

**OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
BIDDING FAREWELL
EPISODE 143
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HOSTED BY: LISA T. MUNYON**

(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 Lisa Munyon.

CHIEF JUDGE MUNYON: Hello, and welcome to Open Ninth. I’m here today with a very special guest whose voice you’ve all heard before, our former host, Judge Don Myers. Don was host of Open Ninth during his tenure as Chief Judge from 2019 to 2021. But his service here on the bench goes far beyond just that.

He was elected to the Ninth Circuit bench in August 2010, starting in the Osceola County Unified Family Court. Since then, he’s served in many divisions, workgroups and committees dedicated to improving our judicial system. He’s accomplished many things since joining us ten years ago, but now he’s ready to take his next steps in life. After a decade of service to our circuit, he is retiring from the bench.

I’m excited to have you in the studio today, Don. Thanks for joining me.

JUDGE MYERS: Thanks. I’m looking forward to the conversation.

CHIEF JUDGE MUNYON: So you have an interesting path to the bench. And I know that you’ve discussed that before with Judge Lauten and others. And you have an interesting path to the law. Can you just tell us briefly about that path to the law and to the bench?

JUDGE MYERS: Sure. I was fortunate to have the privilege of attending Emory University in Atlanta, where I played collegiate soccer. And after about three seasons there, figured out that that was probably not going to be my long-term future and applied to participate in a joint master’s/bachelor’s program involving communicative disorders. I will admit, I wasn’t fully aware of what that meant, but it -- what I knew that it meant for me was an additional two

years to have to make that life and career decision. And I studied to be a speech-language pathologist. I graduated from that program and went right out into the field primarily doing hospital-based work initially, then moving into the education system where I worked primarily with autistic children and severe learning-disabled children. Had a chance to go to Hawaii and continue that path.

But in Hawaii, laying on a beach one afternoon, a colleague -- who I now call a colleague, was a lawyer -- came over to visit us, and he talked me into law school. And so I made the decision to come back to the mainland to pursue a career in law and was fortunate to, again, come out of law school right into a job. A fabulous law firm here in town that recruited me out of my second year of clerkship with them. And was doing some great work, surrounded by some really incredible people, but knew that I had all of this sort of medical education and training that was applicable to some areas of the law more than others. And I made the decision to leave that firm to pursue that and to do it in a way that I could really pursue what was interesting to me, which was courtroom law. I wanted to be a trial lawyer.

So I left the large, established law firm, went to a smaller firm that handled personal injury/medical malpractice trial work for plaintiffs and practiced there. Got lots of jury trial experience, honor of handling some really significant cases that I think have made a difference for Floridians. And out of all of that, the time spent in the courtroom, began to really appreciate the difference that the person that sits in front of the courtroom wearing the black robe makes. And I think out of that came for me a call to public service and an opportunity to be the person who would work in that role. And that's what prompted me to run and to become a judge.

CHIEF JUDGE MUNYON: I would imagine that your medical training had to in some way assist you in being a trial lawyer in personal injury cases.

JUDGE MYERS: It was huge. In our -- my master's degree program for speech-language pathology, we actually studied in the medical school. And so we had opportunities to do work on cadavers, to actually do some dissection, and to work through many of the medical terminology and a lot of the biological and physiological sort of classes. And so all of that, when I made the move into the personal injury practice, was applicable. I could talk to doctors and at least prepare enough to understand their particular area of specialty, so a neurologist or an orthopedic or different types of doctors.

And I think the medical education made that easier for me. It also allowed me to go a little deeper than many trial lawyers have the opportunity to do. And I think that benefitted my clients over the years.

CHIEF JUDGE MUNYON: I would also think that dealing with special needs children and other patients would give you some unique skills in dealing with your own clients or with adverse parties.

JUDGE MYERS: I think there's probably some transferrable characteristics or opportunities that come from that. I would like to think that I'm somewhat high on the empathy quotient. You know, I have the ability to understand people. Certainly, much of that was driven by my experiences as a speech pathologist.

When I was in Hawaii, I actually spent a great deal of time at the hospital there working with head injury victims and stroke victims, primarily doing swallowing therapy and helping to retrain neurological function for speech and language and swallowing issues. And all of those experiences gave me a deep appreciation for people in a time of need. So I think that was a great translatable skill.

CHIEF JUDGE MUNYON: If I recall correctly, when you ran for judge, you did not have opposition.

