

Judge Joel Toomey

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Interview Transcript

Judge Gerald B. Tjoflat: Well, good afternoon. Today we're going to do an oral history session with Judge Joel Toomey. He's a Magistrate Judge here in Jacksonville and he clerked for me from August 1982 to August 1983. And during that time, I had a very unpleasant task to carry out, which was given to me first by the Chief Judge of the Fifth Circuit, and then the Chief Judge of the 11th Circuit. It had to do with supervising the operation of the Southern District of Florida, which is kind of unpleasant in a way — very challenging.

The task had its start with the Court of Appeals sitting en banc and meeting as the Judicial Council of the Fifth Circuit in June of 1979. And the problem was with the Speedy Trial Act in 1964, the time limitations had finalized. So pretrial detainees had to be released after 70 days if they were not tried. And there were some exceptions to that. But at any rate, what happened was that the Chief Judge of the Southern District of Florida had sent a message to Chief Judge Brown of the Fifth Circuit, saying that the Southern District of Florida judges would be unable to comply with the time limitations of the Speedy Trial Act. And that the court was very behind, especially in the criminal cases. The chances that courts might be behind in criminal cases and trigger the release provisions of the Speedy Trial Act had been discussed in the Judicial Conference of the United States. And the policy was that if a district court was unable to comply with the time limits of the act, then the circuit in which the court was located would have to provide additional judges to that court to bring the criminal case docket up to snuff.

And so, if the circuit could not solve the problem, then the Judicial Conference of the United States would, and judges from all over the country would be brought in to try the criminal cases in the district that needed it. So at any rate, this was a last-minute Hail Mary that was being thrown to the Chief Judge of the Circuit by the Chief District Judge in the Southern District of Florida. And it was causing a small panic in a way, because the circuit wasn't prepared to send judges into Miami, in particular, to try cases. So I was the Chairman of the Judicial Council's District Courts Committee, along with Judges Frank Johnson and Charles Clark, the three of us. And so Chief Judge Brown, when the meeting ended in June that day, he said, "Judge Tjoflat, you've got to go to Miami right away and meet with the judges down there and find out what the problem is and why can't they get their dockets up to snuff?" So I flew to Miami. At that time, there were 12 district judges in the Southern District of Florida, three in the Northern Division, which would be Fort Lauderdale and West Palm Beach and Fort Pierce, and nine in

the Southern Division. And they were all stationed in Miami and took care of Miami and Key West, but mainly Miami. So when I got there, having informed the Chief Judge that I needed to meet with all the judges, what happened was that there were six or seven judges who came and the rest didn't, and so we sat down and talked about the docket, and it was a mess. They had a lot of pretrial detainees who would have to be released in due time if the cases couldn't be tried. And that would be highly unfortunate. And from a publicity standpoint, that would be very tough.

Judge Joel Toomey: Judge, is this still 1979 or so?

Judge Gerald B. Tjoflat: Yes. Still 1979, in June. So what we did, Joel, is we went around the Fifth Circuit and enlisted a few district judges and sent them down to Miami. And the Chief Judges of the other Circuits, at Chief Justice Burger's direction, sent them there on inter-circuit assignment. And that happened throughout the rest of 1979 and 1980 and into 1981. During that time, pursuant to my Chief Judge's instructions, I was monitoring the criminal docket in the Southern District of Florida to determine how many people were being detained, how many defendants, and how many cases would have to be dismissed or where they'd have to be released, I'll put it that way, because the court couldn't comply with the time limits of the Speedy Trial Act. So that brings us up to the winter of 1982, 81-82. And as you may recall, drug trafficking in the Caribbean and along the Atlantic Coast in those days was enormous, mostly marijuana coming in, as you might recall.

Judge Joel Toomey: I remember.

Judge Gerald B. Tjoflat: Cases.

Judge Joel Toomey: Right, I remember that.

