

Judicial Profile

GABRIEL D. PINILLA

Hon. Federico Moreno Chief U.S. District Judge, Southern District of Florida

I HAVE A theory about success: Combine talent with passion for what you do and it will rain down from the sky—whether you seek it out or not. Maybe this is obvious, and I’m sure my theory has its exceptions, but some people embody the truth of this formula so much that it can’t be ignored. I couldn’t ask for a better example of my equation in action than Hon. Federico Moreno, chief judge of the U.S. District Court for the Southern District of Florida.

I spent some time talking with Chief Judge Moreno recently and found myself repeatedly drawn back to this idea—that passion and love for what you do can equal (and no doubt exceed) other qualities that drive success. Moreno’s quick wit is well known, but even if you’ve never seen him in action on the bench, it’s not hard to imagine how a courtroom in Miami has provided fertile ground for Moreno’s engaging personality. In fact, to realize that Chief Judge Moreno loves being a trial judge and has a tremendous passion for the law, you only need to spend about 15 seconds talking with him. I got over an hour with him—more than enough time to see my interview for a plain vanilla judicial profile turn into a compelling dialogue filled with great laughs, philosophy, and a clear view into how passion for the law propelled this talented lawyer to the apex of the District Court for the Southern District of Florida.

Let’s start with his biography and résumé. Moreno was born in Caracas, Venezuela, in 1952. His family origins stem from Spain and France, and he is fluent in both Spanish and French. Moreno moved to the United States at the age of 12, when his family first settled in the state of Indiana. He attended Notre Dame University for his undergraduate studies in government and international relations, then earned his J.D. in 1978 at the University of Miami. During his last year of law school, Moreno served as a certified legal intern with the Florida state attorney’s office. As part of the internship, Moreno was immersed in courtroom proceedings for the first time and immediately realized that he loved doing trial work and being in the courtroom. It was there that he first thought about serving as a judge someday.

Following his admission to the Florida Bar, Moreno

entered private practice and later served as an assistant federal

public defender before starting his own firm in 1982. In 1986, when Moreno was only 34 years of age, Gov. Bob Graham appointed him to the Miami-Dade County Court. A year later, Moreno was elevated to the circuit court for Miami-Dade County, where he served for three years before President George H.W. Bush appointed him to the U.S. district court in 1990. At the time, Moreno was the youngest sitting district judge in the country and the first Latin America-born judge to serve in the Southern District of Florida.

As if this meteoric rise weren’t enough on its own, Judge Moreno was tapped for elevation to the Eleventh Circuit Court of Appeals just two years later. But the nomination was not processed because President George H.W. Bush lost the election that same year—a twist of fate about which Moreno has no complaints. “You can do it all at this level,” he says. “You can be scholarly with your written rulings, but you also get that human dimension,” referring to the real-life drama that plays out in his courtroom every day. “It’s more exciting than Court TV,” Moreno says. I laugh at this remark, but he is only half joking as he points out that his courtroom is usually packed with spectators as well as the media.

Moreno comes alive as he talks about that human dimension of trial work and court proceedings. “I love jurors and lawyers,” he says, “and the back and forth of trial and legal arguments.” Moreno confesses that he gets frustrated when attorneys before him do not advocate as effectively as they should. Here, Chief Judge Moreno betrays his passion for lawyering again.



Wringing his hands in the air for emphasis, Moreno tells me that he sometimes wishes he could step off the bench and make the arguments himself.

It's not just the complexities and drama of trial work and the heat of a great legal argument that feed Moreno's passion, however. As chief judge, a position he assumed in 2007, Moreno speaks humbly and sincerely about maintaining the respect and integrity of the judicial system. He tells me that he believes courthouses should be like "secular temples," inspiring respect in the community, just as cathedrals were built on a grand scale as a way to capture the feeling of a divine presence. Likewise, he notes that the judicial system is so fundamentally important to our system of government that it is critical for the public to have faith and confidence in the process and the institution.

Chief Judge Moreno clearly takes his role as custodian of the institution in South Florida seriously. According to Moreno, "when you're a judge you rule your own fiefdom, as chief you are accountable for the whole kingdom." Moreno is quick to praise his fellow district judges, who, he says, make his job of managing administrative issues at the court easy because of the collegial and cooperative group dynamic. Moreno is also very modest about having been appointed to the position, saying "it's not something I earned, it's something I survived," and noting that the job is assigned based on seniority every seven years.

Despite Moreno's appreciation and respect for his custodial role as chief judge, there's no question that his first love of the job is the courtroom work. Moreno has maintained a 100 percent caseload, which is rare, given the administrative duties and time commitment that come with the chief's post. Of course, his answer is simple and consistent: "I love the trial load."

It seems obvious to all that Moreno's passion for "the work" has played no small part in his success in managing extraordinarily complex and high-profile cases. Moreno's docket has seen organized crime cases, battles over the restoration of the Everglades, and a massive class action lawsuit against the country's largest health care providers. Some of the most significant cases assigned to him also include controversial drug cases, such as the prosecutions of Willie Falcon and Salvador Magluta in the mid 1990s—cases in which jurors were bribed and witnesses were killed. A more recent drug case involved the Rodriguez-Orejuela brothers of the Cali cartel, a trial that resulted in a multibillion-dollar forfeiture and lengthy prison terms for the defendants.

