

OPEN NINTH:

CONVERSATIONS BEYOND THE COURTROOM

JUDICIAL SPOTLIGHT

FEATURING JUDGE DAVID P. JOHNSON

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HOSTED BY: CHIEF JUDGE LISA T. MUNYON

NARRATOR: Welcome to another episode of “Open Ninth: Conversations beyond the Courtroom” in the Ninth Judicial Circuit Court of Florida. And now here’s your host, Chief Judge Lisa Munyon.

CHIEF JUDGE MUNYON: Hello, and welcome to Open Ninth. I’m here today with Judge David Johnson, one of our county court judges here in Orange County. Judge Johnson began his college education at Michigan State University for his bachelor’s degree before moving down to the sunshine state to attend the University of Florida College of Law. After graduating with his JD, he got a start with the law firm of Salvagio, Johnson and Miller. Then in 2009 he opened his own practice, the law office of David P. Johnson, LLC. But in 2016 he made the life changing decision to run for the bench and joined us here as an Orange County Judge the following year. I’m thrilled to have you in the studio today, Judge Johnson. Thanks for joining me.

JUDGE JOHNSON: Thanks for having me.

CHIEF JUDGE MUNYON: So tell me a little bit about yourself. Where did you grow up?

JUDGE JOHNSON: I grew up in a very small town in Michigan. In fact, I’m going to my 40th high school reunion in September and I haven’t seen most of those people in 40 years.

CHIEF JUDGE MUNYON: Wow.

JUDGE JOHNSON: So that should be interesting. But yeah, I grew up in a small town in Michigan. My father was an attorney. Didn’t want any of his children to be attorneys which probably accounts for me going later in life, some interesting bio. I actually got moved down to Florida after I graduated from Michigan State working for the Bacardi Rum Company.

CHIEF JUDGE MUNYON: Oh.

JUDGE JOHNSON: And I worked for them for, well, until 1996 and I did a number of other things. I didn't go to law school until I was 37 so it was interesting because it sounds like my bio says I –

CHIEF JUDGE MUNYON: Yeah, went right there.

JUDGE JOHNSON: -- came down here to go to law school. No, I was down here and we had – I had met my wife in south Florida and we got married. We had two children. Our youngest was two when I decided to go to law school then in 2002.

CHIEF JUDGE MUNYON: Yeah, we'll talk about that because that's tough. That's a tough decision to make at that stage in your life.

JUDGE JOHNSON: It was tougher for my wife than it was for me because she was home in Maitland with two kids and a dog and I was in Gainesville.

CHIEF JUDGE MUNYON: Yeah. So you grew up in Michigan where it's really, really cold.

JUDGE JOHNSON: Sometimes, yes.

CHIEF JUDGE MUNYON: And when you were in high school, did you play any sports? Did you have any extracurricular activities?

JUDGE JOHNSON: Played football, not seriously. We did, my junior year, we went to the state championship, played in the Silverdome. We lost. And other than that, sang in the choir, did plays and other than that just was a regular high school, nothing exciting.

CHIEF JUDGE MUNYON: And did you go immediately from high school to Michigan State?

JUDGE JOHNSON: Yes.

CHIEF JUDGE MUNYON: And you had an undergraduate degree in psychology.

JUDGE JOHNSON: Yes.

CHIEF JUDGE MUNYON: So how did you decide on that?

JUDGE JOHNSON: Well, I wanted to be Bob Newhart, I think. You know I was a big fan of the show –

CHIEF JUDGE MUNYON: Only people of a certain age will understand that –

JUDGE JOHNSON: Well, you know, he played a psychologist and it was an interesting – I thought it would be an interesting profession, but anyway. And I really didn't know what I wanted to do and as I said, my father was against any of us becoming lawyers.

CHIEF JUDGE MUNYON: If you wanted to become a lawyer, having a psychology degree would be very helpful, I would think.

JUDGE JOHNSON: Yeah.

CHIEF JUDGE MUNYON: You get some insight into people.

JUDGE JOHNSON: Yeah, I would agree.

CHIEF JUDGE MUNYON: So your dad was a lawyer. What kind of law did he practice?

JUDGE JOHNSON: He was civil litigation. He, I think my father enjoyed law school and academia. He really disliked the practice of law. But you know he was very successful at it. But it just didn't jive with his personality, I think.

CHIEF JUDGE MUNYON: And he didn't want any of his kids to be lawyers. It is a hard way to earn a living at times. Is that why?

JUDGE JOHNSON: Well, you know, as I said my father did civil litigation and he – after he retired he did mediation for a while which he really liked because he was always the person who wanted to get things fixed or settled on, you know, and you know civil litigation doesn't often lend itself to that and it often benefits the attorneys to protract the litigation and you know – and not agree to settlements and all that sort of thing. And so he spent his life you know fighting that, and just really did not enjoy that.

CHIEF JUDGE MUNYON: And one of things I think people don't realize when you become a lawyer is your life is fixing other people's problems.

JUDGE JOHNSON: True.

CHIEF JUDGE MUNYON: And many times very sad problems. And it can take a toll.

JUDGE JOHNSON: Yeah. He did – I think the bulk of his practice was municipal – he was the city attorney, county attorney and he also handled like every township in our area. So you know he – of course he was – when he moved to Michigan, so my father grew up in Philadelphia. Went to the University of Pennsylvania Law School, Franklin & Marshall and you know I think he could have, because of where he was, he could have gone to New York and all that, but he decided he just wanted to be a country lawyer. So they moved out to Michigan where my mother's family had come from. And that's what he did, but – I lost my train of thought.

