

**OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
THE ENCORE
EPISODE 62
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HOSTED BY: FREDERICK J. LAUTEN**

(Music)

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

Now here’s your host, Chief Judge Frederick J. Lauten.

>> **CHIEF JUDGE LAUTEN:** Good afternoon, and welcome to Open Ninth. We have the pleasure this afternoon of being with the current Chief Justice of the Florida Supreme Court, Justice Charles Canady.

Justice Canady was born in Lakeland, Florida, attended high school in Florida, and then went to Haverford, Pennsylvania, and attended Haverford College, graduated from Haverford College, went to Yale Law School in 1979, graduated from Yale Law School and practiced law in Florida with the firm of Holland and Knight from 1979 through 1982, and then with the law firm of Lane, Trohn and others, et al, from 1983 through 1992.

Justice Canady served three terms in the Florida House of Representatives from November 1984 through November 1990, and four terms in the United States House of Representatives from January of 1993 to January of 2001. And during his tenure in Congress, Chief Justice Canady was a member of the House Judiciary Committee, and for three terms from January of 1995 to January of 2001 was chair of the House Judiciary Subcommittee on the Constitution.

Upon leaving Congress, Justice Canady became General Counsel to then Governor Jeb Bush. He was appointed by Governor Bush to the Second District Court of Appeal for a term beginning November 20, 2002. And about six years later, in August of 2008, he was appointed to the Florida Supreme Court by Governor Charlie Crist, and took office September 8, 2008.

Justice Canady served as Florida's 54th Chief Justice from July 2010 through July 2012, and started his second term as Chief Justice of the Florida Supreme Court just recently, July 1, 2018.

Justice Canady has a long and impressive career serving the people of the State of Florida. It's an honor to have him join us today on Open Ninth. I want to thank the Chief for taking time out of his very busy schedule to join us.

And, well, let's start with the most recent event, Chief, which is the hurricane that hit the Panhandle and has had an impact on some of Florida courts close by you. First of all, how is the Supreme Court, how is Tallahassee? And then let's talk a little bit about the -- about Panama City and other areas.

>> **CHIEF JUSTICE CANADY:** Well, the Tallahassee area was fortunate in really dodging the bullet. The full force of the storm did not hit Tallahassee, although there was significant damage in Tallahassee. There was a power outage for some period of time, but that -- I think now the power is back on throughout Tallahassee and things are pretty much getting back to normal there.

Unfortunately, in Panama City and other areas to the south and to the west of Tallahassee, it's not such a good story.

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

>> **CHIEF JUSTICE CANADY:** As everyone knows, the damage in some areas there has been quite extensive.

>> **CHIEF JUDGE LAUTEN:** Pretty extensive.

>> **CHIEF JUSTICE CANADY:** And truly, I think the only way to describe the damage is devastating. And our court family has certainly been affected. Judges and people

working for the court system in that area have been, as individuals, affected drastically by the storm.

>> **CHIEF JUDGE LAUTEN:** So did the Florida Supreme Court close in anticipation of the storm arriving, or did it stay open the whole time?

>> **CHIEF JUSTICE CANADY:** Yes -- no, the Florida Supreme Court closed on Tuesday of that week.

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

>> **CHIEF JUSTICE CANADY:** Late in the day on Monday, I issued an order closing the court from Tuesday through Thursday. And then on Thursday, we evaluated where things were, and we saw the power outages were quite severe and we did not expect the restoration of power on Friday, so I extended the closure through Friday. So we were closed Tuesday through Friday of that week.

>> **CHIEF JUDGE LAUTEN:** Through Friday, okay.

>> **CHIEF JUSTICE CANADY:** And then the week after --

>> **CHIEF JUDGE LAUTEN:** Reopened on Monday?

>> **CHIEF JUSTICE CANADY:** The week after, on Monday, we reopened.

>> **CHIEF JUDGE LAUTEN:** All right. Well, that's interesting, Chief.

What do you do in areas where the infrastructure is, as you said, devastated? So is there -- are there Circuit court and County courthouses that just simply can't open and who knows when they'll possibly open?

>> **CHIEF JUSTICE CANADY:** Oh, yes. Oh, yes. Yes. The facilities there have been -- certain of the facilities have been drastically affected and can't -- won't be open for some period of time.

What we are doing now, at the state level, is working with the Circuit -- the affected Circuit -- the Circuit involving where Panama City is located, to help them administratively, help them with their technology. One of the first things we did was to gather together some satellite phones, because they really had no way to communicate.

>> **CHIEF JUDGE LAUTEN:** Yeah. That's amazing.

>> **CHIEF JUSTICE CANADY:** And the cell phone towers were down. It's interesting, we gathered together I think about ten satellite phones from within the judicial branch and sent to that Circuit. And it ended up that we were able to loan some of those satellite phones to people actually outside the court system. I think we loaned a satellite phone to the Clerk of Court.

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

>> **CHIEF JUSTICE CANADY:** And we loaned some to the -- to a local police department which was without any means of communication with the outside world.

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

>> **CHIEF JUSTICE CANADY:** I mean, it was just -- I think the impact of that storm there is something that is -- it really goes beyond what we have seen in recent years.

>> **CHIEF JUDGE LAUTEN:** The kind of devastation in Mexico Beach, and then get into Pensacola, and it just -- areas just looked flattened, and it's hard to imagine how long it would take to rebuild. And then operate a court system somehow, I mean, even in a minimal level somehow, for people who have to get into court in the interim, that's quite a challenge.

>> **CHIEF JUSTICE CANADY:** It is a challenge. We are very fortunate. And the people of that Circuit are very fortunate that the Chief Judge there is a man named Elijah Smiley,

who is a wonderful leader and who is going about the job of rebuilding and putting the system back together there with great energy and great commitment and great optimism.

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

>> **CHIEF JUSTICE CANADY:** He's just a --

>> **CHIEF JUDGE LAUTEN:** He's a great --

>> **CHIEF JUSTICE CANADY:** Just to observe that is really an inspiration. And I think all the people there should be very thankful that Elijah is in that spot.

>> **CHIEF JUDGE LAUTEN:** Yeah, he's a great Chief Judge. I know you and I both know that for a while we weren't -- couldn't hear from his judicial assistant, and we were hopeful that everything was fine. And I understand that there's been contact made and that she's okay.

