

**OPEN NINTH:**  
**CONVERSATIONS BEYOND THE COURTROOM**  
**A FALSE SEND OF SECURITY PART II**  
**EPISODE 106**  
**AUGUST 10, 2020**  
**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. I’m back in the studio today with court security expert John Muffler. I had the pleasure of talking with John just a few months back. His first episode, A False Sense Of Security, which was very well-received, aired in April. And while I hoped to have the opportunity to continue our conversation, I didn’t expect that opportunity to arise so soon and on the heels of the devastating shooting at a U.S. District Judge Esther Salas’ home.

Security has always been an issue of great concern for the judiciary. And when we think of security, we often think of the -- first, of the courthouse, keeping judges safe at work. But judges are vulnerable to considerable security risks and concerns regardless of their location, risks that are amplified by Internet and easy access to information.

Many of you may already be familiar with the events that happened on July 19<sup>th</sup>. But as a former U.S. Marshal, John brings a distinct in-depth prospective to this tragedy, one that I’m hopeful will help to improve the safety for our judges and prevent future tragedies.

So thank you for joining me, John.

**JOHN MUFFLER:** Thanks for having me.

**CHIEF JUDGE MYERS:** John, I want to go right into the details of the shooting involving District Judge Salas’ family that occurred on July 19<sup>th</sup>. Can you just give us sort of an overview of the facts of what occurred?

**JOHN MUFFLER:** Right. Sure. So what my -- what I've come to understand, as well as most people have come to understand, that a disgruntled litigant who had been before Judge Salas in the past decided to take vengeance out on the Judge. The attacker had a history of hateful speech towards women specifically, and as we've come to find since July 19<sup>th</sup>, the attacker, Roy Den Hollander, showed up at Judge Salas' house on a Sunday afternoon disguised as a FedEx delivery driver and committed, you know, that act of violence that we've all come to know, which was the murder of her son and the shooting of her husband. Everybody believes that, you know, the attack was pointed towards the Judge, but those two are the ones that answered the door.

**CHIEF JUDGE MYERS:** And so obviously this alleged shooter was able to gather some information that led him to Judge Salas' home. And apparently he was in possession of some other information concerning another judge and some other potential targets, I understand.

**JOHN MUFFLER:** Yeah, that's correct. He was in the neighborhood of another judge, in the vicinity, and he was driving erratically, and I think a tree trimmer called the police because of that. And when he was stopped, he committed suicide. And in his -- on his possession, he had a list of judges' names. I don't know if it was quite the dossier that was originally reported, but it certainly was a list of judges' names that had his case.

An interesting part of that that struck me and my colleagues is a very much similar scenario to the Judge Lefkow shooting in 2005. Judge Lefkow was a federal judge in Chicago, and her husband and mother were assassinated at home, again, by a disgruntled litigant. That person, Bart Ross, was in the neighborhood of another judge some ten days later who had had his case. It had matriculated from the local court system to the federal court system. It was a

medical malpractice case. But he was pulled over for a broken taillight in, again, the vicinity of another judge's home, and on his person he had a list of judges that had his cases prior to.

**CHIEF JUDGE MYERS:** And I understand that the shooter in that case also ended up taking his life -- his own life.

**JOHN MUFFLER:** That's correct. He committed suicide also.

**CHIEF JUDGE MYERS:** So as you had the chance to consider these two fact patterns, do you have some observations, you know, about the perils, the dangers, those things that jump out at you as potential areas for judges to be thinking about when it comes to security at home, away from the courthouse?

**JOHN MUFFLER:** Well, we know now -- from my understanding, what we know now -- well, I can speak directly to the Judge Lefkow case. But we know now with the Salas case is both were able to exploit what was out on the Internet, to be able to find residences and to be able to look at patterns, and with that comes, you know, the privacy of being able to surveil without being seen. It's all part of that attack pattern that attackers will go through.

We also know now that he had -- he, the Salas family shooter, had been in the neighborhood, he had done drive-bys, and -- which is the same thing, again, talking about fact patterns of other cases, Judge Kocurek, a local judge in Austin, Texas, was shot in front of her family in the driveway of her home in 2015. Her shooter was also able to exploit what was on the Internet and find out where she lived, you know, where the -- her son had gone to high school and different routines. So it's all there for the taking.

And I've said before, perhaps with you in another interview, that, you know, information is currency for these attackers. And that information being free to peruse online is there for them

to develop a plan -- an attack plan. And that's what Kocurek's attacker did, Lefkow's attacker did and the Salas attacker did.

**CHIEF JUDGE MYERS:** And when we talk about information on the Internet, are you referring to some of these information services, or social media, or some combination of those things?

**JOHN MUFFLER:** Sure, it's all a combination. You know, judges have to -- especially at the local level have to run for office, so there's information that's out there. You know, they have to be elected, they have to be electable, so that information is out there. Private information is out there. And to a degree maybe not all of that is necessary, but understand that, you know, there are things that a judge has to do to get elected, to put themselves out there, so there's that piece. But there's the personal information piece that's out there. I would say check that, you know, if you can. It doesn't all have to be out there. Family images, perhaps not.

