

MEET THE JUDGES: JUDGE MICHELLE SISCO

The bigger the case, the better,” Judge Sisco says. Murder, medical malpractice, tobacco — these are a few of her favorite types of trials.

In the third segment of this recurring series on Thirteenth Circuit judges, I present Judge Michelle Sisco. It’s a bit kitschy, I know, but only three minutes into my conversation with Judge Sisco, the two words that stuck out in my mind were “Trial Queen” or ...“Trial Fiend.” Having presided over 126 jury trials to date (77 criminal and 49 civil, to be exact), she certainly has the numbers to back up the title. What began with a request to former Chief Judge Manuel Menendez to “pick up a few civil trials,” turned into what is now a split civil/criminal Trial Division. She recalls Judge Menendez’s “I’m not going to stop you from working hard” response to her request. She has certainly done that.

Only two others come close to sharing her love for trials — Judges Christopher Sabella and Samantha Ward, who preside over the two other (exclusively criminal) trial



Judge Michelle Sisco

divisions. But Judge Sisco’s devotion is unique in that it covers both the criminal and civil realms. Not to mention Division J, through which she handles all Rule 3.850 postconviction motions filed after March 1, 2016.

Judge Sisco sits in Trial Division 1, through which she takes multi-week trials that would bog down regular divisions. For her colleagues, it frees their dockets to handle other matters. For attorneys, it may get them to trial much

sooner than they could in a regular division. The beauty of landing in her division is that attorneys know they are going to trial; there are no back-up situations like in the regular divisions. Her focus is exclusively the trial; all pretrial proceedings and decisions are made in the regular division.

Continued on page 17

Continued from page 16

Some would find her split focus a bit challenging. Yet, she does not find it difficult to switch between the two. Judge Sisco explained that although the subject matter is different, the mechanics of trial are the same whether it is a criminal or civil one. Of course, in criminal trials, there are constitutional protections afforded to criminal defendants that are not present in civil trials, while in civil trials there are issues related to damages and expert witnesses, for example, that are not applicable in criminal ones. While terminology, burdens, and instructions differ, the nuts and bolts of a jury trial are the same.

In addition to trials, two weeks each month are dedicated to Rule 3.850 hearings. Assisted by two seasoned staff attorneys, they address hundreds of Rule 3.850 motions each year. Judge Sisco *really* is in court all day, every day. So she must really like trials, right? The answer is unequivocally “YES.” “The bigger the case, the better,” she says. Murder, medical malpractice, tobacco — these are a few of her favorite types of trials.

The most enjoyable aspect of her job? Without doubt, Judge Sisco enjoys interacting with jurors most. She wants the process to be as comfortable and educational as possible for them. Judge Sisco said that she will do everything within her power to ensure that the jury’s time is never wasted. She loves learning something new with every trial and watching experienced litigators in action.

With each completed trial, Judge Sisco shares her reassuring outlook on the vitality of our legal system.

Watching diverse groups of citizens come together to make tough decisions continually reaffirms her belief in our legal system. Those juries, in her opinion, act within the range of reasonableness the vast majority of the time, but in those rare instances when the jury decides a case differently than she might have, Judge Sisco said she has always felt that each juror took their role seriously. The process engenders a great deal of patriotism in her.

Judge Sisco was appointed to the county court by then-Governor Jeb Bush in 2002, and then to the circuit court bench in 2005. She has been reelected without opposition ever since. In her sixteen years on the bench, she spent time in both civil and criminal divisions, as well as domestic violence and juvenile delinquency. Each assignment taught her something that has enabled her to become a better judge and equipped her to effectively handle a split civil/criminal trial and postconviction division. After five years in her current role, there is no hesitation when she tells you this is by far her favorite assignment. Judge Sisco was also recently awarded “Judge of the Year” at this year’s Florida Bar Conference for her work as chair of The Florida Bar’s Constitutional Judiciary Committee.

Her judicial assistant, Sandi Hecksher, has been with her for twelve of her sixteen years on the bench. They have forged a close relationship during that time. Sadly, Sandi will retire before this article reaches your desk.

Judge Sisco is a proud sixth-generation Floridian on her mother Gayle Brohard Frederick’s side of the family

Continued on page 18

Continued from page 17

tree. She recounted that her mother's family moved to Braidentown (what we now know as Bradenton) right before the Civil War. Although she grew up in Fort Myers, her family moved to Tampa when she started high school. Her family has long been in the restaurant business. Her maternal grandfather, Smyth Brohard, first opened a hamburger stand for airmen training in Venice, Florida, during World War II. The humble burger stand grew to become *Smitty's* Steakhouse and led to Judge Sisco's grandfather being elected mayor of Venice. Her father, Paul Peden, joined the family business and expanded it, opening *The Veranda* in Fort Myers in 1978, a restaurant offering upscale Southern cuisine. Opening a second *Veranda* was the primary reason for her family's move to Tampa in 1981. In addition to the original *Veranda*, which is still a staple of downtown Ft. Myers, her family also owns a chain of barbecue restaurants called *Rib City*.