Judge Gerald B. Tjoflat: So there was a drug task force, which was organized nationally under Vice President Bush. And they were going to beef up the Southern District of Florida District U.S. Attorney's Office with more lawyers. And they anticipated trying lots and lots of cases. I think, as you'll recall, they had a heavier criminal docket than anybody in the country, really. And a lot of them were drug cases.

Judge Joel Toomey: It was sort of the drug central of the country.

Judge Gerald B. Tjoflat: It was, and of course, we had some of those in Jacksonville, but not anything like down there. So now we're in the 11th Circuit, the Fifth Circuit split on October 1st, 1981. And so now I'm functioning as Chair of the District Courts Committee for this circuit appointed by Chief Judge Godbold. And with me on that committee are Judge Frank Johnson and Judge Albert Henderson in Atlanta, and Judge Tony Alaimo in Brunswick, the four of us.

Judge Joel Toomey: So now you have less judges in the 11th circuit to help out, right?

Judge Gerald B. Tjoflat: Yes. Right. So we were really in dire straits, and we were going to be in worse straits. So the Administrative Office of the US Courts conducted a management review study of the criminal docket in the Southern District of Florida in the spring of 1982 and issued a report which showed that the court was in dire need of help, not only in judge power, but also the clerk's office was in total disarray. And the disarray in this sense was that cases were filed in the clerk's office and removed to judge's chambers. So the judge's chambers were, especially in Miami, in fact had nine clerk's offices. If

you were a lawyer and you wanted to see a case, you'd have to go to the judge's chambers because the clerk's office didn't have it.

Judge Joel Toomey: That was of course in the days of paper files.

Judge Gerald B. Tjoflat: That was paper filing. So files were stacked up on judge's floors, on desks, on one thing or another, and the judges were not coordinating with one another so that a judge who was really behind couldn't get help by a judge who was current. And so at any rate, the management review study was pretty brutal. And the way that court was operating, and the Chief Judge of the Court was Clyde Atkins, and the report was not very kind to Clyde Atkins. He's a marvelous judge, but he was not an administrator, and he was just too nice. He had a hard time straightening out colleagues.

Judge Joel Toomey: But he wanted to stay on as Chief Judge.

Judge Gerald B. Tjoflat: Yes. And so now we're in May of 1982, and the management review study was sent to Chief Justice Burger. And Chief Justice Burger realized that something had to happen down there. And he said to Justice Powell, who was the Circuit Justice, "you've got to do something about it, Lewis." So Justice Powell said to Chief Judge Godbold, "you've got to do something about this problem".

Judge Gerald B. Tjoflat: And so, Chief Judge Godbold said to me and our committee that I've just described, "you've got to solve this problem".

Judge Joel Toomey: So it went down the line.

Judge Gerald B. Tjoflat: Down the line. So one of the ways of solving the problem was to form a committee in the Southern District of Florida of three judges who would have the Chief Judge's administrative power. And the three judges we selected were Judge Hoeveler, Judge King, and Judge Eaton. Judge Eaton would be the next Chief Judge after Judge Atkins. And Judge Hoeveler was very close to Judge Atkins. And so, he and I sort of framed an order that our judicial council would enter transferring the Chief Judge's authority, supervisory authority, from the Chief Judge to this three-judge committee, I called it a Troika. And so that's how an order was entered doing that.

Judge Joel Toomey: Were those judges selected based on seniority?

Judge Gerald B. Tjoflat: Yes. Seniority all yes, all three were seniority. I think the next senior Judge would be Judge Eaton and then Judge King, and then Judge Hoeveler. So that's the way it was in June. And one of the things our committee told Judge Hoeveler, we were dealing with Judge Hoover mainly, was "you've got to fire the clerk of the court down there, because the clerk's office is a total disarray." And they were reluctant to do that. But at any rate, in the end of June, I think it was the 28th of June, I recall a telephone conversation with Judge Hoeveler. He said, in two days, we're going to meet with the clerk, Buzz Bogart was his name, and we're going to tell, and by the way, he was able to retire fully. He was 60 years old and had lots of federal service, so he could retire at full retirement benefits. Well they did, they met with him on the 30th of June, and the clerk didn't want to retire. He was very upset. He dug in his heels, and he said, "if you try to make me retire, I'm going to file a lawsuit, hire a lawyer, sue the courts. If that's coming from the 11th Circuit, I must sue the Judicial Council of the 11th circuit." So I talked to Judge Hoeveler after that, and he said that the judges were unwilling to have the clerk terminated because they caused his problems.

