.

CHIEF JUDGE LAUTEN: Right. For our listeners, so this building is owned by the County. It's 20 years old, which is astounding because I remember being on the bench when they were building it and driving by and saying, it's unbelievable. And when you look at other

courthouses around the State of Florida, depending on the county you go to, you realize we're pretty blessed to have this building.

And interestingly, the County, when it built it, built out shelled-out space for future expansion. What's fascinating is I can't believe I'm saying that that was 20 years ago. I mean, it seems like it was five years ago.

JUDGE MYERS: Incredible vision to be able to recognize the need we would have in this space --

CHIEF JUDGE LAUTEN: Right. Right.

JUDGE MYERS: -- for that space to be able to build out and adapt to it what the current uses would be.

CHIEF JUDGE LAUTEN: Having said that, 20 years later, we're really at the build-out phase where we're going to talk in a moment about getting another judge this -- from the Legislature this year. But we have another judge. And we live in an exciting, dynamic, growing community region, and we're going to continue to experience pretty significant growth if you listen to the Mayor of Orange County or the Mayor of the City of Orlando or even the Legislators or the Florida Chamber of Commerce or the Orlando Economic Partnership. Everybody's singing the same tune about Central Florida, which is phenomenal growth in the next 30 years. So this building will be at its capacity -- half-way through its lifespan of 100 years, it might be at capacity. And fortunately they were forward-looking to have built space to build out. But certainly with the addition of a judge, and hopefully more during your term, they're going to have to build this building out.

But the County has been really pretty good with us. And the County also provides us technology. And all you have to do is talk to the Chief Judge of Dade County about our

technology and her technology, the largest circuit in the State. She gets green and then a little angry when we talk to her about how generous our County is about technology.

So, yeah, that's quite an agenda, and best of luck with it. And it sounds fascinating. And as -- I know you, so this is reflective of everything you do, it's very thoughtful and you've given great thought to what it is that you want to accomplish.

Let's talk a little bit on the first category, people. You and I know, because it's been our constant theme for the last year, that we got one judge from the Florida Legislature. This year is the first time that there's been any judge added to the ranks in the Judicial Branch since 2006. So for 13 years without a growing judicial workforce in a community that has such population and economic growth it's sort of -- when we talk to people about that, their jaws drop open when we say we haven't had any other judges. So you're going to get one, and that is effective July 1st, but the Governor's got to make that appointment.

JUDGE MYERS: That's correct. And at this point, I don't know that the bill has even been presented to the Governor for signature, so we are in the mode of believing that we have an additional judge.

CHIEF JUDGE LAUTEN: That's true, not absolutely certain. We were hoping that he wouldn't veto that bill.

JUDGE MYERS: Right.

CHIEF JUDGE LAUTEN: And if he does, we'll get an additional judge. And you've told me, so it's not a secret, but I'm going to ask you to share it with our listeners, so what will you do with that additional judge?

JUDGE MYERS: Well, I absolutely believe -- in having had the privilege of sitting in the Business Court, I believe in the Business Court. I believe that it is a valuable resource and

tool for the resolution of business disputes in this community. And it has all of the right elements to make business cases go well for the litigants. It also, as an effect of that, relieves our general Civil Divisions of the complex cases that can consume so much time on a judge's docket. And so it really benefits us in both of those areas.

And I'm committed to restoring the Business Court consistent with everything that you have said for the last several years about the importance of being able to do that balanced with all of the other commitments that we have as a court system to the people that we serve.

CHIEF JUDGE LAUTEN: You know, I forgot to say this earlier, but we have been certified for two additional Circuit judges year after year after year. At one point we were certified for three, but for that last four, maybe five -- but I know for four years, the Florida Supreme Court that does the study of the need for judges in Florida has said that the Ninth Circuit needs two Circuit judges. We got one, half a loaf, so we can reopen Business Court. We really need a second one just to keep up.

And honestly, as you and I look at these projection numbers, these population economic activity numbers, I think it's going to be year after year we're going to be back in front of the Legislature saying, we've got to have more Circuit judges to get our work done.

JUDGE MYERS: Well, the projections here locally are a net growth of 1,000 people a week --

CHIEF JUDGE LAUTEN: That's just amazing.

JUDGE MYERS: -- in Orange County; 1,000 people a week. Osceola; top 10 fastest growing counties in the country. And it only goes up from here. This year alone we're already seeing significant spikes in civil filings, in probate and guardianship filings, in domestic filings now. Those numbers can only increase.

And, yes, one judge is -- we're grateful for that, but it does not solve the problem.