JUDGE MYERS: I did briefly.

CHIEF JUDGE MUNYON: Okay.

JUDGE MYERS: That individual did not end up qualifying in the race and so, yes, I was ultimately elected without opposition.

CHIEF JUDGE MUNYON: And when you took the bench -- I think most lawyers that come to the bench are surprised by what it is that judges actually do. So what was your biggest surprise when you took the bench?

JUDGE MYERS: I was shocked by many things. And I thought I had done my homework. I mean, I had spent time in courtrooms not only as a lawyer but just observing and really consciously watching the judge and what their role was in the courtroom. But we don't get to see behind the scenes the things that judges do that are such a critical piece of the work that they do on the bench.

So I was a little taken aback at how much prep time it takes to be ready to be on the bench to hear issues, to be prepared to understand the parties' arguments, and to at least have some context for the decisions that have to be made. In the end, I was also very shocked by how difficult some of those decisions are. Judges, I think, sometimes can make it look easy, but it's because they're really well-prepared and they're in a place to make that decision based on the evidence and based on the law. But I can't tell you how many times I have wrestled with decisions outside of the courtroom, sometimes in preparation, sometimes after the hearing. So I think all of those things were surprising.

I was also just really surprised by how hard the work is. I was a civil trial lawyer. Again, had spent lots of time at the courthouse, but I hadn't done any domestic, I hadn't done any criminal law, hadn't done any juvenile or domestic violence law. And so every time we move into these new divisions, there's that ramp-up period where we take on the responsibility to learn, to study, to prepare ourselves to address those issues that appear before us. And as a six, seven, eight, nine, ten-year-old judge, you may be in a brand new division for the first time addressing legal issues that you've never seen in your career, so there's a tremendous responsibility and opportunity to prepare for that.

CHIEF JUDGE MUNYON: I suspect that many lawyers don't appreciate that we really are the last true generalists in the legal profession.

JUDGE MYERS: Absolutely.

CHIEF JUDGE MUNYON: And it takes a lot of work to prepare yourself for each division.

JUDGE MYERS: It does, but that's what I like about it. I like the opportunity to learn. I like the challenge of taking on something I've never done before, honing in on it, focusing on it and, for me, working on that craft of being a judge and trying to be better at it all the time.

CHIEF JUDGE MUNYON: Were you surprised by the volume of cases and the volume of work that you were expected to do when you took the bench?

JUDGE MYERS: I think in certain divisions that has been true, some more than others. The Civil Division, which I've spent the most time in, has just been stunning, I think, in terms of the volume, the number of cases. The breadth of the issues, of course, but the number of cases continues to come back and you feel that weight in your hearing dockets when you're scheduled from 8:30 in the morning till close to 5 o'clock in the evening addressing issues from across the

board inside of Civil and know that that's every two weeks you're going to go through that, take a break for two weeks to try cases, come back and do the same thing all over again. And you start to see the scheduling for those things extending out because of the volume.

It is a -- it's a tremendous challenge, and I'm really proud of my colleagues for the work that they do to get through that volume.

CHIEF JUDGE MUNYON: And not to mention that if, you know, heaven forbid, you take a week off to go on vacation.

JUDGE MYERS: Right.

CHIEF JUDGE MUNYON: The volume of paperwork and mail that awaits you when you return makes it almost not worth taking the vacation itself.

JUDGE MYERS: Right. I know you're experienced and big on this. But in my electronic docket signing, I'm signing, you know, 30 to 60 orders a day that are coming through in addition to the work on the bench and the work in the hearing room and the prep time and all of those things.

Plus the other piece of wanting to be a liaison for the judiciary in the community. I know we've got some judges who are just tremendous at that, who find time to be able to accomplish it. And I love that as well. I like to teach, I enjoy socializing with lawyers. I like lawyers. You know, this is a great profession in the sense that we get to be around really bright people who are driven and motivated and many of whom are handling some really great cases but who are also really good people.

CHIEF JUDGE MUNYON: I know you've been on the Family bench. You spent some time on the Criminal bench, Civil bench, Business Court. Did I miss one?

JUDGE MYERS: No. Back to Domestic and then back to Civil.

CHIEF JUDGE MUNYON: So have there been any divisions that you have found more challenging than others and any divisions that kind of have a soft spot in your heart; you really enjoy the division and the work?