So does it appear that, in the court family, everybody is at least safe? I know they're challenged by --

>> **CHIEF JUSTICE CANADY:** That's my understanding.

>> **CHIEF JUDGE LAUTEN:** Yeah, that's great.

>> **CHIEF JUSTICE CANADY:** That's my understanding.

>> **CHIEF JUDGE LAUTEN:** That's -- well, that's the most important issue, I think, at this point in time.

>> **CHIEF JUSTICE CANADY:** Yes.

>> **CHIEF JUDGE LAUTEN:** Well, how long have you been on the Florida Supreme Court now?

>> **CHIEF JUSTICE CANADY:** I have now been on the Florida Supreme Court just a little more than ten years.

>> **CHIEF JUDGE LAUTEN:** So have you seen a change in the court structure or the court system in ten years, or is it about the same function as when you started? What have you noticed that's --

>> **CHIEF JUSTICE CANADY:** Well, I think it's basically the same. You know, we've got our constitutional structure, and that's the basic framework within which we work. Obviously, there are changes here and there, but the basic structure is the same. Our court is basically the same.

When I came on the court a little more than ten years ago, I was the first of four new justices who came on the court within a six-month period.

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

>> **CHIEF JUSTICE CANADY:** Yes.

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

>> **CHIEF JUSTICE CANADY:** So we really went through quite a transition. On the court, in our conferences, we have a protocol that we have assigned seats that are based on seniority.

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

>> **CHIEF JUSTICE CANADY:** And -- but it was interesting that for those six months I kept changing seats, because we'd get a new justice and my seniority would change. I kept --

>> **CHIEF JUDGE LAUTEN:** Musical chairs.

>> **CHIEF JUSTICE CANADY:** It was like musical chairs. I never knew which seat I was supposed to be in when I came into conference.

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

>> **CHIEF JUSTICE CANADY:** And so -- but after -- but then, after that six-month period where -- I came first in September, Justice Polston came in October, then Justice Labarga came in January, and then Justice Perry came in March. Over that period -- after that, we were set for a long period of time until I guess now just about two years ago -- a little less than two years ago, Justice Lawson came to the court to succeed Justice Perry. And so we were -- it's been really pretty stable during the ten years I've been there. It was after the first six months when it was not stable at all.

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

Well, so one of the big issues facing the court that's pretty obvious is that there are three justices who are leaving the court, as I understand it, correct me if I'm wrong, sort of aging-out in essence, because there's a mandatory retirement age of 70 for judges in Florida. And they'll all leave pretty close together, if not the same day.

>> **CHIEF JUSTICE CANADY:** Well, their terms expire at the same time.

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

>> **CHIEF JUSTICE CANADY:** Basically they all -- it's kind of interesting that the way the ages worked out, they were allowed to serve beyond their 70th birthday. They're all -- well, I don't know that they're all over 70 now, but they will soon be over 70. So they were allowed to complete their term because they had served more than half of their term, under our interesting constitutional provision relating to mandatory retirement which allows -- which requires that you retire at 70, but if you have completed half your term, you may finish the term out.

>> **CHIEF JUDGE LAUTEN:** So you could potentially sit till you're close to 73?

>> **CHIEF JUSTICE CANADY:** That's correct.

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

>> **CHIEF JUSTICE CANADY:** And Justice Perry actually did sit to very close to when he was 73.

>> **CHIEF JUDGE LAUTEN:** So those three justices, Justice Quince, Justice Pariente, Justice Lewis, their terms end January of next year.

>> **CHIEF JUSTICE CANADY:** That's right.

>> **CHIEF JUDGE LAUTEN:** And they fall into this category of being ineligible to continue on.

>> **CHIEF JUSTICE CANADY:** That's right. They are subject to the mandatory retirement requirement.

>> **CHIEF JUDGE LAUTEN:** So there will be three new justices in a pretty -- well, pretty packed -- pretty close together.

>> **CHIEF JUSTICE CANADY:** Right.

>> **CHIEF JUDGE LAUTEN:** And I know we can't talk about the reasoning behind it, but the Court recently announced that Governor Scott can't -- will not be making those appointments. Whoever his successor is will be making those appointments. Is that -- was that the recent ruling?

>> **CHIEF JUSTICE CANADY:** The Court did issue an order. Now, just to clarify what the order says, it said that if they serve out their full terms --

>> **CHIEF JUDGE LAUTEN:** Okay. That's an important qualification. Right.

>> **CHIEF JUSTICE CANADY:** And sometimes people don't do that, because there's an incentive under our retirement system to retire at the end of the month.

>> **CHIEF JUDGE LAUTEN:** I see. Okay.

>> **CHIEF JUSTICE CANADY:** But if they serve out their full terms, and if the newly-elected governor takes office immediately at the beginning of his term --

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

>> **CHIEF JUSTICE CANADY:** -- then the new governor would make the appointments.

>> **CHIEF JUDGE LAUTEN:** The governor would make the appointments. Okay. So there's those qualifiers for it.

>> **CHIEF JUSTICE CANADY:** Right. Right.

>> **CHIEF JUDGE LAUTEN:** But one way or the other, the citizens of the State of Florida will see three new faces soon on the Florida Supreme Court.

>> **CHIEF JUSTICE CANADY:** That's correct.

>> **CHIEF JUDGE LAUTEN:** Interesting. Because in the news, it sort of is portrayed as an unusual event. But from your story, it's not that unusual to have newly arrived justices.

>> **CHIEF JUSTICE CANADY:** Well, I think what is a little unusual is that we have three people whose terms are ending at the same moment.

>> **CHIEF JUDGE LAUTEN:** I gotcha.

>> **CHIEF JUSTICE CANADY:** And in the recent history of the court, the closest that comes to that was in 1986 or early '87 -- at the end of '86 or early '87, when two justices left at the same moment. But -- and there have been other periods in the history of the court when you've had a number of -- when four people have left within a short period of time, but over several months.

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

>> **CHIEF JUSTICE CANADY:** But this is -- at least in the recent history of the court, this is notable because there are three people leaving at exactly the same time.

>> **CHIEF JUDGE LAUTEN:** So, Chief, you just started a second term -- not contiguous, but a second term as Chief Justice. Is that unusual, or do many of the justices serve more than one term as Chief?