CHIEF JUDGE LAUTEN: Sure. It's interesting, you and I were at an education event this past -- last week, and one of the speakers said that population growth doesn't tie directly to need for additional judges. But I wanted to raise my hand, but I thought better of it, because population growth combined with economic activity, I think, certainly means that you're going to have more judicial activity. Plus, we get 60 million visitors or 70 million visitors a year here. So it's not just that we have a population that swells, we have these enormous -- and all you have to do is drive around our region and look at construction cranes. Like you and I have heard people joke, for every construction crane you see go up, add 10 lawsuits or more.

JUDGE MYERS: Right.

CHIEF JUDGE LAUTEN: Because it's hard to build a building without being sued at some point. And then there are also personal injury lawsuits and there are contractual disputes and all that goes along with high-volume, high-energy economic activity. And those users need to get into the court system or at some point they're going to say -- those economic drivers are going to say, we don't want to come to that region because we can't resolve our disputes and it's bad for our bottom-line and we can't function.

And so I hope we can continue to make that case to the Legislature. And if we get these additional judges, that addresses part of your first platform, people. But naturally that addresses the second point, which is space, because you've got to put them somewhere.

JUDGE MYERS: Yes, there is. Immediately, we have a challenge because we do not have space in this building to add an additional judge. We have no chambers or offices for that judge to be in, and we don't have a courtroom for that judge to be in. So immediately we start off with that challenge. I'm optimistic that we'll, on a short-term basis, be able to address that

and hopeful -- continue to remain hopeful in our partnership with the County that on a long-term basis we'll address those things.

CHIEF JUDGE LAUTEN: So you've told us a little bit about vision, challenges, what you look forward to. Are there any aspects of the job that you least look forward to about being Chief Judge?

JUDGE MYERS: You know, I alluded to this earlier, but I'm -- it's worthy of repeating. You just could not be in a better position to take over a circuit than we are in the Ninth. We have so many good judges, just really quality people.

CHIEF JUDGE LAUTEN: That -- me, too, I agree with you in that --

JUDGE MYERS: And I hear consistently from the people that we serve just how impressed they are with how hard these judges work, how hard they work to get it right, and how committed they are to this process of justice in our community.

That allows me the freedom to say I'm sure there are some things along the way --

CHIEF JUDGE LAUTEN: One or two that you might encounter.

JUDGE MYERS: -- that I might encounter. But I consider it a privilege to be able to sit in this seat and serve.

CHIEF JUDGE LAUTEN: Yeah, me too. Well, I do, too. And I agree with you. And I think the -- you know, the more difficult, unpleasant aspects of the job are vastly --

JUDGE MYERS: Outweighed.

CHIEF JUDGE LAUTEN: -- outweighed -- thank you -- by the honor and the opportunity of serving as Chief Judge.

You know, it's interesting, because you mentioned our bench is young and getting a little younger. And, you know, there's this sort of rap about Millennials, you know, I don't want to

work 40 hours a week, you know, I want my down time. But the young judges that we have, they don't follow that prescription at all. They're hard working and they're --

JUDGE MYERS: They're cut out of a different mold.

CHIEF JUDGE LAUTEN: Yeah, they really are.

JUDGE MYERS: Yeah.

CHIEF JUDGE LAUTEN: Or maybe we're wrong -- maybe these stereotypes are wrong. But certainly with our new judges I think it's wrong. I'm -- you know, I could name all of them. I'm thinking of Denise Beamer who's brand new, and Chad Alvaro who's brand new. And help with some other new names,

JUDGE MYERS: Tom Young, who's brand new.

CHIEF JUDGE LAUTEN: Tom Young.

JUDGE MYERS: Amy Carter.

CHIEF JUDGE LAUTEN: Kevin Weiss has got some time -- Amy Carter, Carly Wish.

JUDGE MYERS: Right. Carly Wish.

CHIEF JUDGE LAUTEN: They -- they're just rolling up their sleeves and pouring it on, and so they're great.

One thing -- I know you've given some thought to this, it's just naturally part of the job -- our circuit is so big. So we have 65 -- now 66 judges, we have over 300 employees, you have a budget in the millions and millions of dollars. And it's -- we're big enough now that it requires a Chief Judge's full-time attention to manage an operation this big.

As I've said when I've spoken to community groups, we're bigger -- just the Ninth Circuit -- than 11 State Court Judicial Systems. And so it's become a full-time job until you kind of get removed from the courtroom for the most part. I have a small caseload, but it's really

comparatively so small. And I kind of miss that, you know, doing what it -- what I did on a daily basis when I put on a robe, which was to go in and adjudicate cases. But by -- we're almost forced into that with daily responsibilities that you have. So I guess you've given some thought to kind of giving up a caseload and --

JUDGE MYERS: I have. And I will miss the courtroom. I do enjoy jury trials greatly.

