

OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
GOING THE DISTANCE
EPISODE 107
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HOSTED BY: DONALD A. MYERS, JR.

(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 Don Myers.

CHIEF JUDGE MYERS: Hello, and welcome to Open Ninth. Joining me today is Ninth Circuit Judge Andrew Bain who was recently appointed to the Orange County bench by Governor Ron DeSantis. Andrew received a Bachelor’s Degree in Psychology and Business Law from the University of Miami. And then he went on to receive his J.D. from the Florida A&M University College of Law. He spent the past seven years working as an Assistant State Attorney in the Ninth Circuit. And he’s currently serving as a judge in our County Criminal Division.

Thanks for joining me, Andrew. It’s great to have you with us.

JUDGE BAIN: It’s great to be here, Judge.

CHIEF JUDGE MYERS: I appreciate the chance to have this conversation. And I’ve really been looking forward to it because I’ve gotten a lot of questions. Folks are interested to know about you, and our current circumstance makes it a little more difficult for our judges to interact and be as interactive and relational as we typically are. So I’m looking forward to the conversation.

Tell us a little bit about -- first of all, where are you from?

JUDGE BAIN: I’m from Lauderdale Lakes, Florida, which is a little city outside of Fort Lauderdale in Broward County. It’s actually the same city that Judge Sanders is from. We grew up roughly about three miles from each other.

CHIEF JUDGE MYERS: Really.

JUDGE BAIN: She grew up in a neighborhood called Oriole Estates, and I grew up in a neighborhood called Eastgate Estates in the same city.

CHIEF JUDGE MYERS: That's great. Did you all attend the same high school?

JUDGE BAIN: No. She went to Florida -- she went to Fort Lauderdale. She was a Flying L. And I went to Blanche Ely, which is in Pompano Beach, for three of my years there, and then I went to Nova my freshman year, which is in Davie. So we never actually crossed paths until we started working together at the State Attorney's Office.

CHIEF JUDGE MYERS: So when did you first meet Judge Sanders and did you connect the dots?

JUDGE BAIN: We met at the State Attorney's Office, and we started talking, and she was telling me, you know, where she was from. And I'm like, you know, we're from the same place. And, you know, at one point I think during that same year we got together during Thanksgiving or something like that while we were both visiting our parents, and she came over to my house and, you know, met my parents and things like that. So it was kind of interesting.

CHIEF JUDGE MYERS: That's kind of neat. That's great.

Is your family from South Florida long time, I mean, going back generations, or --

JUDGE BAIN: My family -- my mother is from Columbus, Georgia, mostly. My grandfather was a military man. He was in the Army for 20-plus years. He ended up being a -- ended up leaving as a Staff Sergeant. He served from World War II to Korea to Vietnam, and then he got out. So my mom also moved from -- they had spent some time in Kansas on a military base, and in Germany on a military base, and they mostly ended up in Columbus right outside of -- because that's where Fort Benning is, and that's really where my grandfather was stationed out of.

On my father's side of the family, my grandfather is from the Bahamas, and he met my grandmother over here in South Florida, down there in Florida City, Homestead, kind of where Judge Jordan is from, in that area. And he -- my father grew up in Key West. And my grandmother's family kind of matriculated down from South Georgia to Tallahassee towards down the middle of the state, you know, doing those -- picking -- those kind of jobs that -- you know, sharecropping and picking in watermelons, pole beans, tomatoes and all those kinds of things like that, and ultimately ending up in South Florida where my father grew up and things like that.

CHIEF JUDGE MYERS: All right. So they met down there and you were born down in South Florida too.

JUDGE BAIN: Yeah. Yeah, I was born down in South Florida. And my mother, who works for the Department of Labor, took a job in South Florida, and my dad was there. So I think at that time he was working for Florida Department of -- Florida Power & Light. And then they met down there. And I have an older brother, and they had him first, and then I came along, you know, after that.

CHIEF JUDGE MYERS: Well, so, you know, we do these for broadcast in auditory fashion --

JUDGE BAIN: Yeah.

CHIEF JUDGE MYERS: -- so folks don't get a chance to see you unless they happen to capture one of the pictures along the way in our social media. How tall are you?

JUDGE BAIN: I'm about 6'4".

CHIEF JUDGE MYERS: All right. And you are a big fellow.

JUDGE BAIN: Yes, I am.