>> **CHIEF JUSTICE CANADY:** There have been other justices who have served more than one term. Of course, my predecessor as Chief, served two consecutive terms.

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

>> **CHIEF JUSTICE CANADY:** Justice Labarga; he was the first person to serve two consecutive terms in quite a while. And it's happened previously in the history of the court. And there have been other people that have served non-consecutive terms, but it's been -- it goes -- I think it might have been -- last happened in the early '70s.

>> **CHIEF JUDGE LAUTEN:** Gotcha. Well, maybe we can talk about the broad issues, then, facing the court system in Florida.

So for our listeners, as the head of the branch, and you're really the head of the judicial branch as the Chief Justice --

>> **CHIEF JUSTICE CANADY:** The Chief Administrative Officer of the State Court System, it says in the Constitution.

>> **CHIEF JUDGE LAUTEN:** There we go.

What are the issues facing our court system in Florida starting your second term?

>> **CHIEF JUSTICE CANADY:** Well, the issues that always are confronting us are issues of resources and our need for adequate resources to meet the needs of the people of the

state and the court system. And so we're always evaluating what that is and going to the legislature trying to do the best we can to get the resources we need.

And of course, the resources are -- fall in different categories. There are judicial resources, in terms of just judge power. But there are also resources in the court system of people that help judges do the things that judges do.

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

>> **CHIEF JUSTICE CANADY:** And that's a very important part of our system. And I actually believe that that part of the system has been underfunded historically, and there are areas there where I think over the long-term we can hopefully do better. And I think we can help judges be more efficient --

>> **CHIEF JUDGE LAUTEN:** Sure.

>> **CHIEF JUSTICE CANADY:** -- and use their time in handling their cases better if we have more adequate support.

>> **CHIEF JUDGE LAUTEN:** Chief, help our listeners kind of -- can you give us some examples of the areas -- when you say court system, I think most people think judges. I think I know what you're talking about. But maybe with our listeners, if you --

>> **CHIEF JUSTICE CANADY:** Well, an example is case managers.

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

>> **CHIEF JUSTICE CANADY:** In certain dockets -- and you would really know more about this than I do, to be honest.

>> **CHIEF JUDGE LAUTEN:** I know a little bit about it.

>> **CHIEF JUSTICE CANADY:** Because in managing your Circuit in the day-to-day, you have experience with what all those needs are in a direct, immediate way that I wouldn't have, just from the court.

>> **CHIEF JUDGE LAUTEN:** So if -- okay. Let me throw out some.

>> **CHIEF JUSTICE CANADY:** Sure.

>> **CHIEF JUDGE LAUTEN:** So here are sort of behind-the-scenes people -- you see them once you get in here, but if you're just on the outside, just see me on TV -- but we use court interpreters. In Osceola County, which is one of the two counties that makes up the Ninth Circuit, 56 percent of the households speak Spanish as their only language. And so when they come to court, we need to provide an interpreter, otherwise what I'm saying from the bench is meaningless.

>> **CHIEF JUSTICE CANADY:** Right. Right.

>> **CHIEF JUDGE LAUTEN:** Court reporters, who record the proceedings so that they're memorialized for the appellate record and for other reasons. Case managers, judicial assistants, case processors. In our Family Court Division, we offer services because so many of the users of the Family Court system are representing themselves, can't afford to hire an attorney, and we provide them some assistance with forms and where your hearing is and how to get to your hearing.

So, yeah, there's this big support staff. The support staff is larger than the judicial staff in our Circuit, and that's true throughout the State of Florida.

>> **CHIEF JUSTICE CANADY:** Sure.

>> **CHIEF JUDGE LAUTEN:** So we have all those needs.

>> **CHIEF JUSTICE CANADY:** Well, and the thing about all those categories is they provide services to the public and help the judges do what the judges are there to do, which is adjudicate cases.

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

>> **CHIEF JUSTICE CANADY:** And they can handle things in a preliminary way; help organize things so that the cases can proceed more smoothly and that time is not wasted in the process, and judges aren't spending time on paperwork that can really be done without judicial involvement.

Now, obviously, judicial involvement is important in all the cases, but there are preliminary things that can be handled otherwise.

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

So, Chief, let me ask you this. Are there any other justices who have legislative experience like you do that are currently sitting on the Supreme Court?

>> **CHIEF JUSTICE CANADY:** No.

>> **CHIEF JUDGE LAUTEN:** So I want to talk to you about that unique perspective. So as you and I know, and for the benefit of our listeners, we don't fund ourselves; we're not self-funding. We don't charge fees and say, we're going to operate like a business; we'll sell you a product and that will generate profit for our business and capital to run it.

So we go across the street to the legislature to ask them to fund our branch. And I think -- it's often I get an interesting reaction when I tell people we receive less than one percent of the state total budget.

But you've been in the legislature. When I go up there to lobby for more judges, which we need in my Circuit, it is noteworthy that I get into line very often and in front of me is

someone from an education area, someone from transportation, someone from mental health, someone from the homelessness advocacy, and we're all going in to the legislature saying, we need resources, we need resources. And in some ways I have some sympathy for how fatiguing that must be.

When you served in the legislature where you've been on the receiving end of that -- first of all, how helpful is that to you as Chief Justice? And then, how can we make our case to the legislature that we have these financial needs?

>> **CHIEF JUSTICE CANADY:** Well, I think my experience as a member of the legislature does give me a helpful perspective in understanding the way members of the legislature look at the different requests and what's effective in presenting requests to them. I actually, when I was in the legislature, was on the Appropriations Committee for a period of time, and for one session, which is a little unusual -- but for one session, I chaired the Appropriation Subcommittee for Criminal Justice, which was the -- at that time, the subcommittee which had responsibility for the judicial system and other entities related to the overall justice system.

And it is a daunting challenge that legislators face, because they're getting requests from that whole spectrum that you just described, and there are more needs than there are resources.

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

>> **CHIEF JUSTICE CANADY:** That's the reality. So they have difficult choices to make, choices that they don't particularly enjoy making, but they've got to do it, it's their responsibility. And I think when we go to them, we have to be sensitive to what they're facing and the fact that we're not the only people who have needs.