CHIEF JUDGE LAUTEN: Yeah, me too.

JUDGE MYERS: And I love the challenge of shepherding the parties through that process in a way that everybody feels like they've been heard, they've had their day, and that they're willing to submit their case for someone else to decide. I think that's just such a -- not just core part of what we do but really valuable part of what we do for me as a judge as well as for the participants.

CHIEF JUDGE LAUTEN: Right. Yeah. Yeah.

Judge Myers, talk to our listeners a little bit, in this new role, what do you see as your role, vis-à-vis the community, as sort of the representative of the judges and the operation system of the court system in Central Florida as you go forward?

JUDGE MYERS: Well, I think it's clear that as the Chief Judge you have the opportunity to become the face of the organization, the face of the circuit. And I look forward to that opportunity. I've been a practically life-long member of this community. My father retired from the Marine Corps when I was four-years-old, to Maitland.

CHIEF JUDGE LAUTEN: Oh, okay.

JUDGE MYERS: And I live in a house less than two miles from the one I grew up in. I love this community. And I love the chance to be able to go out and tell this community about

the group of people that I represent, which isn't just judges, isn't just judicial assistants, but the 216 other employees that all make up a part of who we are in Court Administration.

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: It is a high privilege to serve in the third branch of government. And I think folks sometimes have a misunderstanding about that --

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: -- and there's a unique opportunity to be the face and communicator of the great things that happen down here.

Now, it's tough. You realize, that half the people who walk out of a courtroom can be unhappy with an outcome.

CHIEF JUDGE LAUTEN: Yeah. By design it's --

JUDGE MYERS: By design, sure.

CHIEF JUDGE LAUTEN: -- any day, half the people are not too thrilled.

JUDGE MYERS: But you and I know that the studies, particularly those done by the National Center for State Courts, tell us that outcome is only a small part of the equation.

CHIEF JUDGE LAUTEN: Right. Right.

JUDGE MYERS: That more importantly folks need to know that when they come down here they're going to have the chance to be heard --

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: -- that they're going to have the chance to present their evidence. And that many of them, although losing, nevertheless have such a respect for the process and what they've been allowed to do to communicate in it that there is a chance for a win there.

We do a lot of important things, and yet there are a lot of challenges that we face. One of the issues I hope to be able to confront that falls a little outside those three areas are juries. We've done a fabulous job of communicating with the large businesses in our community about the importance of jury service.

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: But we know that the main driver of our economy are small businesses, and the number of folks involved in small businesses vastly outnumber those in the large businesses, even in this community. So I hope to be able to communicate, as the face of the Ninth, some of the challenges that we face to small businesses. And I imagine I'll be trekking to rotary meetings and --

CHIEF JUDGE LAUTEN: Right. You will.

JUDGE MYERS: -- all of those small groups of folks that represent small business people in our community to help them understand the significance, the opportunity they have to have their folks -- their employees or others to participate in the process, and how meaningful that is to our community.

CHIEF JUDGE LAUTEN: Yeah. That's absolutely true. And the other challenge we're facing with jurors is our jury pool is not as diverse as our community. And it's something I gave a lot of thought to as Chief, and I know you're giving it thought too, and that is how can we get the jury panel to reflect the diversity in our community. And we're making strides and we're doing okay, but it's not an outright success. And so, you know, the message is also we need all of the various diverse groups in our community to attend to jury duty.

I'm not sure what the challenges are there. I don't know if it's transportation in a county that doesn't have the best mass transit system, or if it's something else. Our voter list -- I mean,

we get our jurors from driver's license, not voter list. But the driver's license list might not be as updated as we think and so we might have some challenges there.

But, yes, asking people to take time away from their jobs and serve is a challenge. And then the other challenge is we'd like the jury pool to reflect the community in its diversity, and so there's some work to be done there. And I know you know this, but I'm sharing this for our audience.

JUDGE MYERS: I do. And I am concerned about the relationship between economic circumstances and jury attendance. And that's why I think the communication to small businesses that says, look, it's important to pay your folks to come to jury duty.

CHIEF JUDGE LAUTEN: Right. Right.

JUDGE MYERS: Because that may be the difference for somebody who cannot afford otherwise to be here.