JUDGE MYERS: You know, I love Civil. It's my background, it's my wheelhouse, I say. It's the area that I'm most comfortable. It is incredibly challenging. My hearing day just today covered the spectrum in terms of the types of cases and issues that a Civil judge might encounter.

Probably the spot that holds something special for me is -- was my time in Domestic. I enjoyed working with kids in delinquency. The chance to speak into young lives, and especially for some kids who seem to be searching, seeking to find somebody who cared and some circumstance in which they could be recognized and seen for who they are. I think that was incredibly rewarding for me. I got letters and things from kids, you know, whose lives that I tried to work with and -- letters of appreciation and gratitude.

Same in Family. Just the opportunity to work with families. It's the most challenging, though, emotionally, I think, for me. I don't have that same emotion wrapped up in Civil. But in Family there's a lot of weight on a judge's shoulders to get it right for the benefit of the kids. And I take that seriously. I took it seriously then, and I think it's incredibly difficult emotionally, but it's also incredibly difficult sometimes because there aren't great options. Sometimes you're having to choose from the least of or the best of --

CHIEF JUDGE MUNYON: There's no door number 3?

JUDGE MYERS: There's no door number 3 sometimes, and you just do what you can under the circumstances, and you pray.

I got a really nice letter from a lawyer in town whose child was involved in a lengthy case in front of me, and therefore his grandchild. And I got photographs of the grandchild prospering as a result of what he at least said was the decisions I had made, so --

CHIEF JUDGE MUNYON: Well, not only have you spent your time in the courtroom and doing your caseload, but you've also spent a great deal of time working on Judicial Branch issues. So can you tell us a little bit about what you've done on a statewide level?

JUDGE MYERS: There have been a number of things of late. Like many judges you kind of mature, I think, into those opportunities. And I had the privilege of being selected to serve on the Trial Court Budget Commission by the Chief Justice. And through that service, I think, kind of opened the doors to other opportunities.

I eventually was selected to serve on the Executive Committee of the Trial Court Budget Commission as well. And that's a really neat opportunity to take a big picture view of the branch, of the financial issues that confront the branch in terms of resources. And while we didn't have a checkbook, the ability to generate any money or income, we did have, I think, a pretty real impact on each circuit throughout the state and courts throughout the state in terms of the resources that were made available, how we could maximize those resources for the circuits and fairly allocate them amongst the circuits.

And through that, I also had the opportunity to most recently be appointed by the Supreme Court to work on a committee charged with improving the resolution of civil cases, which has generated a work product that I'm proud of. I don't agree with all of it, but I'm proud of it in the sense that it is revolutionary, I think, for the handling of civil cases throughout the state. And that opportunity to work with other judges and some really fine lawyers around the state was just incredible. And the work product is real. I think it will generate an awful lot of

conversation. And while I don't expect it to be adopted in whole, I certainly do think that it will trigger change in many of the things that we do.

The typical civil case just lasts too long, and much of that is resource driven. We don't have enough judges, we don't have enough case managers, we don't have enough hours of staff attorney time and support. All those are important pieces and those need to be addressed too. But there needs to be a culture shift, and so we had the privilege to talk about what that culture shift could look like, what tools might be put in place to make it happen so that lawyers are incentivized to see that outcomes can happen more efficiently. Justice delayed is justice denied, and that's true in Civil as well. So trying to bring back in, reign back in the timeline on civil cases, I think, would be meaningful.

CHIEF JUDGE MUNYON: So what do you think would surprise lawyers about the resources that are available to us?

JUDGE MYERS: I think we talk a lot about the resources available in our federal court system. Those are well publicized and well known. Not many people get a glimpse into the resources of the local courthouse. They think that I show up, somebody makes a decision, I move on, and it may be four months before I can get a hearing, but that's okay, it's just moving on my timeline as the lawyer.

I think they'd be shocked to know that we just don't have enough staff attorney resources. Judges are forced to do so much of the preparation, then the actual hearing or trial, and then all of the work that follows that outside of the courtroom. And I don't -- I know as a lawyer, I did not appreciate that. I did not understand how much was being done ahead of time and how much was being done after the fact to get to a good and right ruling. And we lack the resources, generally, to be able to make that happen efficiently and timely.

So I really -- I just don't think lawyers appreciate it. When I go and I speak places, I always talk about the needs that we have inside of the system in order to become better and more efficient and timely at what we do. And through the pandemic, I think we've discovered that there are many resources that can make a difference, as the Legislature has allocated resources to the circuits for things like case managers, for example.