Marcia Tjoflat: Jerry, it's Marcia. Why don't you take a pause there and drink a little drink of water? You're starting to sound pretty raspy.

Judge Gerald B. Tjoflat: How's that? Is that better?

Marcia Tjoflat: That's better.

Judge Gerald B. Tjoflat: Okay. So anyhow, that's how we stood. The clerk of the court down there knew that he had to be terminated. The Judges of the Southern District knew that he had to go, especially the Troika, they knew for sure.

Judge Joel Toomey: At this point, Judge Atkins is still the Chief Judge by title, but not really.

Judge Gerald B. Tjoflat: Yeah, he's still Chief Judge by title. And he stopped signing everything. The duty of running the court basically was the Troika. Well, what happened was that somebody on the court leaked the management review study to the Miami Herald, this godawful criticism of the court. And on Saturday, the 17th of June, I have it here on the front page of the Herald it said, "US Judge forced to give up power." And that was on the front page of the local newspaper. Further on in the paper, "US judge forced out as chief of court", and to give you some idea of the task we had, and I had in particular, and the situation as it was down there, I'm going to read a part of that.

"A panel of federal judges critical of the chaotic state of the Southern District of Federal Courts, has forced C Clyde Atkins to relinquish his authority as Chief Judge to the three colleagues." And that's referring to the Circuit Council panel under pressure from Atlanta-based groups of ranking federal judges. That's the committee I was chairing. "Atkins quietly signed an order last month permanently transferring his administrative responsibilities as Chief Judge to three other Miami-based judges," the Troika. "Atkins is widely regarded as a capable and fair judge, but a poor administrator," the article went on. "Courthouse sources," that's the leaking judge, "said Atkins signed the June 14th order after the Judicial Council of the 11th Circuit in Atlanta, told federal judges here that Atkins must either resign his position as Chief Judge or be removed." Well, that's an error in the source, because we didn't do that. This was a face-saving compromise, one source said. This interpretation of this is coming from the leaking judge. Then the article went on to say, "the transfer of the Chief Judge's duties from Atkins to the three judges comes in the wake of a high-level report that severely criticized the operation of the federal courts in the Southern District of Florida." That's the management review study. "In April, a special 56 page audit issued by the administrative office of US courts, found Atkins, at least partially to blame, for what he called the inefficient and confused operation of federal courts here. The audit found that under Atkins leadership, the twice monthly meetings of all judges often disintegrated into discussions that rarely resulted in decisions being made about the court's operations. This district court, the audit said, has abdicated its role as a unified court in favor of individual judges directing his own court as he sees fit."

This is quoting the report supposedly, "many judges do not have control over their own caseloads. Instead, the cases and the attorneys are running the judges, causing them to work harder than would be necessary if they had control". If federal judges in South Florida don't quote, "begin immediately to coordinate their activities", unquote, the report predicted the courts here would be overwhelmed by its increasing caseload. As a result of the report, the panel of federal judges in Atlanta also called for the replacement of Clerk of court, Joseph Bogart, 60, who was with the clerk's office for the last 24 years, courthouse sources said Bogart has declined to retire, and recently submitted a letter to that effect to Atkins." So that's how things were. And now the Miami Herald's stirred things up. And you can see from

what I've read, the leaker of the report added a few things to the Miami Herald that weren't in the report. They were all rigged.

Judge Joel Toomey: Was the leaker, just out of curiosity, was the leaker ever identified or dealt with?

Judge Gerald B. Tjoflat: No. By process of elimination, I realized who it had to be. But the leaker had to be one of the 12.