I do think that part of our message to communicate to them is that we are a branch of government.

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

>> **CHIEF JUSTICE CANADY:** Okay. We're not just an agency.

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

>> **CHIEF JUSTICE CANADY:** We are a branch of government. We are a branch of government that is essential to the functioning of our constitutional system. We provide justice to the people of this state.

There's an element involved in that that is related to public safety, but there's elements that go beyond that. We are there to resolve disputes and to help people with problems that they have where the legal system has to give an answer.

And the things we deal with are issues that are the most important issues in the lives of those people who are coming to court. And we have a responsibility to do the very best we can for them, but we need to have adequate resources to do that.

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

>> **CHIEF JUSTICE CANADY:** And so I guess my pitch is that what we do is really critical to the quality of life of the people in our state, and we need to be adequately funded to do the job that we need to do for the people.

And ultimately, it's not about resources for the branch. It's about resources to do the job that the people of the state need for us to do.

>> **CHIEF JUDGE LAUTEN:** Right. So we, as a branch, occupy a unique role that an agency doesn't occupy. And one of the features is that every now and then our branch tells the legislative branch, you -- some legislation you've adopted is unconstitutional or exceeded your

authority or violates some constitutional provision. There's that sort of natural tension. It was built into our system by the Founding Fathers of our Republican Democracy.

You've served in both. Does that create tension, the fact that every now and then the Court might say to the legislature, no, that piece of legislation is unconstitutional, or do most legislatures understand that relationship?

>> **CHIEF JUSTICE CANADY:** I think that most members of the legislature understand that the Courts have a responsibility to enforce the Constitution. And ultimately, what we do that you've been describing is just a matter of applying the supreme law of the state, the Florida Constitution or the supreme law of the land, the United States Constitution. And the other laws have to be in line with that.

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

>> **CHIEF JUSTICE CANADY:** Because the higher the authority of the law is going to take precedence over a law that has lesser authority. That's just -- that's part of the structure of having a written Constitution.

And so I -- members of the legislature understand that. I think sometimes they don't like particular decisions. Sometimes I don't agree with particular decisions. That's just --

>> **CHIEF JUDGE LAUTEN:** That's right. They're not all unanimous.

>> **CHIEF JUSTICE CANADY:** Yeah, they're not -- you might have noticed that; they're not all unanimous.

But that's just part of the way the system works. And I think -- I have never in my experience on the court, sensed from the legislature that there was any kind of punitive attitude in response to displeasure with decisions of the Court. Obviously, I think -- we've seen comments in the press that indicate displeasure with certain decisions, but it's a free country.

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

>> **CHIEF JUSTICE CANADY:** And people are entitled to express their displeasure with anything going on in the public sphere. And so that just goes with the turf. But I've never sensed that anyone in the legislature has said, I'm going to do this to the judicial branch because we didn't like that.

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

>> **CHIEF JUSTICE CANADY:** I really think the members of the legislature are above that kind of action.

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

In your career as a public servant, do you think that discourse has gotten rougher lately, or -- I'm reading a biography of Hamilton. Now Hamilton and Jefferson, they went at each other. And so I think we sometimes forget that it's kind of -- politics is rough and tumble and it maybe has been throughout our career.

Right now, though, because of the internet and instant communication and talking heads on TV, there's this perception that maybe it's a little rougher than it's ever been. What do you think about that?

>> **CHIEF JUSTICE CANADY:** I think there are aspects now that are unique because of the social media and the cable TV and all those things, and kind of the cycle of things and the fact that, you know, people can get out a message so quickly and people respond to it quickly. And I don't know that it's particularly healthy for civilized discourse and for thoughtful discourse, but it's what we've got that's happening.

And I think there's a dynamic there that does distinguish this even from the earlier times when we've -- obviously, throughout the history of the country, there have been vigorous public

debates, but there are some elements that are present now that I think are unique to our time because of the technology involved.

>> **CHIEF JUDGE LAUTEN:** One more question about this, our legislative judicial branch, and then we'll go back to the branch exclusively. But is it your sense that most members of the legislature where you sat are well-motivated, trying to do the best -- they might have a different political philosophy than other members, vis-a-vi, one another and, vis-a-vi, the court. Is it your sense that these are good people, public servants trying to do the best they can, whether you agree with their philosophy or not?

>> **CHIEF JUSTICE CANADY:** Absolutely. I think that the members of the legislature come there to Tallahassee to do the best they can for the people they represent. And I think that the members of legislature understand that when it comes to the court system, that it's really the people's court system. It's not -- this is not the court system that belongs to the judges.

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

>> **CHIEF JUSTICE CANADY:** Because we're there, we're doing a job, but ultimately the people for whom the court system exists are not the judges, it's the people who have issues that have to be resolved in court.

>> **CHIEF JUDGE LAUTEN:** All right. Let's talk a little bit more just specifically about the court. How significant is technology to the operation of the court system, and where are we and where do you see that going?

>> **CHIEF JUSTICE CANADY:** Well, that has changed dramatically, even over the period of time that I've been a judge. I've been a judge now coming up on about 16 years. I was on a District Court before going on the Supreme Court. And the way I do my work now is very different than it was even 16 years ago.

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

>> **CHIEF JUSTICE CANADY:** When I started as a judge 16 years ago, I basically used paper, and I used the books, and I used a computer also. I mean, I was obviously on a computer. But I used the law books; I was frequently looking in law books. And that's -- I mean, physical books.

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

>> **CHIEF JUSTICE CANADY:** That's not the same now.

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

>> **CHIEF JUSTICE CANADY:** I mean, I rarely --

>> **CHIEF JUDGE LAUTEN:** Hold a book in your hand.

>> **CHIEF JUSTICE CANADY:** -- hold a book in my hand. I will, occasionally.

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

>> **CHIEF JUSTICE CANADY:** I mean, the statute books I actually do look at, because it's an --

>> **CHIEF JUDGE LAUTEN:** Sure.

>> **CHIEF JUSTICE CANADY:** -- some ways it can be easier to navigate in the statute books, or the rule book.

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

>> **CHIEF JUSTICE CANADY:** But aside from that, it's a very rare thing that I actually pick up a book. I'm on my iPad. And that's just a really dramatic change.

When I went on the court ten years ago, I was reading paper briefs.