CHIEF JUDGE MYERS: All right. So it begs the question, what was your entertainment -- what did you do for extracurriculars when you were in high school and college?

JUDGE BAIN: I played football.

CHIEF JUDGE MYERS: Okay.

JUDGE BAIN: So I played sports my whole life. Really baseball was my first love and -- because I was too big to play football in little league. Some of the little league teams had weight requirements. So I think the highest weight was 150 pounds, and I probably ended up playing that in fourth grade, playing with kids that were in -- you know, about to be freshmen in high school, so they told me I couldn't play. So I played baseball. I played basketball. I played pretty much any other sport I could until I got to high school where there were no weight requirements and they allowed me to play football.

CHIEF JUDGE MYERS: All right. And so as a freshman at Nova, you said?

JUDGE BAIN: Correct.

CHIEF JUDGE MYERS: How much did you weigh and what were you -- what were you doing in football? What position were you playing?

JUDGE BAIN: I was about 6'1½" or so, almost 6'2", 315 pounds. I played nose guard and defensive tackle. And when I left Nova and went to Ely my sophomore year, I continued to play defensive tackle. And then in my junior year there was a compromise between my defensive coordinator and my head coach to allow me to go over and play offensive line, and I continued to play that all the way through until I got to Miami and played there and to the NFL for a little bit with the New York Giants.

CHIEF JUDGE MYERS: Okay. That's awesome. What a great experience. And I think I read somewhere -- picked up -- that you may have a state title from high school, is that right?

JUDGE BAIN: Yes. We were 5A state champs in 2002, which was hard earned because we had been knocking on the door for -- since my sophomore year, when we got there, we had several unfortunate -- like myself, I got injured at -- pretty much at every end of the season, so -- and we kind of fell short because we were just down manpower. But in 2002, my senior year, we pushed it on through and won the state championship in Tallahassee.

CHIEF JUDGE MYERS: That's great. So I don't know a tremendous amount about football. I mean, I love to watch the game and enjoy it. My sense is to play offensive line/guard-type positions, not only is size important but quickness seems to be valuable.

JUDGE BAIN: Yeah, speed, quickness. I was a very large man. You know, I'm coming around the corner, I was a pulling guard, so I ran from sideline to sideline and took on smaller defensive players that didn't expect me to be out there in the open. But, you know, that was to my advantage. You know, and obviously, you know, had a little intelligence to be able to, you know, know where you're going, anticipate what's happening, and things like that. So there was always a good -- it was good fun out playing offensive line.

CHIEF JUDGE MYERS: Well, we're going to talk about your schooling in a minute. Obviously, you were bright. So no doubt about that characteristic as well. You did extremely well in college and in law school.

But I was looking at the UM page, and they described some things that you did as a guard, certain types of hits or blocks or -- as a pancake, a Metrorail, if that makes any sense. What do those terms mean?

JUDGE BAIN: So a pancake is just exactly that; you make a short stack with you and the person that you're blocking. You want to use extra hot syrup and butter if you can. And Metrorail is exactly that; you engage a block for over five seconds and you put them on the Metrorail. Because, like, right outside the University of Miami in Coral Gables is the Metrorail, so you put them on the rail and just push them on down the line.

CHIEF JUDGE MYERS: Okay. All right. That's -- those are terms I hadn't heard and don't get to see those on -- in the NFL or the Gator football that I watch, so --

JUDGE BAIN: Yeah.

CHIEF JUDGE MYERS: -- that's great. So did you love playing?

JUDGE BAIN: I loved playing. I really -- more than just the game, I really enjoyed my teammates. That's -- the comradery and the family that you have with those guys is always something that I value and, you know, try to take with me. And, you know, when you get older, it's hard to keep contact with everybody because everybody is, you know, busy doing -- living their lives and things like that, where you always want to try to reach out and, you know, keep that family, you know, those brothers close to you.

CHIEF JUDGE MYERS: You graduated UM with two majors, ultimately. Tell us about those and why.

JUDGE BAIN: Psychology, I kind of felt an interest with that when I was in high school, then I went on to college and just continued it. Business law happened when I got to Miami. I had a business law professor called -- his name was John Dellagloria. He was one of my mentors and still a great friend right now, and is actually -- thank God, is recovering from -- he got -- he contracted the COVID virus, but he's recovering now.

