

To retiring judge, justice is not blind

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TAVARES — The 18-year-old was shaking as he approached Judge Donna Miller.

He had to answer for his third arrest for possession of marijuana, but he explained he had taken a drug test and was clean. Someone else in his car had marijuana this time.

“I am concerned you are spending time hanging out with people doing drugs,” Miller told him. “You give him a ride and this is what will happen.”

The defendant’s parents pleaded with her not to send him to jail.

“Please I am begging you,” his mother said. His father acknowledged he had a problem.

Miller, who was weighing a far stiffer punishment, relented and gave him a three-day jail sentence.

“The jail time is to say we mean it,” she said. “Your parents love you and want you to stop this nonsense.”

It was classic Judge Miller, say her colleagues and even some of those she has sentenced. Justice may be blind, but it isn't deaf or dumb in Miller's courtroom, where for 22 years she has tried not to mete out one-size-fits-all sentences but instead evaluates each defendant's circumstances and decides whether they need a hug or a rap on the knuckles.

Often, it's a little of both.

Miller, who will retire from the bench at the age of 70 in December, is not afraid to impose discipline in her courtroom, but she also feels compassion for those who straggle to her bench.

“I see a lot of people who feel entitled, and then I see a lot of hardworking people who just made a mistake,” she said. “There are some people who may do it for personal gain but there are some who are working for minimum wage and just mess up. I try in different cases to look at the person who is there and not just the charge.”

Those who have worked with Miller over the years say she has a unique approach: she prefers creative sentences, often giving offenders a second chance to straighten out through education or community



Judge Miller reflects on changes in the court system and culture as she retires

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service before sentencing them to jail or giving them probation. Yet she doesn't hesitate to mete out a stiff sentence when she must.

Discerning which ones will benefit from a break and which ones will take advantage is difficult, she concedes. But she tries.

"I get discouraged frequently," she said.

Miller's longtime clerk, Kathie Lowe, recalls a case when a man had 13 traffic citations and Miller chose to give him a break by allowing him to reinstate his license.

Months later, the defendant was back with another citation for driving with a suspended license.

Miller simply frowned while recalling the case.

"You can lead a horse to water, but you can't make him drink," she said.

Miller's arraignments often last for hours, unlike arraignments before other judges, because she wants to speak to every person coming before her and let them have their say in court.

"I think if I were in their shoes I would want someone to pay attention to my concerns," she said.

But she has no patience for those who lie under oath or commit the same offenses over and over. She often makes those defendants sit in the jury box or in the courtroom until she calms down and can address them once again, her staff says.

"There are repeat people that come back," she said, sighing. "The first time I bend over backwards to help people. When they do that again, that's jail. It is very frustrating."

Miller acknowledged she gets "compassion fatigue" because she cares for all those who enter her courtroom, and when they come back it takes a toll on her.

Still, Miller feels compelled to help those who enter her courtroom. She referred to herself as a mother bird protecting her nest and trying to chase away the big birds.

"I want to be safe and my community to be safe and I think we accomplish that more readily by helping people change their lives. If they are in a hole so deep they can never get out, they need a helping hand," she said.

If Miller sees someone with frequent DUIs, she recommends that they get their blood sugar checked to avoid diabetes.

Lowe said if Miller sees a person with a nice hairstyle or outfit, or someone who is polite, she compliments them.

She recalled one defendant who came before the court and wanted to be a rapper.

"She listened to his music tape and encouraged him to go to a place to get into a music career," Lowe said.

And she told another defendant who was interested in cosmetology to come back in a month after pursuing an education in that field, Lowe said.

Lowe said Miller will motivate young people by offering alternatives.

“She rules from the bench with her heart,” she said.

Miller will get to the bottom of an issue to find an answer, Lowe said.

“She loves to gain knowledge,” she said. “She would spend hours and her desk would be covered with case law and books all over.”

Lowe said she has inspired her to be bold.

“I would not be where I am if it wasn’t for her influence on my life,” she said, adding she encouraged her to become a probation officer.

In one of the letters Miller received, the individual described the impact Miller had.

“It is truly a rare sight to see someone with power act so humbly, intentionally and with as much integrity,” the individual wrote. “I really just wanted to say thank you, because you saw me, and everyone else who sat on the hot seat and not just another docket number.”

Public Defender Mike Graves recalled working with the judge for more than two decades.

“What I admire about Donna is she certainly tackles issues with her own vision and her own way,” he said. “Donna does things differently in court. It is almost always to get to truth of the matter or to try to assist someone. She will take extra time to work with somebody on the bench.”

Ben Boylston, criminal defense attorney and candidate for judge, agreed.

“No matter what she does inside or outside the courtroom it always comes from a place of wanting to help people,” he said.

Miller said she is proud that during her time on the bench she never developed the “black robe disease” of arrogance.

But she added laughing: “I have compassion fatigue and short-timers disease. Thank you to the voters of Lake County for giving me this opportunity. I have tried every single day to do the right thing.”