Judge Joel Toomey: Right?

Judge Gerald B. Tjoflat: Except for Judge Atkins. He wasn't releasing it. So, one of 11 judges.

Judge Joel Toomey: You just wonder why somebody would've done that, because it just made the court look bad. And it you know, what good would come of that?

Judge Gerald B. Tjoflat: Well, maybe somebody who wanted to be Chief Judge, but Judge Eaton was next in line, and he surely didn't want to do it. I knew that as a fact, because he served as Chief Judge as it turned out for two years and then stepped down. But it's hard to believe. The management review study was devastating anyway. So here's what happened, the clerk of the court has to go and they got to shape up the clerk's office down there, and the whole court for that matter. So I got in touch with Pete Lee, who was the second in command in the Administrative Office. And Neil Imus, who was the Chief of the Clerks Division. And with their help, we put together a team to send the Southern District of Florida. We got Spencer Mercer, who was the Chief Deputy Clerk in Atlanta, the Northern District of Georgia. . And Jim Vandergriff was the Clerk of the District Court in Birmingham. Jane Gordon was the Clerk of the District Court in Montgomery, and then some other people. And they were sent down on TDY to Miami and took over the clerk's office. And they were communicating with my committee regularly every week. As this went on, they solved a lot of the problems.

Judge Joel Toomey: So the clerk did resign down there?

Judge Gerald B. Tjoflat: Oh, yes. Well, yes, he did. Before this happened, after this Miami Herald article, his lawyer, Neil Sonnett, called me and said, "the clerk doesn't want to resign. And he's going to sue you and the Judicial Council of the 11th Circuit", so forth and so on. And two days later, he called back. He said, "maybe that's not what he's going to do". I said, "what you ought to do is have a celebration for the clerk with a lot of accolades". Of course, after this article, the clerk didn't look very good. But anyway, this crew went down there, and they did a smashing job. They got all the court files that were in judge's chambers returned to the clerk's office.

Judge Joel Toomey: Were the judges keeping the files because they were worried that they gave them to the clerk's office they might not get them back the way they want them?

Judge Gerald B. Tjoflat: Well, they didn't have any confidence in the clerk's office.

Judge Joel Toomey: Right.

Judge Gerald B. Tjoflat: And so that was affecting the Court of Appeals too because on occasion, on appeal, the clerk was having a hard time getting a record together to send to us. That was another

problem. They had problems with courtroom deputies. The courtroom deputies were employees of the clerk's office, but they were at odds with the clerk. And so this team did a lot of training of courtroom deputies. Every facet of running a court had to be straightened out, sort of. So what happened was that by December, this transition team, I'll call it, had done their job. Chief Judge Atkins resigned as Chief Judge on December 31 of 1982. And as a matter of fact, he took senior status. At the same time, the crew all went back home. Spencer Mercer went back to Atlanta, and Vandergriff went back to Birmingham, and Gordon went back to Montgomery. And some others. There were about eight or nine all together, from different courts. Neal Imus in particular, in the Administrative Office, knew where the best people were. So that was the story.

Judge Joel Toomey: And so was a new clerk hired?

Judge Gerald B. Tjoflat: Yeah, new clerk was hired. A gentleman named March was hired from somewhere in a search that they made in the Administrative Office. And he turned out to be a cracker jack clerk. So he took over in January of 83. So in the meantime, we still had this huge criminal docket and had judges coming in from around the country. Now I mentioned that the management review study was done of the clerk's office in the spring of 1982. They also had to have a management review study of the probation service. So, maybe there were a hundred probation officers in the Southern District. Miami and all these places, Miami and Fort Lauderdale, West Palm Beach, Fort Pierce, Key West. So a study was done by the Administrative Office, and they came up with a report, and it was devastating.