And I never met a lawyer until I met him, and there was no -- there were no lawyers where I grew up. There were no doctors, really no professionals to really speak of. So he was one of -- he was the first lawyer I ever really sat down and had a conversation with. And I learned that there's nothing that happens in our society that law doesn't permit or affect. And with that kind of knowledge and with that ability, I was thinking, well, I mean, I can be a lawyer; I can do this. So I just ended up taking every business law class that Miami offered. And one of my counselors said, well, you qualify for at least a minor or another major, and, you know, (indiscernible words) at that point. And -- but I knew at that point after I was done playing football that law school was where I was going to go.

CHIEF JUDGE MYERS: That's great. So -- but your football didn't end at the University of Miami. You had a chance to play professionally.

JUDGE BAIN: Correct.

CHIEF JUDGE MYERS: Tell us about that.

JUDGE BAIN: I went to the New York Giants, signed as a free agent. Right after the draft they called me and I signed a contract with them. Played for -- went to OTAs and training camp and --

CHIEF JUDGE MYERS: OTAs, what is that?

JUDGE BAIN: It's like off-season training -- I forget what it's called. It's off-season training and -- I forgot what the A stands for. But it's basically where they pay you a little bit of money to go train at the facility and, you know, try to learn your playbook and things like that. Because if you're not a first-round draft pick, you don't get those big signing bonuses and things like that. So they pay you basically per diem to stay at the hotel they provide for you, then they charge you for the hotel they provided for you. And you get to eat free, at least at the training

facility, and go to practice and work out and try to learn your playbook and those kinds of things like that.

So it was an interesting experience for me. It was, like, much different because it was the first time that I had left Florida for an extended period of time. I'd never really visited Northeast other than we went to play Boston College when I played at the University of Miami. So it was very -- it was very different from that aspect, and the people were different, and those kinds of things like that.

And the business of football came to the forefront to me at that point, that it's really a business at that point. As much as people like to say that -- you know, there's obviously comradery just like you had at college, but it's not the same. And, you know, there are business decisions that are made.

Like I was telling everybody in the room before you got here was that at one point I was cut, like on a Sunday, and then it was pretty much I'm unemployed, and then brought back on a Wednesday in the same week. So -- and they played numbers games and things like that. So it became, to me, an unsteady situation for myself and my young family. My wife -- we got married in 2007, so I was -- we were just really newlyweds and things like that. And I just didn't feel that this was -- to pursue this was unfair to her. And when -- I had another option at my disposal, which was to go back to school and, you know, ultimately end up here having this conversation with you.

CHIEF JUDGE MYERS: All right. So you went back to law school. Where did you go?

JUDGE BAIN: Went to Florida A&M.

CHIEF JUDGE MYERS: All right. And graduated in what year?

JUDGE BAIN: 2013.

CHIEF JUDGE MYERS: Okay. And you were heavily involved at the law school --

JUDGE BAIN: Correct.

CHIEF JUDGE MYERS: -- doing lots of different activities; trial team, some voluntary bar associations. Tell us a little bit about some of those things and why; I guess, more -- you know, more probably why.

JUDGE BAIN: Well, I kind of figured it out when -- before I went to law school, I was a civil paralegal for a while. And before that, I interned with another one of my mentors, Jason Oletsky, at a firm called Kluger, Kaplan, Peretz & Berlin at the time. I think they're called Kluger, Kaplan now. But I found out that those young associates didn't know anything, and I watched them just run around like little ants all the time, trying to figure out how to be a lawyer.

So I knew when I was going to have my opportunity to go to law school and things like that, that my focus was obviously to excel academically as much as I could, but also not neglect the next step and, you know, learn to get the most experience hanging around with -- hanging out with other lawyers and getting to meet other judges and speaking to as many people as I can to get involved and in their face about, you know, their actual practice of law, and so it would be -- at least I wouldn't have any apprehensions or misunderstandings about when I actually started practicing about what I was going to be doing.

CHIEF JUDGE MYERS: Good. And so while you were at law school, you really did excel; lots of book awards, which are given to students who get the top grade in a class. So you have book awards, dean's list, moot court. You were a CLI. Tell us a little bit about that experience, a certified legal intern.

JUDGE BAIN: Yes, I was a certified legal intern at our Housing Clinic at Florida A&M, and basically I got to try to keep people from getting evicted from their homes. And those are really hard battles. We were always representing really indigent people, people that were already on some kind of assisted living, and then you're trying to -- and sometimes of their own fault or some just kind of, you know, how life works out, and trying to keep them in their homes.