>> **CHIEF JUDGE LAUTEN:** Sure.

>> **CHIEF JUSTICE CANADY:** You know, part of my drill is to get prepared for oral arguments or other -- or court conferences, and I'd get a stack that I had to read and -- a stack of paper.

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

>> **CHIEF JUSTICE CANADY:** Now I get a stack, but it's on my iPad.

>> **CHIEF JUDGE LAUTEN:** Right. It's all electronic.

>> **CHIEF JUSTICE CANADY:** All of it's there, the same stuff has to be read, but it's just in a totally different format. And I can -- I've got it in my briefcase over there. I carry it with me wherever I go. So it's -- that's a dramatic change.

Now, I will say this. Not all of my colleagues do that.

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

>> **CHIEF JUSTICE CANADY:** Some of my colleagues still use paper. I think that over a period of time, that as we die off, that will change and there will come a time when --

>> **CHIEF JUDGE LAUTEN:** Our kids will go, you guys used books; are you kidding me.

>> **CHIEF JUSTICE CANADY:** -- we will have all the justices using electronic devices exclusively. But -- so that's been dramatic. Of course, the way things get filed in court has changed, because we have e-filing and -- so there have been dramatic changes.

We face challenges in that arena. We face some challenges in the way our systems work, and that's an ongoing -- and again, this would be something you would know -- have a great deal of knowledge about those challenges as well.

>> **CHIEF JUDGE LAUTEN:** Right. There are -- we're electronic here in the trial court system too. And there are -- first of all, there are challenges if the system goes down,

you're kind of stopped for -- but then there's capacity challenges. And technology is changing so quickly that that's a challenge, to keep up. And then the other challenge, if we're honest about it, is historically, with 67 different counties, the Clerks of the counties have adopted different systems, so we're not uniform. Like the Federal system has a uniform system, PACER.

>> **CHIEF JUSTICE CANADY:** Right.

>> **CHIEF JUDGE LAUTEN:** And so that presents some challenges to us as a branch, which you're wrestling with probably more so than I am.

But Judge Lisa Munyon, who is the chair of the Florida Trial Courts Technology Commission, sits here, so she's informative to us about the challenges that we face, so there's that.

>> **CHIEF JUSTICE CANADY:** Right.

>> **CHIEF JUDGE LAUTEN:** What -- is there something about being a member of the Florida Supreme Court that you -- some misconception or some little-known issue that you would like to communicate to our listeners? Like, here's an opportunity -- here's something that either is misperceived about us or that's little-known about us that you would like to tell our listeners.

>> **CHIEF JUSTICE CANADY:** Well, I think that people in the general public might not understand the limited jurisdiction of the Florida Supreme Court. Because we're actually different than most other state Supreme Courts. Now, lawyers will know this.

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

>> **CHIEF JUSTICE CANADY:** And obviously anybody in the judicial branch will be familiar with it. But people in the general public would not necessarily have any reason to know that our court, unlike most state Supreme Courts, can't just take any case coming up from the

lower courts. In most state Supreme Courts, as I understand it, they have kind of a general cert, a certiorari jurisdiction, where they can take cases that are brought up to them from the lower courts. It's discretionary, I think, in most cases. But they can get to any case, pretty much.

We can't do that. There are certain categories of cases that can come to us. But if it's not in one of those categories, the court of last resort is going to be the state Court of Appeals. Of course, our state has five District Courts of Appeal. And that will be the court of last resort. And actually most cases in Florida, that's the end of the road. They come from the Circuit courts and then go up on appeal. The end of the road for them is in the District court.

These limited categories -- conflict jurisdiction is one category. There are a couple different types of conflict jurisdiction, but that's one where there's a conflict between the way one District is deciding a case in another District, or a conflict between the way a District has decided a case and the way our court has previously decided it. There are certified questions of great public importance. There are categories of constitutional invalidity, where a District court declares a statute constitutionally invalid or declares that it's valid. Those kind of cases can come up to us.

>> **CHIEF JUDGE LAUTEN:** Come right to you.

>> **CHIEF JUSTICE CANADY:** And if it's invalidity, they must come to us.

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

>> **CHIEF JUSTICE CANADY:** Or at least if they bring them to us, we must take them. We have mandatory jurisdiction.

>> **CHIEF JUDGE LAUTEN:** And death penalty.

>> **CHIEF JUSTICE CANADY:** And of course death penalty is the big category, which is a big part of our workload. Those cases come to us directly from the Circuit court, and

any case in which a sentence of death is imposed. And we -- the District courts are not involved in those cases.

>> **CHIEF JUDGE LAUTEN:** Chief, if -- tell me if you don't want to answer this. But what's the least attractive part of being on the Florida Supreme Court and the most attractive part of being on the Florida Supreme Court?

>> **CHIEF JUSTICE CANADY:** Well, you know, I enjoy the various aspects of the work of the Supreme Court. One of the interesting things about the work there, and the good parts about it, is there is a lot of variety. We deal with a range of things. We frequently deal with issues that are difficult, because we're dealing with issues where the District courts are divided.

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

>> **CHIEF JUSTICE CANADY:** And some -- now, sometimes we don't -- we end up not thinking it's very difficult.

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

>> **CHIEF JUSTICE CANADY:** We think one side is pretty clear --

>> **CHIEF JUDGE LAUTEN:** This was easy; how did you not get it.

>> **CHIEF JUSTICE CANADY:** Right. We sometimes think that. But frequently the case -- the cases are not easy. They can be challenging to resolve, and so we have that. Of course, we deal with administrative matters. We deal with judicial discipline. We deal with lawyer discipline. We deal with rule-making; we have the responsibility for promulgating Rules of Court. We deal with jury instructions; Standard Jury Instructions. So there's a whole range of things. So that's a good part of it.

The Supreme Court, like in any other job, there are some very routine things which are -- can be somewhat time consuming which aren't a lot of fun. But that's just -- again, that goes with any job.

>> **CHIEF JUDGE LAUTEN:** I've noticed that -- I imagine this is foremost for the Chief Justice, but for all of the justices in the court, being on the highest court in the land and sort of administering the branch, you're in great public demand. Everybody would like you to come and speak to them, and if not you, another justice on the court, and that's local Bar Associations and local community interest groups and courts, like our court.