And then the other part of that is there's just -- there's information out there, the data aggregator gets your information. You could go through these systems and opt out, but before you know it, your personal information is back up there and that's because the data aggregators are using that for their own, you know, needs. And, you know, so it's an uphill battle. It's very hard to scrub and to keep it off; it, being your personal information, home address, whatnot.

**CHIEF JUDGE MYERS:** So one of the things that Judge Salas has asked for -- she published a video just a few days ago --

**JOHN MUFFLER:** Oh.

**CHIEF JUDGE MYERS:** -- and in her statement, she described what happened to her family on the day that her son was shot and killed and the day that her husband was shot and

wounded seriously. Just such a courageous description and taking advantage of an opportunity to make a call for some reform as it relates to the control of information about federal judges.

Have you observed any of the response to her call or are you part of the conversation when it comes to what are the things that we can do about that?

**JOHN MUFFLER:** Yeah. I've been in contact with, you know, the Marshal Service, at their headquarters. I've been in contact with some other judicial institutions. I really -- one of the things -- one of the states that is very progressive and a leader in judicial privacy protection is California. Their judicial privacy -- it's actually public official privacy, that act came into play in 2003. It was advanced by a judge in California, James Brandlin. I would highly recommend that anyone listening to this, and especially at the federal level -- and I know Judge Brandlin was volunteering his services to assist this. But that act, that public officials safety act that was passed in California in 2003, really is a good template. It's a great template. I don't know of any other states that have such thorough privacy protection laws.

And actually, that privacy protection law does cover federal officials. And I bet you it's very -- it's unknown. And I know it's been used. And it does get used, but -- and I'm not an expert in that law by any stretch, but it is there on the books. And ironically, we sit here in 2020, that law became -- came to be as a result of the assassination of Commissioner George Taylor and his wife at home. Now, Commissioner Taylor was a County Commissioner in Rancho Cucamonga, but he was also a judge. So that case is unsolved to this day.

But, again, you see what the theme here is and where we need to go. We need to go there with that legislation in each state and at the federal level.

**CHIEF JUDGE MYERS:** You -- when we first had the chance to speak together, I think our last interview -- made a statement, and I'm going to butcher it so you can clean it up

when I'm done here. But I think the intent of it was that when we opt for a technology convenience, we end up sacrificing some component of security.

**JOHN MUFFLER:** Yeah. I mean, it's the Internet. Electronics; it's a blessing and a curse, right? I think we all realize that. So we have to temper what we're putting out there and understanding what's out there, who's putting it out there and, you know, as best you can have to police it to some respect. Because this is what is being used to -- for targeted violence against public officials, specifically judges.

So, again, that is something that really needs attention on a personal level, on a judicial level, you know, a judicial -- judge's family's level, and of course, you know, at the legislative level to be able to do that to not have it so easily accessible.

**CHIEF JUDGE MYERS:** It's such an interesting conversation, because I know we are focused on judicial security as we have this conversation, public officials' security. But as I was watching the video of Judge Salas, I had the chance to read some of the comments that people were posting in response. And set aside those that are out there, there was a good number of comment from just regular citizens who expressed outrage not only for the Judge's circumstance but for their own. Just this belief that our information profiles are too easily accessible -- even for everyday citizens -- and have made their way out there.

And I think you hit the nail on the head when you said that this is -- this information has become a currency. There's such a tremendous financial motive for businesses, legitimate and unscrupulous, to have access to that type of contact information.

**JOHN MUFFLER:** Yeah. I can't disagree with you at all. And I'm happy to hear -- because I didn't read any of the comments. But, you know, there's a lot of people who -- you

know, they're concerned for their own safety, for their own reasons. You don't have to be a public official.

But, yeah, that would be -- it would be nice to have that ability to truly get your information off, if you chose to do so, and then at least penalize those who keep putting it back out there. You know, would that have stopped someone dedicated to attack and kill someone? No. But, you know, the more hurdles you can put up, the better. Because maybe it will never happen. Maybe they'll get pulled over for the broken taillight before they get to the judge's house. Right? And then there's -- that happened.

So all of these little things are really important, and I hope to see that day, you know, come to fruition.

**CHIEF JUDGE MYERS:** Is it realistic to have privacy in the Digital Age?

**JOHN MUFFLER:** Yeah, that's tough. I don't think completely. There are some really good security safety privacy sound judges that I know that I have a hard time finding their stuff. And then some I can just go on there within a matter of seconds and find out everything about them.

So it's possible. It's difficult. It's definitely worth hiring professionals to help you scrub that and look into that and stay on top of that. You know, again, I would highly recommend that. I'd say it is tough but, again, as Judge Salas said, it's a matter of life and death.

**CHIEF JUDGE MYERS:** Right. So I sit here, as a judge, having been in this position for ten years, and I spent the first part of my career doing everything I could to get my contact information out in the world for -- so that folks could refer cases to me.