Where was I going with that? But you know I think he wanted a simpler life. He wasn't interested in doing you know real complex litigation. He did end up – he argued several times in front of the Michigan Supreme Court and he was very, very respected in our town. It was a very small town. I mean, I had 60 kids in my graduating – well actually I had 80 but 20 of the kids that graduated with us came – in 7th grade came from a neighboring school district that didn't have a high school.

CHIEF JUDGE MUNYON: Wow.

JUDGE JOHNSON: Yeah, pretty small town. And I guess you could say dad was a big fish in a small pond but –

CHIEF JUDGE MUNYON: But leaving that small town and going to college at Michigan State University was it a bit of a culture shock? Because Michigan State's pretty big.

JUDGE JOHNSON: Oh, yeah, it was and I think that was the reason I wanted to go to a big school. My brother went to the University of Michigan, I went to Michigan State. My sister went to Johns Hopkins which is a little weird.

CHIEF JUDGE MUNYON: Yet another good school.

JUDGE JOHNSON: Oh, yeah, great school. But yeah, I wanted to get out of a small town and get to something bigger.

CHIEF JUDGE MUNYON: So you took your psychology degree and you went to work for Bacardi Rum in Florida. How does that happen?

JUDGE JOHNSON: Well when I graduate – so –

CHIEF JUDGE MUNYON: Because we all love Bacardi Rum.

JUDGE JOHNSON: Yes.

CHIEF JUDGE MUNYON: Let's be honest.

JUDGE JOHNSON: It's a – it's a fine product. When I graduated, I actually graduated two years too late. I should have graduated in 1987 but I took two years off and worked for a public interest group doing canvassing and our main function was we represented the right pairs at the public service commission in Michigan. They have a similar set up as to Florida. Consumers Power was a big you know utility there.

CHIEF JUDGE MUNYON: Right.

JUDGE JOHNSON: And we would lobby the public service commission. Anyway, so I did that for two years and then I went back and so when I graduated in 1989, I was I guess you could say two years too late. I was looking around for a job. Bacardi was one of the jobs – they paid very well. I got a car and I was selling rum. I mean, you know –

CHIEF JUDGE MUNYON: And you got to come to Florida.

JUDGE JOHNSON: Well, no, so I started – I worked for a year in Michigan.

CHIEF JUDGE MUNYON: Oh, okay.

JUDGE JOHNSON: And then they moved me to Miami after my first year. And I was down there for two-and-a half years and then they moved me up here.

CHIEF JUDGE MUNYON: Do they have a large presence in Michigan?

JUDGE JOHNSON: Bacardi has a pretty large presence everywhere that sells liquor.

CHIEF JUDGE MUNYON: Everywhere. Okay. So pretty much everywhere.

JUDGE JOHNSON: Yeah, and they actually – I mean the company owns a lot of other brands. Everybody thinks of Bacardi Rum but they own you know, Martini and Rossi, and since I left, they've purchased a whole bunch of other brands. They're a good size conglomerate, I guess. But anyway, so yeah, I worked there for a year. They moved me down here and I was working in what we call on premise, so the restaurants and bars and stuff.

CHIEF JUDGE MUNYON: Probably yet another culture shock, Michigan to Miami.

JUDGE JOHNSON: Yes.

CHIEF JUDGE MUNYON: Because Miami is pretty fast-paced and –

JUDGE JOHNSON: I was not crazy about Miami. It was just you know where I grew up, you knew everybody in the neighborhood and all that and when you – when I – I lived in Davie which there's a rodeo there. That's what they're famous for. But when you drive around in that area, plantation area, all the neighborhoods have like concrete walls around them. They all have gates you know. And it just seemed really closed off and foreign. And I was not crazy about it. And so when I got a chance to move up here, this felt more like home. It was a little bit more like Michigan.

CHIEF JUDGE MUNYON: So did you move up here to work for Bacardi?

JUDGE JOHNSON: Yes.

CHIEF JUDGE MUNYON: In Orlando?

JUDGE JOHNSON: Yes. Yes, I was moved with them. So actually was in Davie for Hurricane Andrew. I had just sold my house back to the company. And Hurricane Andrew came through and my house was fine so probably missed an opportunity there. But –

CHIEF JUDGE MUNYON: Probably get a premium for it since so many houses were destroyed.

JUDGE JOHNSON: Yeah. I'm sure the company did fine with it, you know. So anyway but I had already moved up here. I had just happened to be flying into – I had gone over to England. My father was singing with a group at the Canterbury Cathedral so I had gone over with my sister and my mother for that event. And didn't even know Hurricane Andrew was a thing and as we were landing in Miami, the pilot came on and said, well if Dade County is your destination, you better get out because they're evacuating. And you know those of us on the plane hadn't been watching the news. Evacuating, why? And so anyway I got to my friend's house and it was supposed to come right over Davie and at the last minute it made a turn south and went over Kendall and Homestead and all that. So –

CHIEF JUDGE MUNYON: You said something that interested me before we get further down the Andrew path. Your dad sang at the Cathedral in England?

JUDGE JOHNSON: The Canterbury Cathedral, yes. My father was a very good singer. Sang in the church choir forever and sang in other choirs and stuff. And he would –

CHIEF JUDGE MUNYON: Was he a tenor or a base?

JUDGE JOHNSON: He was a base, yeah, definitely a base. But he was in a motet choir that I don't know, I don't remember all the details of it but that was one thing they did. They went over and –

CHIEF JUDGE MUNYON: That's pretty special.