And I was concerned that might be leaked. And so Judge Eaton was now Chief Judge, and I went down to see him. I said, "Joe, you've got to put that report in a drawer in your desk. You can let your colleagues see it, but they've got to read it with you sitting there. We're going to prevent this report from getting to the Miami Herald." What the report in effect said was something like this, the probation officers were doing a good job in the cases assigned to them. They were conducting good pre-investigation reports. They were going to the sentencing hearing with the judge. So the judges were satisfied with their behavior in terms of preparing cases for sentencing, but they weren't supervising probationers and parolees. And a lot of the probationers and parolees had a history of drug addiction. And so there was a drug monitoring service through urination every week, but that wasn't being done. So you had hundreds of people in Miami, in South Florida under probation or parole with drug history, and they weren't being supervised. So what we decided, and now I'm talking about my committee and Judge Eaton, with the help of the Administrative Office, we had to have the Chief Probation Officer and all of the supervisors, there were about 10 or 12 altogether, had to be terminated because all of them were responsible for this disastrous situation.

Judge Joel Toomey: Did this include a pretrial as well?

Judge Gerald B. Tjoflat: Yes, because they were doing the pretrial services as well. So if you admitted somebody to bail pending trial and they were under a certain drug provision, they weren't being monitored. So they found the number two probation officer in Eastern District of Texas. Carlos Juncky was his name. And he came to Miami. So he became the Chief probation officer. And then they found the supervisors to replace the ones that were terminated in various courts in the country as cracker jack people really. And so overnight, the probation service and pretrial services was changed dramatically. They were doing what they were supposed to be doing.

Judge Joel Toomey: So this wasn't as bad as having to let the clerk go. You didn't get as much resistance?

Judge Gerald B. Tjoflat: No, no resistance. Because what they had done was inexcusable. And they had to admit to that. Some of them, I guess, were eligible to retire. They'd been there long enough, probably the Chief Probation Officer. The others just had to find a job someplace else. But it was a disastrous situation. So that's what happened in the Southern District of Florida. And Judge Eaton was Chief Judge in 1983 and 84.

Judge Joel Toomey: But he took over for the Troika?

Judge Gerald B. Tjoflat: Yeah, he took over for the Troika and things got better in the long run. And that was the end of it. I was still the Chairman of the District Courts Committee, but that for the circuit, along Judge Frank Johnson and Judge Henderson and Judge Alaimo. And we had jobs to do, but they were easy by comparison to this.

Judge Joel Toomey: Your day job of being Court of Appeals Judge.

Judge Gerald B. Tjoflat: Yes.

Judge Joel Toomey: Relatively easy.

Judge Gerald B. Tjoflat: Yes. Well, I think we were going to discuss another topic here. And that had to do with the construction of this building we're in, and I hadn't seen this for a long time. It was a special addition to the business journal, the Jacksonville Business Journal. And it's several pages deep, and it tells the history of how this this building came about. And I'll just summarize it a little bit. We needed, in the old building, which is next door, where we left and where you worked, you know, it had 250,000 occupiable square feet, all courts. Everybody else had been moved out of the building except courts and probation service was there. But that's it. We needed another 250,000 occupiable square feet. So GSA decided what they would do is build another building across the street, across Monroe Street, which would give us 250,000 feet. And then they would build a moat or a tunnel under Monroe Street and hook the two buildings together.

Judge Joel Toomey: Wasn't there an asbestos issue with that old building at one point?

Judge Gerald B. Tjoflat: Yeah, there was and we'd have to move everybody out and do the asbestos treatment. So it was going to be very expensive, because not only building the building, but we'd have to move everybody out of our building, where you and I were, to clean the building and move everybody back. And this was about 1991 when this was happening. And when GSA is doing this planning, they were doing a long-range planning for the judiciary and Jacksonville was one of the targets. So that was what GSA had planned to do. As a matter of fact, they had done a lot of studies and everything, and the way public buildings were constructed was GSA would make a submission to the Office of Management and Budget and OMB, if it cleared it, it would submit it to the president in December, and the president would include it in the budget sent to the Congress for the next year.