For the last, gosh, I think it's been five or six months now, we've been working with a group of case managers made available to us to help us move through the pandemic-generated backlog. And it's -- the difference is night and day just to see how much that assistance can do. I call it a force multiplier. If other people can help me with prep work, if other people can drive case management with me, if other people can help me to review case law and summarize and prepare, all of those things will multiply my efforts inside the courtroom and make us more efficient.

CHIEF JUDGE MUNYON: I think most lawyers would be shocked to know that the only resource that we can really, truly count on is our judicial assistant; that most of the Civil judges share a staff attorney with at least two other judges, if not more.

JUDGE MYERS: If not more. That's right. And particularly in our Domestic Division, which is interesting since they have a very heavy writing burden. Because of the way that the law has developed and requiring Family Law judges to make written findings for so many different types of orders and judgements, it's extremely time consuming. And without staff attorney support, and for us it's much less than that one-to-three ratio, it's very difficult.

CHIEF JUDGE MUNYON: Because you are literally the one sitting at the computer typing those findings.

JUDGE MYERS: That's correct.

CHIEF JUDGE MUNYON: And if you could tell a staff attorney, these are my findings on these things, go draft an initial draft for me, would be a much more efficient use of your time.

JUDGE MYERS: Much more efficient use of our time. And that's without even a staff attorney sitting through the hearing. That's just being able to communicate and delegating that task to somebody else.

I think I find frequently, with respect, that we're not always doing our highest and best use of judicial time. And so we're not getting the maximum benefit out of a judge because those other resources that might take on some of those tasks are missing.

In private practice as a lawyer, subject to your budget, you could afford to bring on all of those things. And so I, in private practice, had a legal assistant. I had paralegals.

CHIEF JUDGE MUNYON: They have an associate that --

JUDGE MYERS: Associate lawyers, exactly.

CHIEF JUDGE MUNYON: -- could do things for you.

JUDGE MYERS: Exactly. All force multipliers.

CHIEF JUDGE MUNYON: Yeah. Absolutely.

So you spent the last couple of years from mid-2019 to mid-2021 as Chief Judge. And it was during a very difficult time for the entire country, not to mention the Judicial Branch. So what did you find the most challenging part of being Chief Judge?

JUDGE MYERS: I would start by saying, I loved the time. It really was such an incredible honor to represent and work on behalf of the judges and support staff in the Ninth Circuit.

The first six months were challenging in a different way. It was pre-pandemic, we were relationship-building, we were focused on laying out vision, and in the midst of all that comes along the pandemic. In that six months we also had a hurricane threat, we had a tuberculosis diagnosis -- several, in the courthouse. We were facing a different kind of a pandemic challenge. We were working on a number of issues that were all challenging in themselves, but none of them rose to the level of the pandemic.

I don't know if you watch TV. I've been watching *The Morning Show*, an Apple TV show, and they're replaying the news stories in this and the life of the City of New York as the pandemic was rolling out, as we were becoming aware of a positive case in the country. One. And now we have hundreds of thousands of deaths as a consequence. Cases starting to move throughout the country. And we were just in this tremendous time of uncertainty. Nobody knew what was expected.

I will never forget, on a Sunday afternoon, listening to a news account and it striking me that we have to do something different. It hasn't -- I think at the time we had maybe three, four cases in Orange County. But we started to understand how the virus was transmitted. We started to understand the impact of the virus on people who contracted it. And we were still bringing in 350 jurors into the courthouse. We were still packing a courtroom with 50 people for jury selection back in the gallery area. We had hearing rooms with lawyers on top of judges on top of clerks on top of deputies.

And that initial communication to all of our Administrative Judges that we need to immediately begin to adjust, think, and work a plan that's going to allow for folks to be safe in the courthouse, that was by far I think the most difficult time of the journey. After that, it became maintenance to some degree.

CHIEF JUDGE MUNYON: Yeah. *Groundhog Day*.

JUDGE MYERS: Yes.

CHIEF JUDGE MUNYON: Yeah. I can remember the -- you know, at the beginning of the pandemic when the Chief Justice ended jury trials for two weeks, which was unprecedented at the time. One area of the state, because of a hurricane, might have jury trials stop for a brief time, but never for two weeks. And then it continued.

JUDGE MYERS: It didn't stop. That's right.

CHIEF JUDGE MUNYON: It didn't stop. And it required pivoting and getting resources for the judges in the branch to be able to continue to work.