JUDGE JOHNSON: Yeah, it was neat.

CHIEF JUDGE MUNYON: For him, I would imagine.

JUDGE JOHNSON: Yeah. Yeah, it was neat.

CHIEF JUDGE MUNYON: So you landed. Andrew's hitting --

JUDGE JOHNSON: Yeah, and --

CHIEF JUDGE MUNYON: -- in Miami. So did you have --

JUDGE JOHNSON: Well, my friend was supposed to pick me up but obviously he couldn't get to the airport so I took a cab to Davie and he hunkered -- his parents had a place there. And we rode the storm out there. And the next day I was able to find a rental car and drove up to Orlando because I had already moved up here.

CHIEF JUDGE MUNYON: But you were just flying into Miami?

JUDGE JOHNSON: Yeah.

CHIEF JUDGE MUNYON: So were you married at that point?

JUDGE JOHNSON: No.

CHIEF JUDGE MUNYON: So you moved up here before you got married?

JUDGE JOHNSON: Yes, although I had met my wife but we weren't really dating yet. That happened shortly thereafter.

CHIEF JUDGE MUNYON: So how long did you work for Bacardi while you were here in Orlando?

JUDGE JOHNSON: So let's see, I started with them in '89 and I left December of 2005 so --

CHIEF JUDGE MUNYON: Wow, you worked for them a long time.

JUDGE JOHNSON: Yeah, yeah, and I decided I wanted to open my own business which I did. And I did that for two years and then I –

CHIEF JUDGE MUNYON: I take that that was not a law practice.

JUDGE JOHNSON: No, no, that was – I thought that Central Florida would benefit from a provider of craft and micro brewed beers.

CHIEF JUDGE MUNYON: You were probably a little too early for that phase.

JUDGE JOHNSON: You know, we – you know, we had a few success – we had a couple brands in with Albertson's and ABC gave us a few slots in the door. And we – you know we had other – you know, we did it for two years and – but ultimately this was not the market.

CHIEF JUDGE MUNYON: At least not then.

JUDGE JOHNSON: Yeah, it's better now, I think.

CHIEF JUDGE MUNYON: Yeah. So after two years, is that when you decided to go to law school?

JUDGE JOHNSON: No, I went to work for the Sentinel.

CHIEF JUDGE MUNYON: No. What did you do for them?

JUDGE JOHNSON: They decided they were going to open a sign operation, sign shop as to sort of piggyback on their advertising. Of course, this was like – this would have been 90 what 8 or 9, something like that and you know that was the beginning of the decline in revenue for print.

CHIEF JUDGE MUNYON: Right.

JUDGE JOHNSON: They actually had just started News 13. You know I think they were trying to find other ways to –

CHIEF JUDGE MUNYON: Yeah, and it was when it was with the Sentinel and Spectrum, I think, yeah.

JUDGE JOHNSON: Yeah, and so this was a venture they did and it was one of those things, trying to expand their revenue stream. And I did that for a while and then actually through that, got to know one of the vendors and he sold trade show displays. And he was leaving – he had the state of Florida and he was leaving. He asked me if I was interested in – I talked to him about it and I worked from home and we had, you know, our youngest daughter was born in '97. So I looked into it and said, yeah, okay, let's do this. And I did that up until 2002 when I left and that's when I went to law school was August of 2002.

CHIEF JUDGE MUNYON: So you managed tradeshow or managed the displays for tradeshow.

JUDGE JOHNSON: Yeah, we – so we were a manufacturer of the displays. So if you were an exhibitor and of course you know we have a decent tradeshow business in Orlando.

CHIEF JUDGE MUNYON: Yeah.

JUDGE JOHNSON: But really, I'm selling at the point – at the home office before you get here you know. It wasn't really involved in the –

CHIEF JUDGE MUNYON: You didn't go to the Convention Center and set up.

JUDGE JOHNSON: Oh, you know occasionally, occasionally. I went to Las Vegas, we had a big one that we did out there and sent out there but yeah. But the good thing about it was I was working from home and travelling a little bit but you know my wife was working full-time, and so I was Mr. Mom. I took the kids to school everyday and picked them up every day.

CHIEF JUDGE MUNYON: So it gave you the opportunity to have a really special relationship with them.

JUDGE JOHNSON: Yeah, it was good. Yeah, and you know like I said, my wife, God love her, she's – she deserves a medal. She worked – the whole time I was in law school she worked full-time. And stayed in Maitland with the girls and –

CHIEF JUDGE MUNYON: What made you decide to go to law school?

JUDGE JOHNSON: I think I always wanted to and you know we could dive into the psychology of it, right. But probably had something to do with not wanting to disappoint my father and going to law school. And actually the way the decision came about because we had – we bought this house in Maitland. It was built in 1958, a little concrete bungalow, like they all are. And we thought, well, let's do a remodel. So we had some plans drawn up and everything. We were about to do it and when we sat down and we were doing the numbers, I said, geez you know I'm never going to go to law school. I don't know where that came from, but I said, if we do this, I'm just going to be tied to this mortgage and I'm never going to go to law school. And so I decided right then I was going to do it, started sending out applications.

CHIEF JUDGE MUNYON: And you landed at the University of Florida.

JUDGE JOHNSON: Yes.

CHIEF JUDGE MUNYON: Which is not necessarily an easy law school to get into.

JUDGE JOHNSON: Well, you know, so I did consider Barry because they're local.

CHIEF JUDGE MUNYON: Right.

