



Judicial Profile

by Coleman Watson and Salomon Laguerre

Hon. Mary S. Scriven, U.S. District Judge for the Middle District of Florida

Words of encouragement from those whom we want to make most proud—our parents—undoubtedly plant seeds for years of perseverance to attain an ultimate goal. Shortly after the Florida State University School of Law commencement exercises in 1987, Dr. Mary Banks Stenson—a Macon, Georgia native who personally lived through segregation in the deep South—delivered a handwritten letter to her daughter that, among other things, reflected how proud she was of her daughter's accomplishments as an honors graduate and the law school's first student graduation speaker. The letter concluded with these inspiring and encouraging words: "Who knows, a federal judgeship is not out of the question."

The future would prove that a federal judgeship was certainly *not* out of the question for Dr. Stenson's daughter who, in 1997, became U.S. Magistrate Judge Mary Scriven. The significance of the achievement traveled well beyond the walls of the Stenson home and meant just as much to her community, as Scriven was the first African-American woman to sit on the federal bench in Florida and only the second to serve the federal judiciary in the Eleventh Circuit.¹

Growing Up in the Sixties

Mary Stenson Scriven was born in Atlanta in 1962 to Dr. Stenson, a nurse and nurse educator, and the late-Rev. Dr. Marshall Stenson Jr., a Baptist preacher deeply rooted in his community. The judge's father, during his tenure at the First Baptist Church of Macon, became a chief ombudsman for the civil rights movement and hosted Dr. Martin Luther King Jr. and other civil rights workers as they moved through central Georgia.



The 1960s was truly a transformative era in American history, and several badges of the decade touched Scriven's life. She was the only African-American in her classroom at T.D. Tinsley Elementary School in Macon due to desegregation of the public school system following *Brown v. Board of Education*.² She recalls times where, as an adolescent, adults who were committed to diversity

Coleman Watson is a litigation associate at Baker Hostetler LLP's Orlando office and president of the Orlando chapter. Salomon Laguerre is also a litigation associate with Baker Hostetler in Orlando. He was a term law clerk to Judge Scriven.



made choices on her behalf to ensure that she was not excluded from certain experiences. For example, she was the only African-American in her Girl Scout troop. The troop initially used a segregated local church for meetings, until members of the congregation told the troop leader that either Scriven had to be removed from the group or the troop could no longer use the church for their meetings. The troop leader promptly moved the meetings to her home.

"My high school guidance counselor also said that I would never get into Duke University or that, if I did get in, it would only be because of my race, and therefore, I would not succeed. She would not even send a favorable recommendation on my behalf. I brought this to my high school principal's attention. She had the courage to do the right thing, and I got accepted to Duke," says Scriven. She has a daughter who will be graduating from Duke in May 2015.

Collegiate Years

Scriven entered Duke in the summer of 1980. She majored in political science, graduating with honors. Not only did Duke provide her with a prestigious undergraduate degree, it led Scriven to her soulmate, Lansing "Lanse" Scriven, the son of the first African-American police chief of Jacksonville, Florida.

At first sight, Scriven knew she was "instantly in love" with Lanse. "He was the first man I met at Duke. We both had enrolled in a summer program for minority students. My parents were helping me move into my dorm, which apparently my dad never realized was co-ed until move-in day. Lanse's door was the first on the boy's side of the hall. When my dad realized he was an actual resident of the dorm, *within feet of my room*, he immediately shouted, 'You're not staying here!' It took a while, but my mom finally convinced him that I was an adult, and that it was OK to leave me at Duke." Scriven and Lanse did not date until their senior year in college, and instead developed a close friendship that gradually matured into a relationship over the next several years.

As an undergraduate, Scriven got the law bug from two sources: completing a seminar course in constitutional law, and serving as chief justice of the Student Judicial Council. In that role, she got her first flavor of serving as a jurist by considering allegations of honor code violations and misdemeanor offenses committed by students against other students.

Private Practice of Law

Scriven completed her studies at Duke a semester early and then returned to Macon to teach high school English at her alma mater for the remainder of the school year. Though she loved teaching, she had her sights set on a legal career. She initially planned to attend the University of Texas at Austin to obtain her law degree. One need look no further than her Doberman at the time, affectionately named Austin, to discern just how intense her interest was in the University of Texas. By

this time, Lanse, too, had completed his studies and was considering law school as well. They both applied to the University of Florida and Florida State University. The decision turned on two things.

"The University of Florida was just too big for me compared to my life at Duke. And, in 1984, I lost one of my brothers to a tragic car accident. After that, I wanted to stay closer to home, so Florida State was the best choice for me," says Scriven.

She attained her J.D. degree from Florida State, with high honors, in 1987. She and Lanse were married the following year and began searching for their first legal jobs. "I applied to many firms, one of which blatantly told me it simply was not ready for an African-American woman, and I met cool reception at others. I joined the law firm of Carlton Fields because it was cutting edge for the time period; the firm welcomed me and was open to my presence and cultivated me as a lawyer, not a black lawyer," she says.

Scriven cut her teeth early in the federal system, as one of the biggest clients of the firm, the Federal Deposit Insurance Corp., routinely brought its claims to federal court. Life at Carlton Fields also brought her to colleagues whom she would eventually join on the federal bench, such as Hon. Anne Conway, now chief judge of the Middle District of Florida. She also appeared before other judges who still sit on the federal bench today, like Hon. Susan C. Bucklew. Scriven remained for more than 10 years at Carlton Fields, where she became a shareholder.

"I became a mother while practicing law, which was a tremendous challenge. The phrase 'the law is a jealous mistress' is certainly not an overstatement. The law demands your attention. It is a language, and learning and practicing it simultaneously requires considerable effort," says Scriven.