**JOHN MUFFLER:** Sure.

**CHIEF JUDGE MYERS:** And then now I've spent the last ten years trying to go back and undo a lot of what's out there, and it's incredibly difficult.

So if I go to my social media, if I go to my Facebook, what am I looking for and what is it that I want to get rid of? What do I need to jettison off that page?

**JOHN MUFFLER:** Anything that you like, you know. Where you're going to your favorite restaurant. What your favorite restaurant is. What your favorite movies are. I mean, honestly, it's almost -- you have to do a disinformation campaign. Right? Because that's going to be used against you. You can get an email or somebody could stop you in the lobby at the courthouse or at the movie theater, when they open up -- back up eventually, and they could just be so savvy enough to say, hey, you know, we met -- and have enough information about you just by gleaning your likes that you -- they -- you're going to think that you had some contact with them in the past.

This happens all the time, whether it's a judge or some other person being stalked. That information is out there and it can be used. So it's almost like a disinformation thing you'd have to undertake to put that information out there. Then you would know that somebody is, you know, stalking you to some respect, and testing you to some degree.

It's difficult. But those are some ideas, you know. I know people who have fake social media accounts, you know, fake Facebook accounts, which is like their real -- their actual real one just so they can have those private conversations with family and loved ones and friends. And that other information is out for, you know, favorite restaurants and whatnot. So I know quite a few that do that, you know, and you don't have to be a public official to do so.

**CHIEF JUDGE MYERS:** I have to ask you, do you have a Facebook?

**JOHN MUFFLER:** I had a fake Facebook account.

**CHIEF JUDGE MYERS:** And I know you have a LinkedIn account.

**JOHN MUFFLER:** Yes, that's about it. Yeah. Yeah.

**CHIEF JUDGE MYERS:** Yeah. You use that for business purposes?

**JOHN MUFFLER:** Yeah. As a consultant, you sort of -- it's another way of saying you're quasi-unemployed, so it helps me with, you know, business connections for sure. So as a consultant, it's -- you're just kind of swinging from vine to vine with, you know, connectivity, you know, and contracts.

**CHIEF JUDGE MYERS:** You and I are on a video connection right now, and I can see you have a shirt on with the NJC logo on it, the National Judicial College logo, is that right?

**JOHN MUFFLER:** Right. Right.

**CHIEF JUDGE MYERS:** You do some teaching there?

**JOHN MUFFLER:** I've been on the faculty there for about 13 years. I'm due to teach a class on these subjects that you and I are talking about on August 17<sup>th</sup>. Of course, it will be online to administrative law judges. Most administrative law judges have no security. They don't have a courthouse. You know, they'll go to a place of business and open up, you know, a room, and they're going to sit there with litigants that have a lot of issues. So this is -- that's that class.

And then on September 3<sup>rd</sup>, Judge Brandlin, who I mentioned earlier, he and I are speaking on the subject again, mostly towards the privacy protection end for the NJC, September 3<sup>rd</sup>, 2020.

**CHIEF JUDGE MYERS:** Great. Those are outstanding opportunities for people to get a chance to listen to the best of the things that you have to tell us.

John, I just want to thank you. This case is tragic. The idea of what has happened to Judge Salas' family is just -- it's just incomprehensible. And I appreciate that you are out there pushing education and pushing methods and best practices for us, as judges, to keep safe. Thank you for that, and thanks for joining me again.

**JOHN MUFFLER:** I appreciate it. And if I could just follow up with just a couple tips, if you don't mind.

**CHIEF JUDGE MYERS:** Oh, please. Absolutely. Give us your best practices.

**JOHN MUFFLER:** We didn't get into -- but sure. So obviously a home security system is very important for anyone, especially if you are in the -- a public official. But you have to remember, it's an intrusion detection system. It's not a defense system. So you have to understand that. That's that false sense of security you and I talked about a few months ago. That's important.

Lighting and landscaping is important. Good locks are important. We talked about opting out of these Internet databases, really important. Policing your social media. And that -- and making sure also that your loved ones and your staff also understand that they're not posting your favorite place to go to eat. Those are really important things to consider.

So I just wanted to, like, highlight a couple of those things. Because as we know, targeted attacks against judges in particular mostly happen at the home. So these things are very important for judges to understand, to take to heart.

**CHIEF JUDGE MYERS:** Yeah. We have built castle walls around us here in the courthouses with all of our security that we walk away from when we leave the courthouse.

So -- well, I appreciate that very much. And again, John, thanks so much for joining us.

**JOHN MUFFLER:** Okay. Thank you very much. Be safe.

**CHIEF JUDGE MYERS:** All right. You as well.

**NARRATOR:** You've been listening to "Open Ninth: Conversations Beyond the Courtroom" brought to you by Chief Judge Donald A. Myers, Jr., and the Ninth Judicial Circuit Court of Florida. For more information about the Ninth Judicial Circuit Court, follow us on Twitter, Facebook, Instagram and LinkedIn.

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