JUDGE JOHNSON: And that was the first year that FAMU was open and they both were gracious enough to accept me. In fact, Barry was going to give me some money. But Barry was still having some issues with accreditation at the time and FAMU was brand new. And my thinking was, you know, it's a state school, they're not going to have any issues with accreditation but who knows, you know. And Gainesville was only an hour and 45 minutes away if you drive like I do.

CHIEF JUDGE MUNYON: Yeah.

JUDGE JOHNSON: And you know – and I did – I don't know if I should put this on tape, but you know I thought maybe it would open more doors for me than Barry or FAMU when I got done which really didn't necessarily – wasn't necessarily true but so anyway I decided to go to Florida. I went up and found – I rented a room from a little old lady. I think she was in her 80s. But she had a kind of a mother-in-law suite built onto her house for her mother who had passed. So for three years I rented the room from her and I would go up – I would leave 4 or 5 o'clock on Monday morning and as soon as my last class was done for the week. I never spent any time in Gainesville.

CHIEF JUDGE MUNYON: Yeah, well, you had a family.

JUDGE JOHNSON: Yeah, I –

CHIEF JUDGE MUNYON: You needed to get back.

JUDGE JOHNSON: Yeah, I came home on the weekends and mowed the lawn and you know –

CHIEF JUDGE MUNYON: Spent time with the kids and the wife.

JUDGE JOHNSON: -- help with the kids. Yeah.

CHIEF JUDGE MUNYON: Yeah. Yeah. So when you left law school you started working for Salvagio, Johnson and Miller. I would assume that's Dennis Salvagio.

JUDGE JOHNSON: It is. And actually, so –

CHIEF JUDGE MUNYON: He does criminal law, so what attracted you to that?

JUDGE JOHNSON: Nothing. No, it was –

CHIEF JUDGE MUNYON: It's a job.

JUDGE JOHNSON: So my – well, no, so the – my first summer I was looking for, you know something, a gig, right. And I – Terri Day is, I don't know if she still is, but at the time she was a professor of law out at Barry. And she knew Dennis and I – her daughter went to law school with me, although she ultimately transferred to Syracuse. But we were friends and so I was looking for something. And she – that's how the connection came with Dennis and so you know I went and talked to him. And he said, well, I don't hire first years. I don't know if you know Dennis very well but he said I don't hire first years. Okay, and I said well you know, give me something to do so he gave me a task of writing a memo which I did. And he liked it and he said, okay, so I worked with him that summer. And then he kept me doing stuff like –

CHIEF JUDGE MUNYON: During school.

JUDGE JOHNSON: All through law school, you know, I mean, come home for holidays and even when I was up there, I would do research and stuff for him. And so by the time I was getting ready to graduate he said, you know, hey, I want you to come work with me. And I said, well, that's great, Dennis, but you know I want to get some trial experience because you know, Dennis would always bring his entourage with him so I sat at the table when he did trials even as a clerk, you know. And so I said, you know that's great, I appreciate it, but I want to go get some trial experience and I'm gong to go to the state. And Dennis says, you go to the state, I'm not going to hire you. And I said all right, fine, I'll go to the PD, I didn't care. You know what I mean, I figured I'd get trials either way and so I started at the Public Defender's Office in January of my last year of '05 as a CLI. And then when I graduated in what, end of May, I think that's when graduation was, might have been June.

CHIEF JUDGE MUNYON: Yeah.

JUDGE JOHNSON: They hired me and so you know I was – I was a public defender for a year, but officially I was only a public defender for six months because – so Dennis and I made a deal, he said well, you know fine, go get your trial experience but you know I want you to come – he wanted me to go for six months and leave as soon as I graduated and I said, no, you know I want to stay a little longer so we settled on a year. That was our deal. And I said, all right, I'll go there a year and then I'll come work with you. And that's ultimately what we did. Public Defender's Office was begging me to stay at the end of the year because the passage rate for the bar wasn't phenomenal for the CLIs that they had.

CHIEF JUDGE MUNYON: And they needed lawyers.

JUDGE JOHNSON: Yeah. And – yeah. Eileen needed lawyers and she was like, please stay on. I said, no, I promised Dennis so that's what it is.

CHIEF JUDGE MUNYON: So how long did you work with Dennis before you opened your own firm?

JUDGE JOHNSON: So that was started January of '06 so three years. And you know, I wonder if he'll ever hear this. You know Dennis and I didn't always see eye to eye on things. Dennis is a very unique individual. Anybody knows him knows that but the one thing I cannot you know ever discount is that I learned an awful lot.

CHIEF JUDGE MUNYON: He's quite a businessman.

JUDGE JOHNSON: Well, yeah, he is but I am more referring to the law, the criminal law, you know. It was sort of surprising to me because when I came in as a CLI at the Public Defender's Office in the beginning of '05, you know my very first day, they said go with this guy, it was Carlos Haynes was my trial partner and we were in front of Mike Miller which was great. That was a learning experience.

CHIEF JUDGE MUNYON: I bet it was.

JUDGE JOHNSON: And you know that was my training. There was no training. It's just

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CHIEF JUDGE MUNYON: Go.

JUDGE JOHNSON: Go. And sink or swim.

CHIEF JUDGE MUNYON: Do it, yeah.

JUDGE JOHNSON: And you know much to my delight, so I got handed a stack of files and I started going through them and I'm looking at this, I go that's constructive possession, okay, you know. Oh you know there's no probable cause and it was only because I had gone – worked with Dennis all those years or the first couple of years and gone through all his cases with him. And you know I had already been trained. I didn't even realize it you know.