And I was always trying to push the landlords to -- I know I'm probably not going to win this, and I'm not going to win the war, but I wanted to try to win enough little battles to -- so where we can at least come to an agreement about what's going to happen with this person, that they are either going to be able to stay where they are or going to leave in some kind of dignity at that point and not just be thrown out on the street. So that was kind of my main goal working as a CLI doing that.

CHIEF JUDGE MYERS: What a great experience to prepare you for the role that you have now in County Court.

JUDGE BAIN: Correct.

CHIEF JUDGE MYERS: Because one of the primary responsibilities -- we divide our Criminal -- or County Courts into two divisions, Civil and Criminal. And in the Civil Division, one of the major pieces of practice that appears before the County Court judge are a landlord/tenant or eviction practice.

JUDGE BAIN: Yeah.

CHIEF JUDGE MYERS: So what a great set of experiences. And then coming out of law school, you move almost directly into the State Attorney's Office.

JUDGE BAIN: Correct.

CHIEF JUDGE MYERS: Yeah. Tell us a little bit about your experiences there.

JUDGE BAIN: It was really great. I can't really complain about, you know, anything that happened while I was there. I got to work with really great attorneys, really great judges. Our friend Judge O'Brien was my first judge. She was my County Court judge when I started there. She saw a really rough form of a prosecutor at that point and, you know, just trying to -- for me, trying to -- just finding myself as an attorney.

And I worked for, you know, Judge Ashton, who hired me, and Linda Drane Burdick, who did my interview, and those kinds of things like that. And, you know, Judge Sanders and Rob Holborn and all the people that, you know, allowed me to flourish under their watch, I can't really complain about all those kinds of things like that.

You know, I was going to work, I tried to do as much work as I can. I wasn't the prototypical prosecutor. If anybody -- if you ever met anybody that had a trial with me -- but I always tried my cases my way and I always tried to bring a genuineness to the process so that, you know, advocates, the judge, the jury all understood, you know, that I was going to be genuine as much -- genuine with them in a complete -- the whole time. And the person that you see in court is very much the same person that you're going to see if you met me on the streets.

CHIEF JUDGE MYERS: That's interesting. You know, as I have come to know you -- and you and I have known each other before you were appointed. But as I've come to know you and talked about you with friends, the one word that comes to the top consistently is authenticity. That you are who you are, and that you are consistent in the way that you live, the way that work, the way that you socialize, the way that your values really filter across all of your life. So that's a great characteristic and it's going to serve you well, I think, on the County Court bench.

You're young. I mean --

JUDGE BAIN: Yes, I am.

CHIEF JUDGE MYERS: -- by judge standards, you are relatively young.

JUDGE BAIN: I am.

CHIEF JUDGE MYERS: So in your time as a prosecutor, and maybe in that time in law school, what was it that persuaded you that you'd like to become a judge?

CHIEF JUDGE MYERS: I always thought it was something that I wanted to do. And I -- and truthfully, if you had said that this year was going to be the year that I was -- this was going to happen, I probably, back at that time, would have told you I didn't -- I wouldn't believe you.

There was a -- when I was in law school, I got a chance to become a certified County Court mediator as well. And I got to do my training in Osceola with a lady named Donna Dorer, who just passed away, who means a lot to a lot of us -- and people -- a lot of people who listen to this podcast and a lot to me personally. And she told me back in 2012 when I met her that -- she said -- I had just met her and she said -- the whole experience -- it had something to do with you -- and she -- going to be a judge one day. And, you know, when somebody tells you something like that, you don't know what to say. And so I just thanked her for it. You know, you always want to thank somebody for the blessings and the prayers that they're -- you know, putting on your life.

And then last year, I was in an event for Phi Alpha Delta, and I invited Judge Marques and Judge Arendas to the event, who are -- I practiced in front of Judge Marques for almost two years, and Judge Arendas was a close friend before she -- to me, before she took the bench. And we were sitting at a table together, and they both looked over to me and said, you should be a

judge, and there's an application process that's open right now and you should apply, and the application is due in four days.

So like I said, I always want to, you know, take the prompting that, you know, comes from people that you respect and trust. And so I did. I hurried over -- I called one of my friends, because you had to send a professional photo shot -- like a headshot of yourself with the application that you send to the JNC. And as a prosecutor -- having been a prosecutor my whole career, there's no need to -- for anybody to take a picture of me professionally or otherwise that would have anything to do with work. So I hurried and got that done and rushed and filled out, you know, the 40-page application that comes along with it, you know, try to, you know gather up writing samples and those kinds of things like that, and applied. And that kind of just thrust me into, you know, the whole process.