As one might expect, with a father as a restaurateur, Judge Sisco spent many of her formative years in the family's restaurants, and to this day, she really enjoys eating out. Judge Sisco said that her parents always stressed the importance of hard work and self-reliance. At age ten, Judge Sisco was expected to help vacuum the restaurant on weekends, and through the years she has done almost every job in the industry — hostess, waitress, bartender — including even one Thanksgiving spent waiting tables on a moving train. The only exception was that she was never assigned to the kitchen (“I was the only girl, and had three brothers, so I was never put on dishwashing duty,” she laughed).

Judge Sisco attributes many life lessons learned to her time spent in the restaurant business. “Everyone should work in the service industry at some point,” she believes. It was through her restaurant experiences that she acquired a strong work ethic and developed an invaluable internal filter (you can't always say what you want). Even still today, when she conducts admissions interviews for Vanderbilt University, she is particularly



Judge Sisco's maternal grandparents and family, who lived in Bradenton.

impressed by young people who achieve academic success while working part time.

Judge Sisco attended Plant High, and after graduating from Vanderbilt University, she returned to Florida for law school at the University of Florida. She knew she wanted to come back to Tampa — her second home. So Judge Sisco began her legal career at the State Attorney's Office where her love for trials first took root. After six years

and having prosecuted thousands of felony cases, she joined a private firm specializing in white-collar criminal defense work, where she practiced mostly in federal court. Just four years later, she joined the judicial ranks. She always kind of knew she wanted to be a judge. Her courtroom experiences along the way both inspired her and gave her the experience she thought she needed to do the job well. After watching colleagues like now Second District Court of Appeal Judge Anthony Black and now Circuit Court Judge Nick Nazaretian go through the process of applying for judgeships, she threw her name in the hat.

Along the way, she married attorney Paul Sisco; they recently celebrated fifteen years of marriage! They have two children, aged thirteen and eleven. In fact, she is fairly certain that she is the only Thirteenth Circuit judge that has given birth not once, but twice, while on the bench.

As a parent, her weekends typically revolve around the children's activities, but she also enjoys spending time on the water or traveling. Her recent travels found the family, including her eighty-five-year-old mother-in-law, in Europe for two weeks, exploring Italy, France, and Spain. In Barcelona, she encountered one of the most incredible places she had ever visited — La Sagrada Família — a Roman Catholic church built, but unfinished, by architect Antoni Gaudí. She described the reverence that the church paid to nature, looking much like a garden. The site provided an interesting intersection of her love for nature, religion, and history.

Continued on page 19

Continued from page 18

Judge Sisco's affection for nature and history is apparent. A self-described "Florida girl," if sunshine is not in the forecast, Judge Sisco loves a good thunderstorm. In her dining room is a large panoramic Carlton Ward photograph of a storm rolling in over the lighthouse at Boca Grande. When her children have asked why they have such a "scary" picture showcased, Judge Sisco stresses to them that the picture represents the majesty of nature, something both wild and beautiful that is to be respected, but not feared.

In her free time, Judge Sisco likes to read historical fiction, and gravitates towards books about war. She relishes in the logistics and analytics of war — perhaps finding parallels to her judicial assignment. Her bookmark currently holds its place in Rich Atkinson's *Liberation Trilogy*, which chronicles the European theater in WWII, starting with the initial amphibious landing of U.S. troops in North Africa. Judge Sisco wryly noted that the chaotic invasion could have largely been avoided if women had been in charge of loading the ships at the naval yard in Virginia Beach — women inherently know to pack last the items needed first. Her all-time favorite historical figure — a tidbit she offered without my prompting — is Julius Caesar, the consummate military tactician.



Judge Sisco and her family
visiting Barcelona, Spain.

Judge Sisco is also a devout practitioner of her faith. Every other week, she spends time at Tampa General Hospital serving as a Eucharistic Minister on the vascular surgery floor. The ritual is particularly meaningful to her, and an ever-present reminder of life's fragility and the importance of prioritizing those things and people most important to her. In what was one of the most profound moments of her life, her faith and career intersected while trying a death penalty case. She and Assistant State Attorney Jay Pruner were trying a capital murder trial, and their closing argument asking the jury to impose a sentence of death fell on Ash Wednesday — one of the holiest days of her faith. The significance of the request was not lost on her then or now. Recently, a death warrant came

to her from the Governor's Office (evidently, when a death warrant is signed, one final review of the entire process — from the trial court through the appellate court — occurs). The significance of her role once again weighed heavily on her.

But Judge Sisco is no stranger to making tough calls. Like the umpire described by Supreme Court Justice John Roberts, Judge Sisco acknowledges that her role requires her to call balls and strikes every day. "Being in trial all day every day, I have to be comfortable with making on-the-spot decisions," she explains, "and be comfortable with the possibility that any one of those decisions could be wrong, and cause reversal." While she appreciates the weightiness of that reality, she also knows that most

attorneys simply want a definitive decision; of course, they want to "win," but for the most part, having a judge who will just make the call is paramount.

Until next time...



*Author: Lyndsey E. Siara - Thirteenth
Judicial Circuit*