CHIEF JUDGE MUNYON: Yeah.

JUDGE JOHNSON: But when I got my docket, I just kind of knew what to do and which cases there were motions and what cases should go to trial. I mean, I'm sure I was wrong about a number of things but you know I really felt like I had a sort of –

CHIEF JUDGE MUNYON: An advantage.

JUDGE JOHNSON: Well, a base of knowledge you know.

CHIEF JUDGE MUNYON: Yeah.

JUDGE JOHNSON: And so – and I'll always be grateful to him for that. He absolutely taught me a lot about criminal law.

CHIEF JUDGE MUNYON: So when you went out on your own, did you continue to do criminal law?

JUDGE JOHNSON: Yes.

CHIEF JUDGE MUNYON: Did you ever do anything else?

JUDGE JOHNSON: I did. When I left, I went – I got an office with Gary Siegel, I don't know if you know Gary.

CHIEF JUDGE MUNYON: Yeah.

JUDGE JOHNSON: Bill Greenberg was in that office. John Woodard actually had just left there because he had – I think he got appointed.

CHIEF JUDGE MUNYON: Yeah, to the bench, yeah.

JUDGE JOHNSON: Yeah. So anyway that group was there and I – so I went there and I was doing criminal defense and there was a guy in there doing bankruptcies and then he left. And this was 2008, well, 2009 –

CHIEF JUDGE MUNYON: Oh, right when they really needed bankruptcy lawyers.

JUDGE JOHNSON: Exactly, yes, yes. There was a bit of a kerfuffle in the market so – I can't remember the guy's name. Anyway, he had a pretty big practice and he was doing so well he decided to buy his own building and move out. And so you know Gary said hey why don't you consider doing it so I started doing – you know, I was like, I don't know anything about bankruptcy so I started learning it and then ended up getting software and doing it. So probably by the time 2016 rolled around I would say it was probably 50/50 bankruptcy and criminal.

CHIEF JUDGE MUNYON: So when did you start thinking that you might want to become a judge?

JUDGE JOHNSON: You want the real story?

CHIEF JUDGE MUNYON: Yeah, of course I want the real story.

JUDGE JOHNSON: I never thought about being a judge. It really was not on the radar. However, there was a – what's the word. There was a desire on the part of a certain segment of the bar that there be a change somewhere and it was – there were people who were saying

somebody should do this, somebody should do that and I finally decided that I would be the one to do that which is when I decided to run. So it was not like this was a life-long dream. I hadn't really thought about it but I guess I still was youthful and fired up and so I filed to run. And ultimately, I did not – I mean, the implicit thing here is I filed to run against a sitting judge and there's a lot of people who had opinions about that by the way.

CHIEF JUDGE MUNYON: I bet there were.

JUDGE JOHNSON: Yeah, there were. My next-door neighbor was David Paul who was a very successful personal injury attorney and he did not like it. So ultimately though I didn't, I switched races. And when Mike Miller said he was going to retire, I switched to his seat and by this time I really did want to be a judge. I had really – I had not thought about it. It really just wasn't on the radar but once I filed and I had run, I started getting a campaign together and then you know talking about it and thinking about it and looking at it, I thought yeah, I really – I think I do want to be a judge. I think I could do – I could be a good judge and do good things you know.

CHIEF JUDGE MUNYON: Did you enjoy the campaign?

JUDGE JOHNSON: No.

CHIEF JUDGE MUNYON: It's a lot of work.

JUDGE JOHNSON: Yeah, and I'm – you know it's interesting because I don't know if you've ever taken the MMPI –

CHIEF JUDGE MUNYON: Oh, yeah.

JUDGE JOHNSON: I always – maybe, I don't know, I always came out as an extrovert on that thing –

CHIEF JUDGE MUNYON: Yeah.

JUDGE JOHNSON: - which I now realize I'm not.

CHIEF JUDGE MUNYON: I always assumed you were an extrovert. I'm right on the borderline.

JUDGE JOHNSON: Everybody thinks, yeah, but I think I'm –

CHIEF JUDGE MUNYON: I'm an introvert.

JUDGE JOHNSON: I'm an introvert that plays an extrovert.

CHIEF JUDGE MUNYON: You're a trial lawyer.

JUDGE JOHNSON: Yeah, well, you know and that's interesting because I loved doing trials. It was – I had – the best time I ever had as a lawyer was my one year as a PD in county court in the Ninth Circuit. I had a ball. We just – we took everything to trial. I had 13 trials. And it was great. And the state attorneys we had were great, you know, there was I don't know a camaraderie. I got along with all of them. I never – well, later in life there were probably a few state attorneys I didn't get along with.

CHIEF JUDGE MUNYON: I'm not sure the MMPI works really well on trial lawyers because we are forced to get outside of our comfort zone and really almost – I don't want this to sound connotative but you become an actor doing a –

JUDGE JOHNSON: Oh absolutely.

CHIEF JUDGE MUNYON: -- a part.

JUDGE JOHNSON: Absolutely.

CHIEF JUDGE MUNYON: Which is you know very different than you know being a true extrovert.

JUDGE JOHNSON: Yeah. Yeah, well, again I was still under the impression I was at the time so I thought this is right in my you know wheelhouse but it's not. But I did. I really liked – I had enjoyed going to trial. I liked doing voir dire you know. I even would volunteer to do voir dire for other PDs just because I liked doing it you know, hey, man, let me do your voir dire.

CHIEF JUDGE MUNYON: I found that to be the most interesting part of the trial because it was the most unpredictable but you could learn the most.