And so that's where we were. This project was in OMB and GSA had just sent it up there. Well, what happened was, I was a member of the Vestry of St. John's Cathedral, and we were having a meeting in December and coming to the meeting, this was back in about 1992, were Jack Diamond, who was a

principal in KBJ architects in Jacksonville, and a gentleman by the name Frank Nero, and he was the mayor's buildings person, as it were. And they were describing a project that Mayor Austin had, which was in the drawing stage, not public yet. And they were going to come right through town here and revamp everything out to I-10 through La Villa.

Judge Joel Toomey: Which included the courthouse area.

Judge Gerald B. Tjoflat: Yeah. Included where we are right now. And so anyway, I got ahold of Nero and Diamond after the meeting, and we scheduled lunch and I told them, we need a new courthouse. I told them about the GSA plan.

Judge Joel Toomey: So you didn't think the GSA plan was all that great?

Judge Gerald B. Tjoflat: No. Inefficient. How are you going to run a courthouse in two buildings of equal size with a tunnel underneath, and you're going to bring prisoners through that tunnel, and you're going to have jurors in that tunnel, and you'll have employees going back and forth.

Judge Joel Toomey: Sounds terrible.

Judge Gerald B. Tjoflat: Yeah. So anyhow, I suggested to them that maybe we could build the courthouse where it is right now, across the street from where we were. As it turned out, the Robert Meyer Hotel was closed. You'll remember that, that building, I'm sure.

Judge Joel Toomey: I do. I remember the block. I remember the Woolworths.

Judge Gerald B. Tjoflat: Yeah. There was Woolworths. It was Robert Meyer was half the block, then Woolworths and JC Penney, which was closed. It happened that a labor union in Baltimore owned the hotel and owed the city a lot of money in back taxes, ad valorem taxes. I'd found that out. And so the discussion was something like this, it was all very secretive, I'll put it that way. The city would obtain the hotel property for taxes from the labor union. As it turned out, the Labor union had a new election, and they were trying to get the debt to the city off the books. So that worked out in time. Then the federal government would, by eminent domain, take Woolworths and the former Pennies store. And that would give us this block.

Judge Joel Toomey: Were you Chief Judge at this time?

Judge Gerald B. Tjoflat: Yeah, I was Chief Judge then. And so this took about three weeks to work this out in quiet between the mayor's office, Jack Diamond, and myself and Frank Nero and a couple other people.

Judge Joel Toomey: That's fast.

Judge Gerald B. Tjoflat: Well, what they had to do next, though, because you got to get approval of the city council. So the mayor picked four or five trustworthy council members and took them into his confidence, and they thought it was a pretty good idea. So then I got ahold of GSA and I said, we can build this whole building in this block and the city will give you half of the block, and you can, by eminent

domain, take the other half and it'll be cheaper to operate in these two buildings with a moat underneath the Monroe Street. And they thought that was great. This article says it took 24 hours.

Judge Joel Toomey: I mean, that is lightning speed.

Judge Gerald B. Tjoflat: And for GSA to say, that's a great idea. And they called OMB and put a hold on the thing in Washington.

Judge Joel Toomey: I can't believe they were that responsive.

Judge Gerald B. Tjoflat: Yeah. But so there is a statute on the books that authorizes Congress, and I think I'll call it the Public Buildings Act, where the creation of a building can be planned for by Congress. And under that Act, what Congress would do is say to the GSA, we want you to study this area because we think a building ought to be put there. GSA would simply take what they gave OMB and give it to Congress. And so that spring, I went to Washington probably three or four times with the mayor and talked to the Chair of the House and Senate Appropriations Committees and the House Public Works Committee. And they thought it was a great idea. And fortunately, within about six months, we had a bill that was enacted in the Congress, and they appropriated the money to acquire the property, the other half of the block. And to hire an architect.

Judge Joel Toomey: Well, you know, this is also a perfect spot for it because you have the skyway right there, but you also have what used to be called Hemming Plaza. Which is important to the city as a kind of central location. So that worked out great too, for the city.

