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COMMENTARY

We Never Needed Judges to Use Gavels

We went to law school because we wanted to join a “profession.” Once we did, we were supposed to act like “professionals.” One would at least expect decorum as good as in a Brooklyn deli, where customers at usually wait their turn to speak. Well, after they take a number.

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Commentary

By Bruce Lehr

I have now practiced law in Miami-Dade County for over 40 years. My non-lawyer friends are surprised when they learn that Judges in Florida do not use gavels. Twenty five years ago when my wife Myriam was invested as a judge, she received several gavels from numerous associations and organizations. From the Cuban-American Bar to the Dade County Bar, she received gavels made of everything from marble to glass. Even though they adorn her chambers nicely, she has never used one, except maybe as a paper weight.

In the movies, judges use gavels to bring order to a rowdy courtroom. This has never been necessary in all of my years of practice since judges have always been respected and litigants showed some degree of decorum. Sadly, it looks like we may need to bring the good old-fashioned wooden gavel into service in Florida.

I only practice criminal defense, both state and federal. Unruly defendants may find themselves bound and gagged, but lawyers have shown proper decorum. This seems to be coming to an end.

Even judicial campaigns have gotten nasty. One candidate’s supporters actually allowed the publication of an opponent’s cell phone number in an effort to cause public outcry against the incumbent.

Blame it on the spirit or the news as to what has been going on in Tallahassee or Washington, D.C., but politics have gotten ugly.

I recently had to stray into civil court to collect an unpaid criminal fee. To my dismay I found that the civil attorneys are far worse than the criminal ones. Does it really make sense that when fighting over money, the lawyers are more concerned and on edge than fighting for someone’s liberty or even life?

Endless signs are posted on judges’ benches all over: “proper decorum required.” Now, with Zoom, what is proper decorum? Appearing from a car? From an Uber? From a Turkish Bath?

It is with great sadness and disappointment that I fear the dreaded gavel may be brought into service here in Miami-Dade. It will probably first be needed in civil court, and ultimately in criminal court.

This is a final warning of sorts. We went to law school because we wanted to join a “profession.” Once we did, we were supposed to act like “professionals.” One would at least expect decorum as good as in a Brooklyn deli, where customers at usually wait their turn to speak. Well, after they take a number.

It may not be too late. Let’s keep the practice of law as a profession and not lower ourselves to have to be called to attention by the banging of hammers, or even the throwing of same. Both judicial campaigns and courtroom appearances have to be toned down. Let’s win our cases with the greater of skill and knowledge of the law, and not by seeing who can scream the loudest.

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