What kind of demands are there on your time that don't -- aren't related to case issues or the management of the court but just public relations?

>> **CHIEF JUSTICE CANADY:** I've found that that is variable. I found that when I first became a member of the court, I received a lot of invitations. It was like, we want to hear from the new kid on the block.

>> **CHIEF JUDGE LAUTEN:** Kid on the block. Okay.

>> **CHIEF JUSTICE CANADY:** Okay. And so there were a variety of invitations from different places around the state. And then of course shortly after that, I became the Chief, and I think that there were invitations related to that. After my first tour as Chief, there was a period where I really did not receive that many invitations, you know, other than the occasional invitation. Now and again there would be an invitation, but it was not like a steady stream.

And now as I've moved back into the Chief's office, those invitations picked up, and so I'm actually quite busy. I think in some ways I may be busier with that sort of thing in my second tour as Chief than I was even in my first.

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

>> **CHIEF JUSTICE CANADY:** I think maybe in my first tour, some of the people that might have invited me had already seen me because I was the new kid on the block, and they -- we don't want him back. So -- but now, it's been long enough.

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

>> **CHIEF JUSTICE CANADY:** It's been long enough that they're willing to have me back now.

>> **CHIEF JUDGE LAUTEN:** With all of those demands, all the administrative demands and the requests for you to speak, how do you balance that with getting your opinions out? That must be quite a challenge.

>> **CHIEF JUSTICE CANADY:** It is. You know, we've got to -- my administrative responsibilities and these public engagement opportunities, that's not my day job.

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

>> **CHIEF JUSTICE CANADY:** My day job is there writing opinions, voting on opinions that others have produced, writing dissents, preparing for the next oral argument session or the next court conference. And so all of that -- that still takes the bulk of -- those things take the bulk of my time.

>> **CHIEF JUDGE LAUTEN:** Sure.

>> **CHIEF JUSTICE CANADY:** But they impinge -- obviously, these other things can impinge on that and make it a little challenging to balance all that.

>> **CHIEF JUDGE LAUTEN:** Personal question; is writing easy -- does writing come easily to you, or is it a struggle and a challenge?

>> **CHIEF JUSTICE CANADY:** You know, it sometimes comes easily. I'll just sit down and I'll get the ideas that I want to express and I'll do it. I had -- a recent example of

where I was writing a dissent -- and this -- I won't talk about the case, although it's -- this is already out -- but I had a pretty good idea of what the majority was going to say. I had not written the dissent, however. And I thought, well, I'm not sure, I'm not going to write it until I see what they actually say.

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

>> **CHIEF JUSTICE CANADY:** And the dissent came out on -- I'm sorry, the majority opinion came out on a -- I can't remember if it was a Thursday night or Friday -- sometime Friday. Well, that Saturday, I wrote it.

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

>> **CHIEF JUSTICE CANADY:** Well, Saturday and Sunday and over into Monday, I wrote my dissent.

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

>> **CHIEF JUSTICE CANADY:** Now, it's not a -- you know, it was like a ten-page dissent. But, you know, sometimes I can do that. Other times, it's harder.

>> **CHIEF JUDGE LAUTEN:** Sure.

>> **CHIEF JUSTICE CANADY:** And again, I put a lot of hours into it and --

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

>> **CHIEF JUSTICE CANADY:** But, you know, writing -- legal writing is -- can be difficult writing, because every word you've got to be careful about.

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

>> **CHIEF JUSTICE CANADY:** It's less important than a dissent.

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

>> **CHIEF JUSTICE CANADY:** Although, I try to be careful in the dissents, because my attitude is I want to get it right even if it's not going to decide the result. I have a sense that it's important to get it right, even a dissent. Because I don't want to have to eat those words later.

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

>> **CHIEF JUSTICE CANADY:** And I -- so I take that seriously, and try to do the best I can.

>> **CHIEF JUDGE LAUTEN:** So I don't know if the public knows this. I know the answer. Can you share with us about law clerks and staff attorneys; how many you have, who do you get to pick from, how helpful, how involved, do they do writing, do they just do editing, do they do research? Tell us a little bit about staff attorneys.

>> **CHIEF JUSTICE CANADY:** Well, the staff attorneys at the Supreme Court are a very important part of the work of the court and the life of the court. Each justice has three staff attorneys. And we -- some of us have career staff attorneys. I actually have two career staff attorneys and I have another attorney who will be there just for two years; basically someone who has come out of law school and it's just the first job after law school.

But they do important work for us. They help us analyze the cases. They do prepare draft opinions. They -- now, I use them both to prepare draft opinions and to edit opinions that I do from scratch. Frequently, I -- and particularly on dissents, I will do that myself, but I -- they -- my law -- my staff lawyers always help me.

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

>> **CHIEF JUSTICE CANADY:** They clean it up.

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

>> **CHIEF JUSTICE CANADY:** And they help make sure I've not made any mistakes, and they just kind of give me another perspective on what I've written.

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

>> **CHIEF JUSTICE CANADY:** So they're always an important part of the process.

>> **CHIEF JUDGE LAUTEN:** So, Chief, my impression is that the court is a pretty collegial body. And yet you disagree sometimes, and sometimes -- not in violent disagreement, but significant disagreement intellectually or academically or legally where you just see things in different ways.

So how do you -- how does the court maintain that collegiality when there's also this clashing of opinions about certain issues?

>> **CHIEF JUSTICE CANADY:** I think it's just a part of being a good judge, that you cannot let things get personal. Because if they get personal, then that's going to interfere with the rational handling of cases. Because if you're thinking -- if your mind is thinking, I didn't like that decision and, you know, I'm going to disagree because I didn't like some -- that's crazy.

>> **CHIEF JUDGE LAUTEN:** Yeah.

>> **CHIEF JUSTICE CANADY:** I mean, we have to -- we have a responsibility to focus on the cases before us and to do our best to decide those cases on the merits without letting any kind of relationship stuff impinge on that.

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

>> **CHIEF JUSTICE CANADY:** And furthermore, life's just too short --

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

>> **CHIEF JUSTICE CANADY:** -- to get into that kind of --

>> **CHIEF JUDGE LAUTEN:** Petty sort of personal --

>> **CHIEF JUSTICE CANADY:** -- petty, personal rancor that can happen on appellate courts. It's just -- it's just not worth it, and it's not healthy.