Judge Gerald B. Tjoflat: Oh, it was perfect for the city. And the skyway was not being used.

Judge Joel Toomey: Right.

Judge Gerald B. Tjoflat: One of the selling points to the Congress when I called on the Chair of the Appropriations Committees in the House and Senate, was that we had this skyway that was hardly being used. So I had somebody come up with the number of people that probably would come to this courthouse, the number of jurors over a period of time, the number of employees and all that, that struck a chord with these two House and Senate committees. So then we got together with the GSA. The Judiciary by this time was entitled to play a role in the selection of the architects. So, we were involved in the interviewing of four or five architectural firms.

Judge Joel Toomey: You were involved did you say?

Judge Gerald B. Tjoflat: Yeah. And visited their sites. And so we had a joint venture between KBJ, that was Jack Diamond's firm. And a firm in Orlando. and they worked very well together. And we did the same thing with the contractors. We were involved somewhat in the designation of the contractors, but one of the great things we did in this joint effort between the judiciary and GSA is we had planning meetings with the architects and the engineers with all the constituents. The clerk's office needs this much, bankruptcy needs this, district court needs this, magistrate courts need this. And that's how we wound up with this configuration. And there was a big crunch at that time, money crunch in Washington. And there was a lot of argument about it, against putting district court chambers adjoining courtrooms. A courtroom has, say, a 20-foot ceiling and you got a judge's chambers right next to it. Well,

it doesn't have a 20-foot ceiling, so you have maybe 10 feet. So you have a 10-foot space with nothing occupying it.

So we eliminated that problem by having what I called lobbies off the main district court courtrooms. Where the judge could take the lawyers, it would have computers and everything else they needed. So Judge wouldn't have to bring lawyers to chambers. Just deal with the problems adjacent to the courtroom. And that's really worked out.

Judge Joel Toomey: Yeah, that's a great idea.

Judge Gerald B. Tjoflat: Yeah, and it won some accolades. Architectural award by the National Institute of Architecture or somebody.

Judge Joel Toomey: Well, it really is a great courthouse, I got to say.

Judge Gerald B. Tjoflat: So we moved in 2003. So it took almost a decade by the time you start the selection of the architects and you wind up with the final product.

Judge Joel Toomey: And two different presidential administrations.

Judge Gerald B. Tjoflat: That's right. Yes.

Judge Joel Toomey: And a lot of different politics.

Judge Gerald B. Tjoflat: Yeah. Oh, and by the way and this is a plus for this operation. I'll put that way. After the building was designed the Clinton administration on the anniversary of the Oklahoma City bombing. You remember when they blew up the Murrah building?

Judge Joel Toomey: Sure yeah.

Judge Gerald B. Tjoflat: And some of the floors kind of dropped. They wanted our building redesigned from an engineering standpoint, so the floors would never drop or bend. So it had to be re-engineered from that point of view. One of the nice things about it is Congress didn't give us any money.

Judge Joel Toomey: Wow.

Judge Gerald B. Tjoflat: Or it had to be done re-over. And yet this building came in under budget.

Judge Joel Toomey: Wow. Wow.

Judge Gerald B. Tjoflat: And the way it came in under budget is that we took some fancy things from the hallways and whatnot and put them all in the public areas as you see. Most of the slate and the marble and everything is in public areas.

Judge Joel Toomey: Right.

Judge Gerald B. Tjoflat: Yeah. Elevator lobbies and the like.

Judge Joel Toomey: We know this building is 30 years old now. It still seems brand new.

Judge Gerald B. Tjoflat: Yep. And so that's where we are.

Judge Joel Toomey: Kudos. As an occupant of this building, I appreciate it very much.

Judge Gerald B. Tjoflat: There you are. There's your chambers.

Judge Joel Toomey: Well, that was sort of a little bit of a happenstance meeting between you and Jack Diamond and you know, Mr. Nero.

Judge Gerald B. Tjoflat: Happenstance.

Judge Joel Toomey: Yeah. I mean, you think about how close that came to just not happening.

