

Judicial Profile

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Hon. Miles Davis U.S. Magistrate Judge, Northern District of Florida

JUDGE MILES DAVIS was sworn in as a U.S. magistrate judge for the Northern District of Florida, sitting in Pensacola, in 1996. Already a respected civil trial lawyer and a former Marine, he earned the respect of the judiciary early in his first term.

Several years after assuming his position, he was presiding over the discovery process in a case in which the lawyers had become so entrenched in their own theories of the case and so eager to one-up each other and to bury each other in paperwork and endless motions and objections that Judge Davis eventually found the attorneys intolerable. He saw that they were not representing their clients' best interests but had made the case personal. When one attorney filed yet another motion to compel, Judge Davis authored a short order to assist both attorneys:

In my nearly thirty-four years as a civil trial lawyer and judge I have seen it all and have heard it all. I am well aware that abuse of the legal process most often occurs during discovery, and that lawyers do things during discovery that they would not dream of doing if a judge were present. If you have made speaking or suggestive objections during a deposition, or if you have instructed a witness not to answer when you had no right to do so, I will know what you are about. I am not inclined to favor such behavior. If you do not return telephone calls, are always "unavailable," screen every communication through two layers of staff, and then dash off e-mails "confirming" something that was not agreed on when you were finally reached, you are not fooling anyone. If civility and common courtesy are not in your make-up, or if you think bully tactics are a necessary part of the practice of our profession, you undoubtedly will not like the consequences of your lack of manners. I will not consider half-baked arguments, lame excuses, delays caused by the client, mud slinging, passing the buck, pointing fingers, blaming support staff, or, particularly, lack of time. If you are too busy to take care of your obligations, you should reduce your caseload. Claims of ethical violations are not taken lightly, and if you



have made such an accusation against opposing counsel, you have done so at your peril if you are not prepared to prove it. ...

If you have answered a discovery request "subject to" or after "reserving" an objection (or similar phrase), you have waived your objection. You should not assume that I will buy your argument that a common English word is "vague" or "ambiguous." If you think something is burdensome, accompany your objection with facts to show it. In short, if your discovery demands or responses are not well thought out and clearly presented, or if you are the deposition-taker from the nether region, you are on shaky ground indeed.

His order—now known as the "Davis Discovery Order"—went "viral," so to speak. It is permanently posted in the "Attorney Resources" section of the

Northern District of Florida's website and is standard recommended reading for young attorneys.

"Judge Miles Davis has always been a highly astute and immensely fair jurist and trial lawyer," said Ralph A. Peterson, a senior partner with Beggs & Lane in Pensacola who was under the tutelage of Judge Davis, a litigation partner with the firm when Peterson first started practicing law after serving a federal judicial clerkship. "At the time that Judge Davis ascended to the bench, he had the reputation as one of the finest trial attorneys in the state, and that experience, skill, intelligence, and professionalism have continued during his service as a judge," Peterson explained. "One of the best ways for a young attorney to hone trial skills and expertise is to try cases before Judge Davis; much wisdom definitely will be encountered and learned."

Judge Davis' perspicacity is not solely a product of his civil trial and judicial experience. In 1967, he earned a degree in business administration from the University of North Carolina at Chapel Hill and was commissioned a second lieutenant in the U.S. Marine Corps. He served in Vietnam as a rifle platoon commander and company executive officer, participating in nine named combat operations, including Operation Dewey Canyon in 1969. He was wounded for the second time in that operation, and almost lost his life when the medical evacuation helicopter was hit by enemy fire. He freely admits that he owes his life in large part to the heroic actions of the Marine air crew who piloted the disabled aircraft to a support base. Judge Davis' decorations include the Bronze Star for combat valor, the Purple Heart with Gold Star (denoting the award of a second Purple Heart), the Navy Commendation Medal for combat valor, and the Vietnamese Cross of Gallantry with Silver Star.

He describes himself as a true son of the Marine Corps. He was born in 1946 in Quantico, Va., where his father, Ray Davis, a lieutenant colonel in the Marine Corps was stationed. For his heroic actions in the Korean War, Lt. Col. Davis received the Congressional Medal of Honor, the highest military decoration awarded by the U.S. government. "He was the finest example of humility for a world-class hero," Judge Davis said of his father. "He always said his men got him those medals."

In addition to his father, Judge Davis cites Senior Judge Roger Vinson, his longtime colleague, as influential to his judicial style. As a young attorney, Judge Davis tried a five-week case before Judge Vinson. Davis was acutely aware of Judge Vinson's busy docket. During every break in court, Vinson passed piles of paperwork to and from his staff to keep other cases moving. Despite his busy docket and the tediousness of a time-consuming trial, Judge Vinson never told the young attorney to hurry up. "He let us try our case. He's always been even-handed, and considerate and respectful of the parties and their attorneys."

Judge Davis carries on his father's tradition of prac-

ticing humility, compassion, and stewardship, and on the bench he conducts himself in the even-handed manner of Judge Vinson, who now serves as a senior judge in chambers just down the hall from his own. "I believe that a judicial officer—at whatever level—affects people's lives." He is keenly aware that every case he handles, no matter how minor the offense, is immensely important to the people involved. But with that in mind, his compassion does not interfere with his obligation to act in the interests of justice. "Even a drug possession is a federal offense," he said, speaking about a recent sentencing, when he looked the defendant in the eyes and said: "Forty or fifty thousand Mexicans died so you can smoke a joint. I wouldn't want that on my conscience."

Judge Davis retired on Jan. 31, 2011, and now serves on part-time recall status. His chambers and staff may be smaller, but his dedication to the judiciary is as strong as ever. Although he has the freedom to take on only the number and type of cases he wants, he requests a variety of cases, drawn equally from the other judges' heavy dockets. Because of his willingness to conduct criminal hearings, the clerk's office reported that, during just one month in 2011, he actually logged more courtroom hours than any other magistrate judge in the division did.

Chief Judge M. Casey Rodgers' remarks appropriately sum up Judge Davis' stellar reputation: "Judge Davis has been blessed to serve his country in two of our most honorable professions, the military and the judiciary, and he has served the public well in both. It has been my privilege to serve alongside him on the bench. Our district is fortunate to have him continue his judicial service in recall status."

Despite his continuing activity in the court, Judge Davis is enjoying retirement and the time it allows him to explore new interests and rediscover old ones. On any given day one can find him strumming his guitar (he cautions he is still a beginner), tending to his honeybees, or enjoying a ride on his motorcycle. He also continues his commitment to public service as a life member of the Marine Corps League, the Disabled American Veterans, the Military Order of the Purple Heart, and as a volunteer for the American Cancer Society. **TFL**

Amy Marden is a former law clerk to Magistrate Judge Davis.