In 1996, her interest in teaching once again emerged, and she became an associate professor at Stetson University College of Law, instructing courses in commercial law, remedies, legal malpractice, banking law, and contracts. "Remedies is perhaps the most important course that any law student can take, because many attorneys rush to establish liability and fail to consider what their best-case scenario may be and what proof is required to secure that relief. A lawyer needs to

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The Scriven family

know what relief is available before going through legal exercises that may waste time, a client's money, and a court's scarce resources," says Scriven.

In many ways, being a professor of law was the perfect segue to service as a federal judge. "In the context of teaching courses in law, you must develop a sense of personal accountability for your own work. There is no team of people waiting to help you answer purely academic questions of law. As a judge you are, of course, no longer an advocate; rather, your sole goal is to seek the correct answer to the most pressing questions before the court," says Scriven.

Taking the Federal Bench

Scriven. The name itself—derived from the Latin word *scriba*, meaning a public scribe having the highest rank in one of four occupational grades during ancient Roman times—seems destined for a judgeship. But Scriven's ascension to the federal bench is more a story of perseverance rather than destiny. In 1997, after applying for the position twice, she was appointed as a U.S. magistrate judge for the Middle District of Florida. She remained in that seat for more than 10 years and contemporaneously sought a seat as a U.S. district judge three times before eventually being nominated in 2008 by President George W. Bush.

"What you see at the end of the road does not always portray the journey. The federal judicial appointment process in particular requires that you continue to put yourself out there. You have to refrain from assuming that the process is unfair if you do not get selected on your first pass, and, instead, look internally to continue to develop yourself as a person and as an attorney," says Scriven.

Observe Scriven while she presides over a hearing or a trial, and you will quickly notice that she displays the same passion and urge to ensure that a fair and just result is reached, irrespective of the simplicity or

complexity of the matter before her. As a judge, she values and constantly applies the same character traits that have carried her through her life thus far: patience, confidence, determination, and respect for all.

"As long as I've known Mary, since we met as college freshmen, she's always had a spirit about her of wanting to treat everyone fairly. She is one of the few people I know who is *naturally* comfortable interacting with people from all walks of life. We were best friends long before we became romantically involved. And I also have the good fortune of being able to call her my wife. I consider myself very blessed," says her husband, Lanse.

"Having an attorney for a husband keeps me grounded," Scriven says. "Seeing how devoted he is to his clients' interests serves as a constant reminder to me that when litigants are before me in my courtroom, there are real people behind these problems. It makes me mindful of the need to allow everyone to be heard."

Lanse is now a shareholder with the law firm of Trenam Kemker in Tampa, Florida, and, like Scriven, has achieved a list of firsts in his own right. He was the first African-American attorney in Trenam Kemker, the first African-American to make partner at the firm, and the first African-American to serve as president of the Hillsborough County Bar Association. He is currently serving a second term on the Florida Bar Board of Governors—the first African-American representative from the 13th Judicial Circuit.

As a jurist, one of the most surprising things Scriven has observed from civil litigants who appear before her is when she orders a hearing involving a novel or complex issue of law and, rather than present oral argument, an attorney insists on resting solely on the arguments made in his or her papers.

"I typically only hold hearings when there is some significant difficulty on the issues, and I need the assistance of both parties to properly understand their positions. Attorneys sometimes make the mistake of explicating a difficult legal issue right up to the point at which there is a gap in the law or a twist in the facts, where an unresolved question lies, and then they stop," she says. "When that happens, what the court needs is for the lawyer to acknowledge that there is a gap, jump in the trenches, and tell the court how to resolve the part of the case that is especially difficult. After all, the attorney in the trenches, rather than the one merely 'resting on the papers,' is more likely to present a persuasive, legally sound resolution."

A Glimpse at the Personal Side

Scriven is also a devoted mother of four children, the youngest of whom decided to announce his debut while she was holding a hearing during her tenure as a U.S. magistrate judge. "The hardest job in America is raising a child," she says. "Kids come to you somewhat preprogrammed, but you have to use all your resources to give them the resources to navigate through life, steering them as best you can away from sharp objects and cliffs,

metaphorically speaking. Then all you can do is get out of the way and hope they make smart choices. In many ways, being a judge makes being a mother all the more terrifying, because in the cases on my criminal docket, I see all the pitfalls that even good kids can fall into without proper guidance.”

Aside from spending quality time with her family, Scriven—or, rather, “Sister Scriven”—enjoys spending time with a couples’ group from her church. She is also a *Scandal* fanatic, ever intrigued by the shenanigans of Olivia Pope in her efforts to keep the nation’s capital in order. She also routinely keeps a good legal novel within arm’s reach for some entertaining reading before retiring for the evening. When asked, if not a federal judge, what her fantasy endeavor might be, she says, “I would like to think that I would be studying in a Le Cordon Bleu program in Paris, because I love the art of cooking, though I do hate the question ‘Mom, what’s for dinner?’”

Had Dr. Stenson not shared those simple words of

encouragement with her daughter so many years ago, and had a young attorney named Mary Stenson Scriven not availed herself of the opportunity to serve on the federal bench, the community and members of the Bar of the Middle District of Florida would surely have been deprived of an unwavering guardian of justice. Dear Dr. Stenson, we salute you. Thank you for your words of encouragement, and thank you for your daughter. The law needs her. ☺

Endnotes

¹The first African-American woman sitting in the Eleventh Circuit was Hon. Vanzetta Penn McPherson, a U.S. magistrate judge now retired. Since 1997, two other African-American women have been appointed as U.S. district judges in Florida: Hon. Marcia G. Cooke (S.D. Fla.) (appointed May 18, 2004); and Hon. Charlene Edwards Honeywell (M.D. Fla.) (appointed Nov. 12, 2009).

²347 U.S. 483 (1954).