Judge Gerald B. Tjoflat: Oh, I have to tell one other story about this building. There was a gentleman who was against public spending, federal spending. And he had a big audience. He'd write letters to the editor and things of that sort. And a lot of noise was made about abandoning the old project and doing this project. So I got a telephone call from a Channel 4 TV reporter who used to work for the Times Union, and I knew who this chap was. He said, judge, can we come visit your chambers? Can we look at the courthouse where you work? So I said, sure.

Judge Joel Toomey: This is the new courthouse, or the old one?

Judge Gerald B. Tjoflat: The old building. He comes to the old building with a cameraman, and this is going to be nightly news, is the idea. And his presentation, supposedly, because the editors told him that was going to be why this old building's okay.

Judge Joel Toomey: Oh, okay.

Judge Gerald B. Tjoflat: We don't need new buildings. So we went through the whole courthouse down in the basement everywhere. I was on the fifth floor, if you remember. So, we get on the elevator, to go to the fifth floor, and it sticks between four and five. There's the elevator right in between.

Judge Joel Toomey: Those were old elevators.

Judge Gerald B. Tjoflat: I picked up the phone in the elevator. They got an emergency phone. And it was hooked up to the Chief Probation Officer's office. So I pulled the phone and the Chief Probation Officer answered the phone. I told him that we were stuck.

Judge Joel Toomey: You couldn't have staged this any better.

Judge Gerald B. Tjoflat: Yeah. So they pry the doors open. And I said to the reporter, you want to go ahead? judge, I'd rather not go first. So I went first and then came the cameraman, and then he came. And so we sat in my chamber after that for about a half hour. I said, well you've seen this building and if you think we don't need space, which was obvious.

Judge Joel Toomey: Right.

Judge Gerald B. Tjoflat: I showed him all the places where, you know, I think when you were clerking wasn't a public health service down on the second or third floor?

Judge Joel Toomey: I think so

Judge Gerald B. Tjoflat: Yeah. A couple of doctors and some nurses.

Judge Joel Toomey: Yeah. Yeah.

Judge Gerald B. Tjoflat: Yeah. All that was gone, taken up by the courts. So, and that's how we got this building.

Judge Joel Toomey: Well, you think about how poor...

Judge Gerald B. Tjoflat: They never ran the TV program.

Judge Joel Toomey: It never ran.

Judge Gerald B. Tjoflat: No. As a matter of fact, they editorialized that this building was needed, space was needed.

Judge Joel Toomey: Well, that's great. You know, when you see how much flack the first DCA took for their courthouse, which is, you know, supposedly really nice. I don't think I've been to it, but they got a lot of bad publicity about that. But this building, I don't think has ever gotten.

Judge Gerald B. Tjoflat: No

Judge Joel Toomey: You know, as being too ostentatious or a waste of money or anything like that.

Judge Gerald B. Tjoflat: You're talking about the building in Tallahassee?

Judge Joel Toomey: In Tallahassee

Judge Gerald B. Tjoflat: Yeah. First DCA. Yeah. No, we never caught any flack.

Judge Joel Toomey: And, you know, the old building, you think about how bad the security was. I mean, there was no separate entrances.

Judge Gerald B. Tjoflat: That was no security at all.

Judge Joel Toomey: Yeah. I remember you'd be in the same elevators. Just, I mean, I remember people used to bother you when we'd go to lunch, there'd be a litigant, you know, a frequent litigant who would come up to you. And, you know, I mean, it's just, that's not good.

Judge Gerald B. Tjoflat: That's not good. Especially in this day and age.

Judge Joel Toomey: No, I know. You can't

Judge Gerald B. Tjoflat: Security is so high. Yeah.

Judge Joel Toomey: Can't do that.

Judge Gerald B. Tjoflat: Well, I guess we ought to wrap it up.

Judge Joel Toomey: Well, it's been really interesting for me, judge.

Judge Gerald B. Tjoflat: I've had fun chatting with you.