JUDGE JOHNSON: Yeah and of course I learned at the heels of Dennis Salvagio who did – I don't think he ever did less than a two-hour voir dire much to the chagrin of –

CHIEF JUDGE MUNYON: Of many judges.

JUDGE JOHNSON: But you know – but you know he made a point of talking to every person on the panel and you know trying to get some kind of feedback from each one. You know, it's funny because I watched, when I was in criminal for four years and I watched some of these young attorneys and they do voir dire, and they just – they talk to two or three people and go okay, that's all the time. I'm thinking really, you don't want to know what Mrs. Green over there thinks about –

CHIEF JUDGE MUNYON: So I know when I took the bench because I was a criminal practitioner. I was a state attorney and then in private practice. I was in court all the time. I

thought I knew what being a judge was all about until you take the bench and then you figure out, I really didn't know half the story. How did you find – what did you find when you came onto the bench?

JUDGE JOHNSON: I would agree. You know the one thing that struck me when I first got on the bench was, I wish I had been a judge before I had been a lawyer because I think I would have been a much better lawyer. You know it's sort of stark some of the differences, you know that you see in practice. And you know as a practicing attorney I think I did a lot of things, filed certain motions and the things that as a judge you know you maybe look at it with a little more critical eye. And I probably would have done things differently but so – but the main thing was when I got on the bench, I had been a criminal defense attorney and you know I did bankruptcy so of course they put me in civil which I knew nothing about.

CHIEF JUDGE MUNYON: We like to do that.

JUDGE JOHNSON: Yeah, yeah. And you know it's funny because I have said this numerous times, I'm actually glad that that happened and the reason is I think if I had been put in a criminal division, there would have been a part of me rightly or wrongly, mostly wrongly that would have thought you know I got this, you know I don't need to read the cases and everything. But since I was in civil, my first six months I would be here from 6 in the morning till 6 or 7 at night because I read everything. They would send those notebooks. We get the thumb drives now but back then, we got, oh, my God we could have – we could have opened an eBay store for notebooks.

CHIEF JUDGE MUNYON: Yeah.

JUDGE JOHNSON: We should have. I think we gave them to schools.

CHIEF JUDGE MUNYON: We donated them to schools, yeah.

JUDGE JOHNSON: But anyway, so I would – you know I would read all the cases and I would read the statutes and I would just read, read, read, read, read and you know after several months you, you know, once you've seen that same issue over and over again, then you know you start to, okay, I don't need to do all of that. So it – but I say it's good because it forced me to go and learn all that stuff that I really didn't deal with in practice. And so I am glad that I was put in an area that I was not really –

CHIEF JUDGE MUNYON: And it probably made you a better judge all the way around.

JUDGE JOHNSON: I hope.

CHIEF JUDGE MUNYON: Because I imagine when you went back to criminal you thought I need to brush up on the criminal law because I know I did.

JUDGE JOHNSON: Oh, yeah. Oh absolutely, yeah, yeah, yeah. You know I was always an advocate for saying go back and forth because then you have to kind of keep current. And you know the other thing I did all the time on the bench when I first got on was with the lawyers in front of me, I'd always say guys, you know I'm not familiar with this, I'm learning it so you know bear with me and you know more than one or two attorneys said that they appreciated that.

CHIEF JUDGE MUNYON: Yeah, lawyers seem to appreciate that candidness.

JUDGE JOHNSON: Yeah, just like you know, look, you want a decision today but I can't give it to you because I got to read this.

CHIEF JUDGE MUNYON: And I will – I know when I took the bench, I thought that you know everything that a judge does happens in the courtroom. And then I – you know you

take the bench and you find out oh, most of what the judge does doesn't even happen here. It happens in their chambers when they're reading you know the jail mail, or you know the motions and orders that come in on civil cases.

JUDGE JOHNSON: Yeah, well, another mistake I made when I first started was, I was writing like eight, nine-page orders and I would go through all the case law and everything. And I quickly realized –

CHIEF JUDGE MUNYON: You don't have time to do that.

JUDGE JOHNSON: Well, it wasn't that so much. I didn't, you know I didn't – I am – at some point we're going to have to talk about my JA because she is amazing and I never had any issue managing a docket and it's all to her.

CHIEF JUDGE MUNYON: Right.

JUDGE JOHNSON: Anyway. No the problem with that was I thought I was being very eloquent and araldite and this was you know legal gold that I was typing into the computer. The problem with it is that the more you put into an order, the more there is to appeal and find issue with and – and it's just so unnecessary you know. I quickly learned that you know it's perfectly fine to say you can send me your proposed orders and let the attorneys do the work. Occasionally you know you're like, yeah, this is okay but I'm going to change a little thing and do it. And you know a lot of times it's just granted or denied.

CHIEF JUDGE MUNYON: So you brought up a good point. We have judicial assistants and a whole bunch of court admin staff that support what we do. And we couldn't do what we do without them. Tell me your experience about your JA and how she helps you manage your office.

JUDGE JOHNSON: So when I – by the end of my career as a practitioner I had two assistants. Leslie who is my JA now, Leslie Fandino and they spent most of their time just getting continuances or coverage because I was, and this is not an exaggeration. I was putting 40 to 50 thousand miles a year on my car because I had to typically be in you know three circuits every day. And I was driving between courthouses – it was crazy. I you know my wife was convinced I was going to have a heart attack and I probably would have if I – maybe three years I could have kept doing that. But Leslie was one of my assistants in the office. And she – actually I was renting space from Mark Randall. I don't know if you know Mark. He's actually a state attorney right now. And she was his assistant and then I started needing more help so I was like, hey, can I pay Leslie to do stuff for me and he's like yeah, fine. Anyway –

CHIEF JUDGE MUNYON: So you stole her.