>> **CHIEF JUDGE LAUTEN:** And sometimes do you say, well, you know, you and I were on the opposite sides on this one but we see eye-to-eye on a different case?

>> **CHIEF JUSTICE CANADY:** Well, I think that's part of it. Just from a utilitarian point of view is the person who's against you on the other side of a case today might line up with you in the next case, so there's no point in poisoning the relationship. Even from that narrow utilitarian perspective. But I think beyond that, the most important thing is that, you know, you just have to get along.

>> **CHIEF JUDGE LAUTEN:** Sure.

>> **CHIEF JUSTICE CANADY:** If you're going to -- if the court is going to function well, if the court is going to be able to deal with all the cases on the merits, you cannot let personal resentment or animosity over prior decisions enter into it at all. You know, once that's done, it's passed.

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

>> **CHIEF JUSTICE CANADY:** And we will sometimes vigorously disagree --

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

>> **CHIEF JUSTICE CANADY:** -- and we will express our disagreement. Now, I always try to do it in a way that's respectful. I try not to challenge the motives of other people. I will challenge their reasoning, if I disagree with it.

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

>> **CHIEF JUSTICE CANADY:** And I will sometimes do that most vigorously. But I -- where I draw the line, and I hope I've done this consistently, is with challenging anyone's motivations.

I do believe my colleagues are trying to do their best to do justice as they see it. And sometimes I don't agree with their -- the grid they're using.

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

>> **CHIEF JUSTICE CANADY:** But I don't question their good faith and their commitment to do justice.

>> **CHIEF JUDGE LAUTEN:** So, Chief, I've had a chance, through our podcast, to interview a number of justices, and it strikes me that the personal stories and the diversity of the court is pretty amazing. So you have the former Chief Justice Labarga, born in Cuba, came to America; his story amazing. You have Justice Pariente, who went through her personal struggle with cancer. You have Justice Lawson, who goes to Honduras and helps build homes for underprivileged individuals. And you have Justice Perry, who struggled through the Civil Rights era to become a lawyer and then find his way to the Florida -- but the personal stories of the justices are so compelling and so diverse.

How important is that diversity to the court?

>> **CHIEF JUSTICE CANADY:** Well, I think it is important. I think it -- people come there with different experiences, and I think all of that is valuable. I think it makes for an interesting group, too.

>> **CHIEF JUDGE LAUTEN:** Sure.

>> **CHIEF JUSTICE CANADY:** I mean, it's just people who've had interesting life experiences. I mean, I have -- with all of my colleagues, I have had enjoyable conversations

with them about things not related to work, but just about things they've done elsewhere in life. And, again, I think that helps to keep the collegiality going also.

>> **CHIEF JUDGE LAUTEN:** You probably have touched on this, Chief. But if you had a magic wand that you could wave and change anything about the court system or benefit the court system, what would be the first thing on your list?

>> **CHIEF JUSTICE CANADY:** A magic wand. Well, you know, I don't typically think in those terms. But I would like to see -- I think at the top of my list would be increasing the compensation for our employees and getting together a package to do better for the --

>> **CHIEF JUDGE LAUTEN:** I don't mean to oversimplify this, but if the legislature said, you could have one ask and one ask only, that would be your first ask?

>> **CHIEF JUSTICE CANADY:** Well, I think that's going to be it.

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

>> **CHIEF JUSTICE CANADY:** Because we are facing some real challenges in attracting -- for the kind of things you talked about earlier, and there's different categories of people who are involved in the -- in helping judges do their work. In some of those areas, we have great problems attracting and retaining the people we want. We have people who stay with us, even though they could have better opportunities elsewhere, out of just commitment to -- and loyalty to the system.

>> **CHIEF JUDGE LAUTEN:** Loyalty -- loyalty and commitment.

>> **CHIEF JUSTICE CANADY:** But, you know, that only goes so far.

>> **CHIEF JUDGE LAUTEN:** It doesn't pay the mortgage, does it?

>> **CHIEF JUSTICE CANADY:** I mean, because they have families.

>> **CHIEF JUDGE LAUTEN:** Sure.

>> **CHIEF JUSTICE CANADY:** And so I just -- I would like for us to be able to do better for them. And that's important to me. I believe it's important to our whole court and to the whole system.

>> **CHIEF JUDGE LAUTEN:** Two final areas I'd like to ask you about. The first one is, what kind of challenge is access to our system -- to the branch right now?

>> **CHIEF JUSTICE CANADY:** Well, that's another big issue facing us. The reality is now that many Floridians can't afford access. You know, they can -- they might be able to pay the filing fees, but they can't get a lawyer. Matching them up with lawyers can be challenging and some -- and it's not affordable for many people. And so trying to figure out how to make our system more accessible and more -- so that more people who have problems that the court system can solve will be able to come to us and navigate their way through the system with minimum pain is a challenge for us. And we're looking at ways of doing that.

There's -- you know, there's some people who have pretty simple problems. They can be challenging and hard but --

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

>> **CHIEF JUSTICE CANADY:** -- in terms of the -- they're not legally complex.

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

>> **CHIEF JUSTICE CANADY:** And we're trying to --

>> **CHIEF JUDGE LAUTEN:** Let's face it. If you want to get divorced in Florida, you have to come into our system, whether you want to or not.

>> **CHIEF JUSTICE CANADY:** Right. Right. Right.

>> **CHIEF JUDGE LAUTEN:** And that might not be complex, but you have to get before us.

>> **CHIEF JUSTICE CANADY:** Right. Exactly.

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

>> **CHIEF JUSTICE CANADY:** And so that's an example. There --

>> **CHIEF JUDGE LAUTEN:** Evictions. There's all kinds of --

>> **CHIEF JUSTICE CANADY:** Right. All sorts of things. And we're trying to come up with ways to help people to be able to do what they can do with forms, and we're also trying to -- I mean, longer term, we're trying to figure out ways to get people connected with lawyers and how to facilitate that in a way that is -- if they -- because sometimes you really do have to have a lawyer -- you really need a lawyer.

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

>> **CHIEF JUSTICE CANADY:** And -- but to do that in a way where people can afford it, and trying to make that process as painless as possible is a challenge.