JUDGE MYERS: And we were very fortunate to be in the Orange and Osceola County areas because both County Commissions were incredibly generous with resources for us. Interestingly, in the earliest phases of the pandemic, we discovered several large boxes of N95 masks in the courthouse. And as we investigated --

CHIEF JUDGE MUNYON: From the bird flu days?

JUDGE MYERS: From the bird flu days, that's exactly right. And we had hung onto them. Each of the boxes had an expiration date on it though, and they were years out of date. And when we learned we had them, a conversation at one of the county meetings came up and I said, look, folks, we've stumbled across these; I know everybody's looking for N95 masks, but they're expired. And the Department of Health could not have jumped anymore quickly at the opportunity to get their hands on those to evaluate them and ultimately to decide that they were still safe to use. And so we supplied thousands of masks to the Department of Health early on in the process.

It was after that that the county was able to not only replace those but to supply us in the Ninth Circuit with all sorts of resources that included masks, and hand sanitizers, and antibacterial wipes, and everything you could imagine. And that relationship was so positive and so good during that time that I think we survived -- in fact, really flourished in a way that many circuits didn't have the opportunity.

CHIEF JUDGE MUNYON: So what surprised you about being Chief Judge?

JUDGE MYERS: I think I was a little surprised at the 24/7 nature of the job. And I know you're living it right now. But you're rarely off. Phone calls all hours of the night. Emergencies of every different nature. I think the expectation that we as a judge are necessarily fully prepared for the role that is so broad, again, really took me back a little bit. As time went on, you know, you learn ways to manage that and do better. But I was -- and I think my wife would testify to this -- always on. And it's tough in that way.

CHIEF JUDGE MUNYON: So are there some moments that stick out more than others, are more memorable than others from your time as Chief Judge?

JUDGE MYERS: I think there were many moments. I'll always remember my first investiture. You know, the chance to get up and introduce one of our new judges, to speak on their behalf, to facilitate honoring them for their election or appointment. That was special. And unfortunately because of the pandemic, you know, we couldn't have large group gatherings and many of those were delayed. But I'll always remember that time.

I really did enjoy that first telephone call or that first meeting with a brand new judge. The look in their eyes of excitement --

CHIEF JUDGE MUNYON: And a little fear.

JUDGE MYERS: A little fear, I would say some naïveté. But those were special moments. And I count many of our new judges great friends because of the chance to be among the first to welcome them into the Ninth and to have some substantive conversations about what it means to be a judge.

I will always remember speaking at Jon Morgan's memorial. A friend, an incredibly well-respected colleague, and a family that I had come to know personally through the process. And the pain I think that we as a circuit felt at his loss, but also the incredible response of the Judiciary, of Court Administration, and of the community ultimately to honor his passing and really the memory of his life well lived and well served.

CHIEF JUDGE MUNYON: And you were able to go to the County Commission and -- why don't you tell us what they did.

JUDGE MYERS: Such a -- what an incredible experience. Shortly after Jon's passing, I started to receive emails from judges in the circuit, some who'd retired, some who were still here, who said, we need to find a way to really honor Jon. He was the cornerstone of Osceola County, and we needed to find a way to honor him in an appropriate way.

And I began to work with some people that I know in leadership in Osceola County. Not on the Commission originally, just some folks who had established their presence in the Osceola County community. And then -- to then begin to work with the Osceola County Board of County Commissioners, their County Administrators. And as a result of all of that, the County Commission made the decision, and I think a really wise one, to honor Jon Morgan by renaming the Osceola County Courthouse in his name. Just a -- what a tremendous way to recognize his service to Osceola County which extended beyond the walls of the courthouse but certainly was very powerful, long serving and so positive. Nobody has a negative word to say about Jon

Morgan. And I think we did a good job in helping to facilitate that. The credit there goes to the County Commission who was willing to do something on an accelerated time frame. All of that came together in less than about ten days.

CHIEF JUDGE MUNYON: Which is amazing.

JUDGE MYERS: That's just unbelievable.

CHIEF JUDGE MUNYON: So you've been on the bench for ten years, and there have been changes both on our local bench and to the courts in general. What changes have you observed?

JUDGE MYERS: I started a project that I never got a chance to finish, to evaluate the age of our bench and the experience level of our bench. I was just curious. Because I look around -- and I know I've gotten old, and this is probably an old person's view of things around me, but I had the sense that the bench had gotten very young, that we were seeing appointments and elections of people who were far younger than that had been in the past. The preliminary study actually didn't confirm that. We looked at some data and that didn't seem to be the case. So, again, I think it's the musings of an old man.