Then I made the list to the Governor's Office last summer, and got a chance to interview with Joe Jaquot and, you know, Nick Primrose and Kasey O'Connor, and all of the other people in his office. And obviously Judge Kraynick and Diego were appointed during that time. And so I just -- like anything else in my life, once I have something in my heart, in my mind, and something that I feel that God's pushing me towards, I'm not going to not do my part. I'm not going to wait -- I'm going to wait patiently, because that's always His -- on His time when it's going to happen. What is on my time, whether I want to be prepared.

So I began to do that, and working hard, and began to -- we had a conversation. I called you up shortly after that. Then I just continued to have more and more conversations and to build relationships and those kinds of things like that, and just be myself. I'm a person with no political connections, so you -- if you said, Andrew Bain is a person that has an ear to the Governor, that would not be me. So that was -- I'm not -- I don't come from a family like that.

There's -- as, you know, I described earlier, there's nothing about that that would lean you towards that.

But like you said before, the same conversation as you had with people that know me, that I'm genuine. So it's -- I -- when I called somebody and told them, say, this is what I want to do and can you help me get to that goal and this is who I am, and, you know, God opened people's hearts and, you know, they offered me their help when -- for all intents and purposes, I'm -- in the political world, I'm a nobody from nowhere. Obviously, the sports world, you know, I was famous doing that, but politically, that's, you know, a new thing for me.

CHIEF JUDGE MYERS: You know, I just -- I think it bears saying, in doing some research about you, I read an article that as a senior coming into the season you lost your starting role at Miami to a freshman.

JUDGE BAIN: Correct.

CHIEF JUDGE MYERS: And it really related to some fitness issues and needing to be able to perform at a higher level more consistently. And the article said that you put your head down, you got to work, and you didn't -- you weren't flashy, you weren't upset. You just went and did your job. You went and got fit. You lost some weight. You were in a place that by the start of the season everybody knew you'd be the starter.

And, you know, that combined with your message I think that I've seen you give to younger lawyers and to people that you were mentoring, where you said to them, put your head down, do your work, let your work speak for who you are, just very consistent and authentic. And very consistent with that story you just told me about becoming a judge. Let your work speak the volumes, you just put your head down, you get to work and you make it happen.

We're excited to have you on board here. And I guess as a new judge you've come into a situation where it's not exactly a traditional judging. You're doing a lot of things electronically by videoconferencing and phone calls. Is it what you thought it would be?

JUDGE BAIN: It's been fun. I can't complain. It's really been -- my colleagues have been great. You know, your leadership has been outstanding, Judge. So it -- I can't complain. I mean, everybody -- to my clerks, to Judge Shoemaker's JA helping out getting my JA ready to go, to Facilities, to everybody that, you know, tried to make this transition as easy as possible. And I've been having fun. As much as I would like to do more in-person things -- because, you know, those are -- there is a level of relationship that -- you know, and comradery that comes along with that when you have, you know, adversarial parties in one room. I think we've been effective in, you know, trying to get cases to a point where we can resolve them and/or -- I've been, you know, theorizing, telling people, I'm open for bench trials and those kinds of things like that if you want -- if, you know, your client -- you know, obviously, in County Court we have some more flexibility as far as jury trials, as we're withholding adjudication and, you know, we're certifying no jail, then we can, you know, kind of move towards more of a bench trial.

But, you know, even for some of the DUIs where we can't do that -- so we're trying to -- we're trying our best to, you know, cope with the situation we're in right now. And I think the lawyers are -- and the bar is, you know, doing a great job in, you know, trying to adjust to that. You know, we have some people that have some fears and things like that, and I try to -- I always try to ease people and their fears about, you know, what's going to happen next and different things like that. But, you know, I think we're in the best position we can be in --

CHIEF JUDGE MYERS: All right.

JUDGE BAIN: -- going forward.

CHIEF JUDGE MYERS: Well, I'm thrilled, Andrew, to have you with us. And congratulations on your appointment. Welcome to the Ninth Judicial Circuit. You're clearly a man of faith, a man of action, and authentic in the process. So I'm excited to see what your career here in the Ninth has to hold for you.

Thanks for being with us.

JUDGE BAIN: Thank you.

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