JUDGE JOHNSON: Yeah, well, the interesting thing about Mark was when I – when I moved there in 2012, Mark was retiring. Mark was retiring for like 20 years. Every year was his last year. In fact one year she had actually gone out on interviews you know until he said, what are you doing? She said, well, you said you're retiring. So you know he was serious this time, he was retiring. I said, well, if you're retiring and I said I don't know what's going to happen in this election but if I do, I'd really like to ask Leslie to come with me. You know are you really retiring? Yes, I'm absolutely retiring. And apparently unbeknownst to me Leslie had always sort of thought about being a JA. That would be something she would be interested in doing. So it all just sort of came together and Mark continued to work for a few more years after I left but you know, but he didn't oppose her leaving so that's why she came.

CHIEF JUDGE MUNYON: And she – JAs just keep us straight. They keep our dockets straight. They make sure we are where we need to be when we need to be there, and that the things that need to be heard are you know on a docket in front of us.

JUDGE JOHNSON: Yep, and we, you know we were so lucky when we came – when we came here to the courthouse in 2017 because I'm learning it, Leslie is learning it and you know we both had great people we could talk to. You know Steve Jewett was my mentor. He was assigned to me, whatever. But you know we just had – we were all on the 3rd floor and all our offices were kind of together so it was just – you know there were people who had been there a few years and then there was new bees like me, but we all kind of talked. But for Leslie, we were so lucky. Faye Allen had a JA, Tanya, I forget Tanya's last name now but Tanya was amazing. Tanya ran everything just like a sewing machine and I can even remember because I was standing by her desk one day and Tanya came over and Leslie was asking her a question. And Tanya starts looking at the calendaring and she just started shaking her head. She goes no, no, no, no, cancel, cancel, cancel, cancel, and deletes all this stuff. And oh, sorry. You know really took Leslie under her wing and you know we were just real lucky that we kind of landed where we did. But Leslie is very organized. You know I – I hear other judges and jas and people in the courthouse talking about how difficult they're managing. We always seem to get – I just – we never – I don't – I can't explain it because I let her do it. I don't want to even get involved. But you know we sort of – we always said, look we're not going to leave at the end of the day until all the mail is done, which was pretty much every day. There were maybe a few times that we left some things but that was just kind of how we started working and how we kept going. And she manages the docket. She did from day one. Anybody needed hearing time she would find hearing time. And we just –

CHIEF JUDGE MUNYON: It works.

JUDGE JOHNSON: I can only you know credit this to her because I know everybody doesn't have the same experience, you know, I know that. And I'm lucky, very lucky.

CHIEF JUDGE MUNYON: You've been on the bench for a little while but not decades. Have you seen any changes to the bench or the practice since you've been a judge?

JUDGE JOHNSON: Well, yes.

CHIEF JUDGE MUNYON: Well, we did have COVID.

JUDGE JOHNSON: Yeah, that was – that was interesting.

CHIEF JUDGE MUNYON: But I think we're all trying to forget about that but that did change some things.

JUDGE JOHNSON: I mean, I'm surprised at how the – what's the word I'm looking for. The change or –

CHIEF JUDGE MUNYON: Rotation.

JUDGE JOHNSON: HR – no, in HR where you lose people.

CHIEF JUDGE MUNYON: Yeah, the attrition.

JUDGE JOHNSON: Attrition.

CHIEF JUDGE MUNYON: Attrition rate.

JUDGE JOHNSON: Well, I don't know if it's attrition. But I mean –

CHIEF JUDGE MUNYON: We have turnover.

JUDGE JOHNSON: Turnover, that's the word I'm – thank you. I mean because it seemed like when I was in practice that the same judges were on the bench forever, you know. And there's been so many new judges since 2017 since I got here. I mean it's just – it's almost – you turn around and I mean you know, Eric Netcher was walking around the other day and I was like who – who – oh, it's Eric.

CHIEF JUDGE MUNYON: Yeah.

JUDGE JOHNSON: You know and that is really surprising. I don't know if that's a change. Maybe I just didn't notice it.

CHIEF JUDGE MUNYON: No, I think there is – there's been a shift, absolutely. And we're – I believe that just in the short time I've been chief I've done more investitures than anyone except perhaps Belvin Perry who was chief for 18 years.

JUDGE JOHNSON: Yeah, yeah.

CHIEF JUDGE MUNYON: So it's been a phenomenal amount and it's continuing to occur. I mean we have five vacancies right now.

JUDGE JOHNSON: I was going to say four. Who's the fifth? Andrew.

CHIEF JUDGE MUNYON: Yeah.

JUDGE JOHNSON: Sorry. Yeah, it's crazy.

CHIEF JUDGE MUNYON: That is new, you're right about that and it puts a strain on everybody else because you got to get the work done even if you have too few people to get it done.

JUDGE JOHNSON: Yeah, yeah. We're all taking Division 75 cases next week so –

CHIEF JUDGE MUNYON: Yes, you are.

JUDGE JOHNSON: Which is fine, you know.

CHIEF JUDGE MUNYON: Hopefully only temporarily. But I think having vacancies in a circuit as large as ours is just a fact that we got to live with. We're always going to have vacancies.

JUDGE JOHNSON: Yeah. It will be nice to get new brethren or sistren.