But I still have this sense that it has changed in a youthful direction, at least in terms of experience if not age. And there's some great -- the energy level around here right now, unbelievably good. The work ethic of many of our young judges, very good. I don't think that's a change, though. I saw that in the people that were my predecessors, the people that mentored me and that committed to help me become a good judge. But that is a change.

I do think we've had a tremendous number of appointments. We've grown. And that -- you can't say that about judges in the Ninth Circuit -- the number of judges has grown. When I came, we were 65.

CHIEF JUDGE MUNYON: We're now 69.

JUDGE MYERS: We're now 69, that's right. We received one, and then two years later received three more. And that sort of growth is unprecedented in this era. It's been a long time since the circuit saw that type of growth. And I think it will continue once we are post-pandemic and we're kind of back to normal operations.

So that is significant. It's created space challenges for us. One of the --

CHIEF JUDGE MUNYON: It certainly has.

JUDGE MYERS: It has. One of the fun things that I had the privilege of working with a group of our judges to design new courtrooms. I'm excited to see that come to fruition. It's going to be past my time here, but I'll certainly be a visitor to the courthouse to check that out. It's also resulted in new chambers being necessary, so we are seeing structural changes in the building in addition to enlarging our footprint.

We've had to move Court Administration departments out of the courthouse because we're just so tight for space. So we have a new Mediation facility that's opening. We have a brand new courthouse that's going to be opening in Winter Park that will also have additional courtroom space so -- enabling us to be a little more flexible and I think a little more aggressive in the types of cases that we handle outside of this tower building.

CHIEF JUDGE MUNYON: So what changes have you seen in the branch over your time as a judge, or in the perception of the branch?

JUDGE MYERS: I think setting the politics aside, and I think there has been some political winds that are perceived to have resulted in some change in the branch. I think we've seen tremendous leadership arise out of our Supreme Court, and I mean proactive leadership. It's making a difference. I think we're feeling it in the local courthouses because of changes in

the branch. I will be forever grateful to Justice Canady for his efforts throughout the pandemic, but also with a vision toward what does this look like on the other side of the pandemic.

And I think those proactive changes are making a difference in the way cases are being moved through the court system. I think the law has changed a lot. But I suspect that happens to everybody in this role. But I certainly know if I were to move back to a Domestic Division, for example, again, I'd have to restudy the law and get current on what all the changes have been.

I think there's been a decentralization of the Judicial Branch throughout the state. And by that what I mean is there are more people involved at the local level in things that are happening in Tallahassee. I've seen a broader reach and a little deeper reach to try to get some more and different influences into the thought processes and decision-making for the branch.

Through the Trial Court Budget Commission, we had a chance to look at the circuits and their operations, and I feel very comfortable that each of those folks are really well represented on a statewide basis in perhaps a way that wasn't always the case.

CHIEF JUDGE MUNYON: So what will you miss the most about being a judge?

JUDGE MYERS: That's an easy one for me, really. It's the people. It's my colleagues, yeah. I just -- I know I've spoken in the past and said I'm just always so impressed at how hard this group of people works to get it right. And that's true. But they're also really fantastic people. And they are rich in diversity. They are rich in experience. They are rich in their willingness to contribute to the quality of the people's lives around them. And I count many people in this building amongst my very dearest friends.

I -- it's interesting. When I first came, I spoke to a judge and I asked him, I said, well, what does your social life look like. I expected him to say, well, you know, this judge and I or

that judge and I -- he said, I kind of had all my friends before I came, it hasn't changed much.

That's not the case at all for me. In the last ten years --

CHIEF JUDGE MUNYON: Me either.

JUDGE MYERS: Yeah. I would imagine. I mean, we spend an awful lot of time. I hope I've been a good mentor for some of our younger judges who've come in who struggle with the civil experience or the judicial experience. And through that, I've developed just great friendships. So it is the people that I will miss most. But I did love the work too.

CHIEF JUDGE MUNYON: So what advice do you have for future judges?

