

**Democratic Club of Boca Raton and Delray Beach- candidate Questionnaire
Questions for Judicial Candidates August, 2020**

Circuit Judge Jeffrey Dana Gillen

Thank you for your thoughtfulness in scheduling the interview for an evening time-slot when the courthouse is not open.

1. Please provide a short biography.

While I have copied below my biographical sketch which appears on the Florida Fifteenth Judicial Circuit website the location for which is:

www.15thcircuit.com/judges/gillen-jeffrey;

a word of caution is required. Florida Judicial Ethics Advisory Committee Opinion 2014-14 provides:

a judicial candidate may provide a biography to a partisan political organization in response to the organization's request to print the biography in the organization's newsletter as long as the organization: (1) is not requesting the biography for the purpose of endorsing a judicial candidate; (2) has invited the judicial candidate's opponent(s) to provide a biography to print in the organization's newsletter; and (3) includes a notice of such invitation in the newsletter if the judicial candidate's opponent does not provide a biography.

Accordingly, please contact my campaign manager, Rebecca Shelton, 561-929-0122 or rebeccaeshelton@gmail.com, prior to reprinting or dissemination. Thank you.

Jeffrey Dana Gillen

Judicial Assignment

Circuit Criminal "W"

Previous Judicial Assignment

Circuit Civil Division "AE"

Prior Judicial Experience

Circuit Civil Division "AB"

Circuit Family Division "FZ" and Probate Mental Health & Guardianship Division "IZ"

Education

Culver Military Academy

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Denison University, BA; Earned degree in three years

Syracuse University, JD

Prior Work Experience

General Foods Corporation, White Plains, N.Y., in-house counsel for labor-and-employment relations, insurance risk, environmental matters and employee benefits. In that capacity, represented the company in state and federal courts, local, state and federal administrative agencies as well as arbitrations throughout the United States. General Foods hired two lawyers to replace me upon my departure.

Harder, Silber and Gillen, Albany, N. Y., partner handling labor-and-employment relations and discrimination matters for employers, labor organizations and individuals. Employer clients included both Fortune 500 and smaller companies in such industries as aerospace, broadcasting, data processing-and-retention, food-manufacturing-and-distribution, horse-racing, newspaper-publishing and local-and-over-the-road trucking. Labor-organization clients included three state-wide associations of registered nurses in the Northeast. Practiced before state and federal administrative agencies and several regions of the National Labor Relations Board in New York, Massachusetts, Pennsylvania, Maine and Florida. Practiced in federal district courts and courts of appeals in the Northeast. Handled one case in the United States Supreme Court which did not reach oral argument.

Business management in both the broadcasting industry and in fast-food retail-sales in five Florida cities.

Florida Department of Children and Families, 1997 - 2012. Statewide Appeals Director from 2008 through 2012. In that capacity, appeared in all five District Courts of Appeal; regularly in the Second, Fourth and Fifth. Also appeared many times in the Florida Supreme Court including for oral argument six or seven times. Though not for oral argument, made appearances in several cases in the United States Supreme Court.

Professional Activities

Former Associate Judge, Florida Fourth District Court of Appeal

Former Member of the teaching faculty in the Florida College of Advanced Judicial Studies.

Former Memberships: Florida Bar Appellate Court Rules Committee; Craig S. Barnard American Inn of Court; Susan Greenberg Family Law American Inn of Court at the Palm Beaches

Former Judge for Florida Bar's Robert Orseck Memorial Moot Court Competition

Miscellaneous

Married with two adult children and three grandchildren. One child is a federally-certified school teacher and the other is a veterinarian.

Division Information

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**The Honorable
Jeffrey Dana Gillen**



Assignment: Circuit Criminal
Division: [W](#)
Courtroom Number: 11F

2. What experience do you bring to this position?

I am in the eighth year of my service as a circuit judge in Palm Beach County. As indicated in my short biography, I have served in two civil divisions in the main courthouse in West Palm Beach, a division comprised of Family, Probate, Guardianship, mental health and Domestic violence in the south county courthouse in Delray Beach and I've been presiding over a felony division since July 1, 2019 in the main courthouse. While presiding over the civil divisions, I presided over many jury trials, many non-jury (a/k/a bench) trials and a multitude of evidentiary and other hearings. While I presided over the family, etc. division, I presided over a multitude of bench trials, evidentiary hearings and motion hearings. Since my assignment to my felony criminal division, I've presided over seven jury trials and many motion hearings regarding evidentiary matters, search-and-seizure propriety, and bond-or-other-conditions-of-pretrial-custody and other issues. I believe that I presided over the last jury trial in Palm Beach County prior to the suspension due to the virus. It was a first-degree-murder trial in which the jury rendered its verdict March 16.

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3. Why are you running?

I am running because the residents of Palm Beach County and Florida deserve to have a circuit judge with my experience, integrity and efficiency continue to serve them as I have done for more than seven years. Through hard work and dedication I have been able to devote myself to the citizen-voters in Palm Beach County and Florida for many years. They deserve to continue benefiting from that.

4. What are the major influences in your life?

I have been very fortunate in life. I've had the benefit of being influenced by my parents, professors, friends, certain clients and issues on which I was engaged to work. My application to the Judicial Nominating Committee to become a judge was the result of many people telling me that I was well-suited to be either a professor or a judge because of the patient manner in which I instruct and guide productive discussion.

I have also been influenced by negative experiences in my life from which I recovered and derived strength and wisdom.

While those past influences shaped me into who I am now, I continue to be influenced by my work as a circuit judge. There is not a work day which goes by on which I am not grateful for our judicial system, particularly the right to trial by jury. My participation in it is fulfilling, educational and challenging work, and it is a labor of love.