CHIEF JUDGE MUNYON: Yeah, we will have some new ones hopefully before too long.

JUDGE JOHNSON: Yeah.

CHIEF JUDGE MUNYON: Any other parting words that you –

JUDGE JOHNSON: No, I just you know, I really like my job. I'm real happy being a judge.

CHIEF JUDGE MUNYON: And you like civil? I mean, you've done civil –

JUDGE JOHNSON: Yeah, I mean I prefer criminal although you know civil is a lot different this time – this go around. And so I'm liking it more now than I did before even just because of the way we're handling everything.

CHIEF JUDGE MUNYON: Does it seem more manageable?

JUDGE JOHNSON: Well, it's you know we're using Smart Bench and everything is more streamlined. We don't really get – well, we do get mail but I mean in the old days you'd get stacks of mail.

CHIEF JUDGE MUNYON: Yeah, stacks of mail.

JUDGE JOHNSON: Now you get – because most of it comes in electronically.

CHIEF JUDGE MUNYON: And you have a few more resources like the case managers and magistrates and that sort of thing.

JUDGE JOHNSON: Yes. I mean, yeah, it's eminently manageable so, but yeah, but no you know my parting words, I don't know. I'm really grateful that I have this job. As I said earlier it wasn't you know something that had really been on my radar and I'm – but I'm very fortunate. I feel very fortunate that I've kind of ended up where I am. You know I like – the thing I like about civil is you know the eviction cases and stuff, and where we really try to you know work them out when we can. And in criminal I felt like we did good things everyday by you know we spent a lot of time working with people on their licenses and stuff. I think that's a real trap that people fall into. You know I do I work with the He Got Up –

CHIEF JUDGE MUNYON: We haven't talked about that. So tell me just a little bit about He Got Up.

JUDGE JOHNSON: So when I moved to criminal in 2018, 2019, you know I started looking at all the driving issues we have you know which we have a lot of them. We have a lot of the DWLS's and other things. And you know I think it's something I always sort of knew but never really paid attention to was how people really get trapped in that. And it's very easy for people who lose their license and then they have court costs and fines and then they get pulled over again and they don't have their license and pretty soon it just becomes an overwhelming issue and they throw their hands up and you know say ok forget it. But the bottom line is, people are going to drive.

CHIEF JUDGE MUNYON: Yeah, the public may not realize that you know even if you don't have a license sometimes people drive because you know what, they got to get to work. And they got to go to the grocery store to feed their families. So if we can help them keep their license, we can help them keep their job.

JUDGE JOHNSON: Well, and I've always you know made the point that if we lived in an area that had real mass transit it might, you know I might feel differently. But you know Lynx will get you there but it may take two-and-a-half hours. So we started doing you know I think I was just very lenient, probably one of the more lenient judges on stuff and I was willing to you know waive court costs and fines and help people get their licenses back. And we were doing that quite a bit and interesting, I was playing golf and there was a single playing in front of us. And I caught up to him and he – you know he said, hey, you want to come play and I said fine. It turns out that guy was Drew Starke. Do you know Andrew Starke?

CHIEF JUDGE MUNYON: Yes.

JUUDGE JOHNSON: Okay. Do you know who Andrew Starke's father was?

CHIEF JUDGE MUNYON: No.

JUDGE JOHNSON: So he saw my Gator bag and he said, oh, went to Florida. And I said yeah, I went to Florida for grad school. I never say law school, grad school. He goes oh, you know, what did you do it in? And so it turns out Andrew Starke's father, I think was also named Andrew, was the first African American admitted to Florida. And he was admitted to the law school. Now he didn't finish. There's a plaque up there now. A couple years ago they had a thing for me. I was like, wow, that's amazing. You know I just bump into this guy and so we're talking about it. And so then he's asking me about what I'm doing and I explained it and he starts telling

me about He Got Up. He said well I'm on the board and Fred Lauten worked with them before he retired. And they would have these events and then Fred would do the orders converting stuff.

CHIEF JUDGE MUNYON: Right.

JUDGE JOHNSON: You know and all that stuff.

CHIEF JUDGE MUNYON: Converting court costs down to you know community service or payment plan.

JUDGE JOHNSON: Community service.

CHIEF JUDGE MUNYON: So people could get their licenses back.

JUDGE JOHNSON: Right. And so – so we're talking about it and I said, I said, well, hey, you know if you're interested to see what I'm doing, I got arraignments tomorrow, you want to come sit in court. And he goes, he said sure. So 8:00 o'clock the next morning, Drew came and sat with me in 4C and just sat and we did a lot of the stuff he did so anyway that's how he got me involved with them and –

CHIEF JUDGE MUNYON: And you have been their point of contact and the judge that does their special events since then.

JUDGE JOHNSON: Yeah, it really – it sort of coincided with Fred's retirement and so yes, but I think – I don't know that they sort of happened independently but they would have – if I didn't show up, they would have needed a different judge. And I remember coming to you when I started to say you know, hey, I really – this is what we're doing in Orange County. Do you think you know I could do Osceola and we chatted about it.

CHIEF JUDGE MUNYON: Yeah.

JUDGE JOHNSON: And ultimately, we're not. But you know I'm hoping we can revisit that someday.

CHIEF JUDGE MUNYON: Well, it has been great getting to know you, Judge Johnson.

JUDGE JOHNSON: Thank you.

CHIEF JUDGE MUNYON: Thank you for spending some time with me. I enjoyed it.

JUDGE JOHNSON: Thank you.

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