Perhaps most impressive, however, is the massive multidistrict health care litigation that the Judicial Panel on Multidistrict Litigation assigned to Chief Judge Moreno in 2000. The so-called Aetna matter consisted of more than 50 lawsuits brought against health maintenance organizations across the country. The litigation involved more than 900 lawyers, 700,000 doctors, and the country's largest health care providers.

Chief Judge Moreno At A Glance

Most significant issues for federal bar: Budget for judiciary and independence of judiciary. Chief Judge Moreno emphasizes that we must properly equip the legal system and all its participants to properly conduct their work and maintain a culture of respect for the judicial process and institution.

Advice to attorneys who appear before him: Be prepared. Judge Moreno will make sure you have done a proper work-up on all issues before him. Just as important, attorneys appearing before Judge Moreno have a "good will account" that is depleted every time they are dishonest. "Guard your good name and reputation. No case is worth blemishing your name—it is your most important possession."

First job: Worked as a janitor at Notre Dame.

Favorite songs: Judge Moreno says he generally likes "the Oldies" but has a soft spot in his heart for the "Notre Dame Victory March" and "God Bless America." (Moreno is fiercely patriotic, which he attributes to his experience coming to the United States from Venezuela.)

Favorite movies: *Rudy* (if you haven't noticed, Judge Moreno is a huge Notre Dame fan) and *Remember the Titans*.

Favorite hobbies: (1) Golf, which Judge Moreno calls an obsession; and, (2) Travel. Judge Moreno's favorite destinations include Buenos Aires and Spain, in particular the small village where his family is from. As to his love of travel, Judge Moreno quotes a Spanish proverb that he has modified: "No te quitan lo viajado" ("No one can take away from you what you have traveled"). Judge Moreno says he feeds his love of history with his travels and notes that he makes sure to visit the courthouses wherever he visits.

Moreno says he is proud of the work he and his clerks have done on that litigation, and he has been called a pioneer in managed care reform as a result of his involvement. By way of example, the Connecticut State Medical Society observed that the "historic settlement gives everyone reason for optimism and it is Judge Moreno's wisdom that has made possible the better healthcare system that will result for all."

When asked which cases stand out most in his mind, Chief Judge Moreno points to this multidistrict case as one of the most significant in his career. He says that this matter was particularly interesting and challenging for him because of the caliber of attorneys involved in the litigation and the logistical hurdles of running a case with so many parties and lawyers.

Other cases that Moreno recalls as having had an impact on him fall into what he calls the "emotional significance" category. Some of these include a case

involving a woman who had given her child up for adoption but later changed her mind and sought to regain custody. The law prohibited returning custody to her under the circumstances, which, for Moreno, was a difficult ruling, given the intense emotions at issue.

Moreno also discussed how sentencing can sometimes be difficult, especially in the case of young people with bad family circumstances or in death penalty cases. He becomes solemn and steady with his words when he tells me about these cases, noting that, as hard as these situations can seem, they are part of the job—no doubt part of the complex “human dimension” Moreno finds so compelling about his work.

I catch him for the interview under simpler circumstances: administering the oath of attorney to a newly minted law school graduate. Moreno does not disappoint; his charm and wit soar as he talks and jokes with the young man’s family. He starts out by asking his judicial assistant, “How much are we charging for this one?” and stating, “I’d rather swear you in than take your guilty plea.” Then he gregariously welcomes the family and invites them onto the courtroom floor so they can get a good view for pictures. The well-timed one-liners continue and help provide warmth and a sense of intimacy for the family, who are all smiles. After the oath is completed, Moreno anticipates the family’s hesitation to take up his time, so he encourages and even orchestrates different poses for several pictures. You can tell this is one part of the job he especially enjoys.

During our meeting, I ask him about another swearing-in for which he is known. After having passed the bar exam and lining up a job, Moreno’s oldest daughter was getting ready to fly out to start her career in Washington, D.C. Moreno insisted that he swear her in before she left for the airport. Grabbing a spare

judicial robe he keeps at home and with his daughter still in her pajamas, Judge Moreno proudly administered the oath to one of his own.

I asked him what advice he gave his daughter about working as an attorney. His response echoed what seems to have been the beacon of his own career: “Do what you like if you can.” For his daughter, this advice shed light on her employment options. She could take a lucrative job with a highly respected national law firm or hit the ground running with the U.S. Department of Justice, where she would gain courtroom experience immediately. Perhaps in part because of her father’s love affair with trial work, she opted for the latter choice.

Moreno’s advice to South Florida lawyers recalls this same creed: “Do what you love if you can.” He poses a hypothetical question to capture the essence of his advice: “If you were to win the lottery, how would your practice be different? Would you still be a lawyer? [You should] enjoy what you are doing.” Moreno hasn’t won the lottery, but there’s no question that he is right where he wants to be, having arrived there through tremendous talent and a bottomless passion for his work. **TFL**

Gabriel Pinilla is an attorney at WardKim LLP in Ft. Lauderdale, Fla., where his practice is focused on complex commercial and civil litigation on behalf of both plaintiffs and defendants in the federal and state courts.