Palm Beach County's residents deserve to derive the benefit of my hard work, dedication, impartiality, calm demeanor and efficiency.

5. What is your general judicial philosophy as it pertains to the court on which you will sit as a judge?

The Canons of the Florida Code of Judicial Conduct guide my judicial philosophy. In a nutshell and among other things, the canons require that a judge be impartial and diligent. However, being an effective judge requires more than merely abiding by the canons. I have the temperament, the impartiality, the strength-of-efficiency necessary to continue serving the people of Palm Beach County and Florida. Every person who appears before me in my courtroom can be assured that their voice will be heard. That has always been the case and I pledge it will continue to be so.

6. Would there be any specific types of cases in which you might find it necessary to disqualify yourself? Can you give us an example?

While there is no case type for which I would disqualify myself, there are certain litigants or lawyers over whom I would announce the existence of certain circumstances which

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litigants or lawyers might find such that they would be more comfortable that I not preside over their case. Furthermore, I like many other judges, have instructed the Clerk's office that I should not preside over cases involving a few specific parties or lawyers.

7. Why should voters support you rather than your opponent?

As I am in my eighth year as a circuit judge and have developed a reputation in the legal community as a qualified, well-respected judge as demonstrated in the annual Palm Beach County Bar evaluations and by the overwhelming support I have received during this challenge, the voters would be well-served to ensure that I am able to continue my service to them. In other words, the citizen-voters deserve to keep the experience, temperament and efficiency that they now have in me as a circuit judge to serve them.

The Florida Lodge of the Fraternal Order of Police sees those qualities in me and has therefore endorsed me.

Likewise, as can be seen from the attached Campaign Committee list, I have substantial support within the legal community.

8. Which justice of the Supreme Court, either alive or dead, would you like to meet and why?

John Marshall. I would love to be able to discuss the pressure he and the other justices must have felt when dealing with Thomas Jefferson and James Madison's efforts to block last-minute judicial appointments by John Adams following Jefferson's election to succeed him but before Jefferson took the oath of office. More importantly, I'd love to know whether he had any idea that his opinion in *William Marbury v. James Madison*, 5 U.S. 137 (1803) would have been so important for more than two centuries.

9. What do you perceive as the greatest obstacles to justice, if any?

Obviously, the greatest immediate obstacle to justice we are facing is dealing with the virus. This is particularly so in handling cases in which time is of the essence. As I am now presiding over a felony-criminal division, the requisite measures designed to protect as much as possible from virus-exposure present challenges to my efforts to ensure that the quest for attaining justice does not stall. Nevertheless, in accordance with mandates from Florida's Chief Justice, I've been conducting essential hearings in my division. Effective Monday May 18, I will begin conducting all hearing types, essential and non-essential, except jury trials. To accomplish that objective I have made available ZOOM for any hearing which cannot be conducted in person in open

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court. Note that the Chief Justice at this time has prohibited commencement of jury trials until early July. That date may change. As noted above, I believe I presided over the last jury trial to have been conducted in Palm Beach County. It was a first-degree-murder trial in which the jury returned the verdict on March 16.

When Florida courts are permitted to resume jury trials, persuading prospective jurors to perform their duties will be a significant obstacle to justice. The difficulty will be at least five-fold. First, summoned prospective jurors must be confident that protective measures employed will be sufficient. It is evident that not only must I as judge be cognizant of and respectful to the time and circumstances of prospective and actual jurors, I must do what I can to ensure their health. Second, those who feel safe must appear in sufficient numbers from which juries can be selected. Third, during the jury-selection process, the prospective jurors must be protected in the courtroom. Fourth, deliberations and pre-deliberation sequestration must be in an area which is large enough to allow for social distancing. Fifth, jurors' handling of trial exhibits must be done employing protective measures.

In the much longer term, the four greatest obstacles to justice are three. First, too many of the people of Florida involved in the judicial system have not enjoyed a functional education. Second, that deficit often diminishes their opportunities to earn sustaining incomes. Third, a significant portion of the cases I preside over in my felony-criminal division involve alcohol and other substance abuse. Fourth, perceived politicization of the judicial system is a huge-and-growing obstacle to justice. Political considerations were never intended to have a place in our judicial system and they must never be permitted to even appear to take root. Perceived politicization will result in erosion of the public's confidence in the judicial system. Justice Marshall would be deeply troubled by what we see today.

10. What is your vision for the future of our judicial system? What changes would you advocate and why?

For longer than I have been a circuit judge, Florida has been pushing toward a nearly-paperless, essentially-electronic judicial system. I have for years supported this circuit's push in the utilization of electronic means to achieve efficiency. When I presided over my second civil division, I was at the forefront of the development of the system our circuit now utilizes for controlling and keeping track of cases. Now that I preside over a felony criminal division, I remain committed and I daily receive submissions electronically. The improvements effected in the Judicial Viewer System (JVS) and the state portal must continue and we must continue to push litigants and their lawyers to use them. This will benefit the citizens' use of the judicial system. We've made great strides but we've a long way to go. However, I perceive this future as both positive and negative. It is positive in that documents can be served, filed and read far more quickly

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than we experienced at the turn of the century. There is a negative side of the ledger. For example, some judges prefer to make notes on documents as they read them and they are consequently resistant to receiving documents electronically. A far more significant negative effect of our push towards a paperless judicial system is likely to be experienced by some self-represented litigants. Those individuals typically lack sufficient education to make their submissions both legible and comprehensible. The law affords some leeway. Nevertheless, the challenging balance can be overcome.