I've just been at a meeting of the Florida Bar where we're looking at using -- someone was using an example of a particular lawyer who put a bunch of forms up on the lawyer's website because -- thinking, you know, a lot of these people that come to me, they can do these forms; and thinking, you know, I'll put these up there and they can do it themselves. Actually it turned out that a lot of people that -- they would use the forms but then they would want to talk to the lawyer because they felt like they needed some additional help. They could fill out the forms, basically.

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

>> **CHIEF JUSTICE CANADY:** They didn't need the lawyer to fill out the forms, but they wanted a lawyer for some counsel and some guidance about, you know, okay, if I fill this

out and file it, what is going to happen, and is there a way maybe you could help me in part of this in a way that I could afford.

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

>> **CHIEF JUSTICE CANADY:** And so I think we've just got to be innovative.

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

>> **CHIEF JUSTICE CANADY:** And we've -- because the truth is, you know, if I had a serious legal problem, I couldn't afford a lawyer.

>> **CHIEF JUDGE LAUTEN:** That's a challenge, I mean, if you have a complex problem.

>> **CHIEF JUSTICE CANADY:** I mean, and -- because it's expensive.

>> **CHIEF JUDGE LAUTEN:** Well -- and we work in the branch. We don't want our branch to be priced out of its operation, of its existence. In fact, it's a failure of democracy if you can't use your court system because you can't afford your court system. That is a challenge.

>> **CHIEF JUSTICE CANADY:** No, it's a --

>> **CHIEF JUDGE LAUTEN:** On the other hand, lawyers are earning a living, like you said earlier, they -- like our employees -- they have to pay their mortgages and survive. And some do very well and some, you know, not. So that's a challenge.

Chief, what -- is there anything -- any -- if you look 10 to 15 years out from today, how do you see the system? Do you see any major differences in the system as we go out 10 to 20 years?

>> **CHIEF JUSTICE CANADY:** Well, when we think about the legal profession, I think one of the things that's really looming there is the impact of artificial intelligence on the

practice of law. I think there are programs out there now that can write briefs. You know, you just put some --

>> **CHIEF JUDGE LAUTEN:** Wow. Basic data in and it --

>> **CHIEF JUSTICE CANADY:** Put some data in about the issues and the facts, and it will spit out a pretty good brief.

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

>> **CHIEF JUSTICE CANADY:** Now, it's going to require editing, and it's going to require some fine tuning, but that -- there's going to be more and more and more of that. Well, actually, we were talking about this at a meeting of the Florida Bar and what does that mean for the profession. And it's going to present some challenges.

Someone asked me, well, you know, that could displace your job on the Supreme Court. I pointed out, they'll have to change the Constitution to do that.

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

>> **CHIEF JUSTICE CANADY:** We're in the Constitution.

>> **CHIEF JUDGE LAUTEN:** I did hear about an -- you know, the potential for an artificial intelligence program that could predict with enough data how I would likely rule on a set of facts. You know, couldn't guarantee it, but we've -- we have enough data about Judge Lauten and his ruling, and what other information they can input, where this artificial intelligence system could predict, it's likely that if you get in front of him he'll go this way on your business dispute, for example.

>> **CHIEF JUSTICE CANADY:** Well, and I think --

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

>> **CHIEF JUSTICE CANADY:** And I think that is going to become more and more sophisticated, and the reliability of it will increase, and I think that sort of thing, for instance, will encourage settlements.

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

>> **CHIEF JUSTICE CANADY:** I mean, that's kind of -- if -- for a mediator to have a tool like that could be very valuable in actually getting -- kind of predicting where they're going to end up anyway.

>> **CHIEF JUDGE LAUTEN:** Right. Telling the parties, you should settle this, and here's what your likely outcome would be.

>> **CHIEF JUSTICE CANADY:** Yeah. Yeah.

>> **CHIEF JUDGE LAUTEN:** And save a lot of money.

>> **CHIEF JUSTICE CANADY:** Yeah. You'd save a lot of money over the -- and so now we know people -- there are some people that are always going to fight, even when they're -- when they have --

>> **CHIEF JUDGE LAUTEN:** In violent agreement, they're going to fight.

>> **CHIEF JUSTICE CANADY:** Right. Right. Because that's just their nature. But I think it's just -- artificial intelligence is -- I'm no expert on it, but I think that is something looming that's going to be -- is going to change -- has the potential to change a lot of things.

>> **CHIEF JUDGE LAUTEN:** We visited Cisco, and they showed us a system where they -- you could have remote hearings. And they predicted that in the not too distant future, witnesses could be holographed into a courtroom so that there'd be no one sitting in the witness box, but it would appear that there was somebody sitting in the witness box.

>> **CHIEF JUSTICE CANADY:** Right. Right. Right.

>> **CHIEF JUDGE LAUTEN:** That's kind of --

>> **CHIEF JUSTICE CANADY:** Right. Well, I remember we were talking about that at the Judicial Management Council.

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

>> **CHIEF JUSTICE CANADY:** Well, let me thank -- while I'm here with you, let me thank you for your service on the Judicial Management Council.

>> **CHIEF JUDGE LAUTEN:** My pleasure.

>> **CHIEF JUSTICE CANADY:** And I'm looking forward to working with you in that capacity.

>> **CHIEF JUDGE LAUTEN:** Me too.

Well, Chief, I want to thank you so much for spending valuable time with us.

And I do want to say this to our listeners; I ensure you can tell just by this session, but Justice Canady is one of the more thoughtful individuals that I know who is -- also has that rare combination of being so personable and so easy to deal with by being so -- also such a deep thinker and a thoughtful person. We're lucky to have him on the Florida Supreme Court.

And we thank you for years of service to the citizens of the State of Florida in your various capacities working for the legislative branch, working with Governor Bush, being on the Court of Appeal, and being a Justice on the Florida Supreme Court, and your second term as Chief Justice.

If there's anything we can do here in the Ninth Circuit, we're happy to do it.

But thank you for coming to visit us and talk to our listeners. And best of luck in your second term.

>> **CHIEF JUSTICE CANADY:** Well, thank you. I appreciate the opportunity to be with you. I thank you for your leadership in our branch.

>> **CHIEF JUDGE LAUTEN:** Thanks. Thank you, Chief.

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