JUDGE MYERS: I -- you know, I think the thing that most of all I -- if I could have a chance to speak to people who are thinking about becoming a judge, whether it's through the appointment process or through election, I think I would really encourage them to spend more time down here before they make that decision to get a better appreciation for what it means to be a judge. It's a tremendous position of honor. It's a tremendous position of trust in our community. It's a really hard-working job. And the diversity of opportunity or challenge inside of a circuit judge's life is so broad that you have you be willing to do those things. And I just -- I think a lot of folks come and don't recognize or fully appreciate that. So I would encourage them to come down here and spend some time, shadow for not a day, shadow for a couple of weeks and see what it's like to be a judge and then decide is that really what you want to do.

CHIEF JUDGE MUNYON: I get the perception that some people think that this is a part-time job. But I've found it to be more than a full-time job to do my judicial duties, and then you have your community duties that you need to do in the evenings on top of all of that. So it ends up being a job that you easily spend 60 or 80 hours at every week.

JUDGE MYERS: Yeah. I would -- some days I might curse the person who decided that laptops would be a good idea for us as judges.

CHIEF JUDGE MUNYON: Sorry about that.

JUDGE MYERS: Oh, that was you. No, it's been a great tool, but it also has encouraged work at home, and so I bring my laptop home every night.

CHIEF JUDGE MUNYON: Me too. Yeah.

JUDGE MYERS: And if I don't -- if I'm not responding to emails, I'm researching, I'm prepping, I'm doing things to get ready for the next day or so. It's a challenge. If you spend six hours in a day in hearings, you get a little lunch, you get a little break, you spend time signing, and all of a sudden the day is done and you haven't even begun to look at the next day, next week worth of material.

CHIEF JUDGE MUNYON: Not to mention if you need to write a lengthy order on one of those hearings.

JUDGE MYERS: No. You -- it's tough. It's tough. And so I think if the -- I'm not sure I had that perception necessarily when I came, but I certainly recognize it among the bar that I think believe that this job is not a 40-hour-a-week job. It's not. It's a 60-hour-a-week job.

CHIEF JUDGE MUNYON: Right. And maybe that is just a tribute to our judges who work hard enough outside the eye of everybody else that we make it look easy.

JUDGE MYERS: Yes. I think that's absolutely correct, that the perception is driven by the interactions, not by the actual work that's being done behind the scenes.

CHIEF JUDGE MUNYON: So what are you going to do next? I'm sure you're going to spend more time with family.

JUDGE MYERS: I am. So important to me. My wife and I have four children. We've got four grandchildren. They're spread throughout the United States. And it's important to both of us to be an influence in their lives.

CHIEF JUDGE MUNYON: And it's hard to have that flexibility when you're working as a judge.

JUDGE MYERS: No. I realized -- when I came from private practice coming onto the bench, the very first thing I realized is I had lost complete control of my calendar. To be a judge, you have to show up. And that's true even in remote-hearing time where we're doing things through Zoom. You still have to show up. You have to be here. You've got to be ready to make decisions and to work through the volume of our dockets. If you're not, you're going to so quickly fall behind that you'll just -- it'll be miserable.

So I lost control of the calendar. I recognized that, you know, it's tough to take time off because you're always falling behind when you're away. And I just want to recapture some of that and to be able to have the freedom to go and travel and spend time with our children and our grandchildren. I love our kids. They are great human beings. And I can't tell you that there's anything I enjoy more than spending time with them. They're great parents. And they don't need us to influence their kids' lives, but we would like to do it and I think their kids will benefit from it. So we --

CHIEF JUDGE MUNYON: And you get to spoil their kids and give them back.

JUDGE MYERS: Hundred percent. Absolutely a hundred percent. So we're going to take time, we're going to travel a little bit. But family travel. I've traveled to Europe, it's lovely. I'd still rather go visit my family. So we're going to do a lot of that.

I am going to mediate. I think I've decided that that's the right thing for me right now. It gives me control over my calendar. I will work, I'm sure, just as hard at that as I do in my judicial position. I want to be good at it. I need to hone my skills and become a good mediator. And I'm looking forward to that. And then we're looking forward to starting to wind down a little bit and just enjoy family.

CHIEF JUDGE MUNYON: Well, it has been a privilege to have you here with me today. I appreciate you taking the time to share a little bit about your past and your future with us.

JUDGE MYERS: Well, thanks so much. I appreciate it as well. And I'm so grateful for the things that the Ninth Circuit does and that you're leading us now, Chief Judge Munyon. So thank you for the privilege of being here with you and getting to share.

CHIEF JUDGE MUNYON: All right. Thank you, Don.

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