CHIEF JUDGE LAUTEN: Right. Right. And you -- yes, exactly right. And really, I mean, we pay jurors \$15 a day. That barely covers, you know, lunch anymore down here. And after three days you get paid a little bit more. But, yeah, we underpay for jury service. It is a community service; it's part of being a citizen of the United States. But I mean, you and I have both heard when we've presided over jury selection, we say, well, I might need you this week. We've heard self-employed people say, Judge, that's a quarter of my monthly income; I can't pay my mortgage if I'm here or pay my rent if I'm here if I'm only getting \$15 a day; so I want to serve but I don't know that I can focus my full attention on a trial; and if it's two weeks you're talking about, I'm in real jeopardy. So, yeah, they're -- that's a challenge that we've got to face.

We've advanced in technology. We advance at this crazy, rapid pace. So you will be Chief during probably technological advantages -- I mean, advances that maybe we can't even

participate. But you mentioned maybe having the court system and its users appear technologically in court. That's an interesting concept and I've given some thought to that, and I know you have too. Let's tell our listeners a little bit about that.

So you mentioned FaceTime. Like I can pick up my phone now and talk to my granddaughter in California.

JUDGE MYERS: With a reliable signal, great connectivity, understandable.

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: It really is great technology that would allow anybody anywhere to appear somewhere else remotely.

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: It has its limitations.

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: And certainly from a due process perspective we know that our Supreme Court is concerned about that type of connection in certain types of cases. It would not work, for example, in cases involving juveniles or youth where our Supreme Court has said, no, Judge, you need to be there in the room with that individual.

CHIEF JUDGE LAUTEN: Right. Right. Right. Right.

JUDGE MYERS: Same is true for some mental health proceedings --

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: -- where that -- there is significance to the appearance of an individual and a judge together in a courtroom.

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: And so we recognize there are going to be areas where that sort of technology --

CHIEF JUDGE LAUTEN: Criminal cases with the confrontation clause --

JUDGE MYERS: Absolutely. Right.

CHIEF JUDGE LAUTEN: But the other vast number of --

JUDGE MYERS: Civil cases --

CHIEF JUDGE LAUTEN: Right.

JUDGE MYERS: Yeah. Civil cases, domestic cases. We do a lot of testimony in cases through technological means already. There's no reason not to expand that as the quality of those connections improve.

CHIEF JUDGE LAUTEN: Right. Right. Right. That's pretty exciting. I went out to a Cisco demonstration and teasingly said, you know, oh, this is impressive but it would be more impressive if you could holograph someone in here. And they said, we can holograph somebody in your courtroom. I was teasing. They said, no, no, no, that's very close; we've done it with our CEO, we holographed him to a conference in Egypt, and so we can holograph witnesses into the courtroom as soon as you let us do it. It was almost kind of frightening, but it was also pretty fascinating.

JUDGE MYERS: Yeah. I think we're going to see a number of technological advances. I hope shortly to be in your seat doing these podcasts on the other side.

CHIEF JUDGE LAUTEN: You will be.

JUDGE MYERS: And one of the topics that I will give a teaser for is we're going to be talking about autonomous vehicles --

CHIEF JUDGE LAUTEN: Oh, fascinating, yes.

JUDGE MYERS: -- and their impact on the court system, court cases that come through.

CHIEF JUDGE LAUTEN: That is a great topic. That is great. Yeah. I mean, everybody thinks of it just in terms of, you know, getting behind a car and going somewhere, and you and I think about it, what -- how will that impact the court system. And that will be fascinating in terms of liability. It might decrease some cases, increase others. Yeah, that will be a -- are you going to talk to someone about the technology or the law or both?

JUDGE MYERS: Both.

CHIEF JUDGE LAUTEN: Yeah, that's great. That's great. Well, podcasting is fun. I hope you enjoy it.

Well, what's the one message you want to close with for the listeners out there about your soon to be transition to Chief Judge of the Ninth Circuit?

JUDGE MYERS: Well, I would want to communicate again how purely honored I am at the opportunity to serve my colleagues in this fashion. We truly do have the privilege of working together with some phenomenal people, and to have their confidence and trust to move forward is a heavy weight on my shoulders. And I know you've felt it a long time.

CHIEF JUDGE LAUTEN: I have.

JUDGE MYERS: Coming to an end soon, I hope, for you.

CHIEF JUDGE LAUTEN: Well, let me close with this. I've loved being Chief Judge, as you know. And I know you're going to love it too. And one of the things that's happened that I want to share with our listeners is you were elected in February, and here we are it's almost -- well, it's early June, so you and I have spent a lot of time together since February preparing you to inherit this position that you were elected to by your colleagues.

And I want to assure the listeners that I don't know that there's a more thoughtful, hardworking, prepared judge in the Ninth Circuit than Don Myers.

And I'm absolutely 100 percent confident that the circuit is in phenomenal hands and it's going to thrive and succeed with you in charge. So best of luck to you, Don.

JUDGE MYERS: Thank you. Thank you, Judge Lauten.

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