



Episode 6

Judge Singletary: A View from the Chancery Bench

Craig: Welcome to the Robertson and Easterling podcast. Thanks for listening. I'm Craig Robertson.

Matt: And I'm Matt Easterling. Craig and I are board certified Family Law specialist or simply, we're professional storytellers. Together we run one of the most successful boutique law firms in Mississippi.

Craig: As divorce lawyers, we are creative problem solvers who work with real people during the most difficult seasons of their lives. So, sit back, relax, take a deep breath. Everything's going to be okay. You found us and what you're about to hear is going to help.

Craig: Welcome to today's show! Today we have with us Judge William Singletary who is absolutely one of my favorite people. He was on the bench my entire career and today he is here to talk to us about Chancery Court practice and his new mediation practice. Judge Singletary, thank you for spending time with us today.

Judge: Thank you Craig. I appreciate your invitation and backatcha on all those comments on admiring and befriending me

Craig: So, what's retirement like? You've been the public figure for 24 years and you've been retired now for less than a year, how does it feel?

Judge: Well its nice not having to get up Monday morning and put on customary uniform of a lawyer and go to court but honestly, I haven't really stopped working. I work two or three days a week. I'm doing mediation work which has picked up and I'm senior status judge which means I take appointments from the supreme court for cases where other judges have recused themselves and that might take me out of town. I have several cases in Brookhaven, Decatur, and kind of around the area so I'm staying busy but its nice though not going to work every day.

Matt: Is there anything you miss about the bench?

Judge: I do, I really miss the staff and the people around the court house.

Craig: So, for those people who don't know, as a chancery court judge, and for our listeners, the chancery court judge are the judges that hear all the issues concerning families. They hear divorce cases. They hear child custody cases, and they also hear estate cases and cases dealing with land, cases dealing with lunacy, conservatorships, guardianships, what did you spend most of your time doing in the 24 years of being on the chancery bench? Would it be divorce cases, custody cases, what would it be?

Judge: About half of the chancery docket in Hind's county is domestic family issues, divorces, child custody, and stuff. But also, because it's Hind's country and the seat of government, we hear all the appeals from state agencies and so a lot of the work is that as well so it's a variety of stuff. That is one of the good things about the job. There was never a day that was like another day.

Matt: So, in 24 years on the bench do you have any idea of how many divorces or custody cases you presided over?

Craig: It would have to be thousands.

Judge: Yeah it would be. I'd assume in the thousands but I don't really know.

Matt: Are there any of them that still keep you up at night or you remember?

Judge: No, one of the characteristics you have to have as a chancery judge in particular, and I think any kind of judge but more important a chancery judge than any other, you got to be able to leave it at 5 o'clock. It was rare for me to think about and worry about something I had done over the weekend or after I went home. Not to say there weren't some cases that affected me but you have to put it aside as you guys do. You can't keep your client's business personally.

Craig: I know that Marty speaks the enneagram language and I'm sure she's pinned you as a...

Judge: Oh, I'm a number 1!

Craig: Oh, a perfectionist, absolutely. So, I'm a number 8. I'm a challenger and which, great for your lawyer not so great for your husband, and I get wrapped up in the challenge of it but as a young lawyer, I'm not a young lawyer anymore but as a young lawyer I...

Judge: You are a young lawyer as is Matt.

Craig: Well...

Matt: I don't feel that way.

Judge: Claim it while it's yours.

Craig: So yeah some of the cases it's just hard to leave it at the office. I tell a lot of people in my initial consultations that there are certain people in the world that are very difficult to surprise and divorce lawyers and chancellors are among that group. Every

now and then somebody will, they will surprise me and ill tell them when they do, and I'm sure you've had that experience while you are on the bench too.

Judge: Of yeah, certain set of circumstances can sneak up on you sometimes but then again there was always the dangers of the job, particularly in a domestic family issues or divorce case, you had to be careful not to just categorize this immediately. You start hearing a case and you hear so many that are similar and you start hearing common characteristics and you think "oh that's box number 56" so you have to be careful not to make assumptions about where this case is headed and not zone out on them.

Craig: What trends did you see because you were on the bench, is there some trends that you recognize as the dynamics of families in hinds county particularly or in Mississippi generally that you saw changing over the course of the 10 year, over the 6 terms on the chancery bench?

Judge: Yes, I think fathers by the end my career, fathers were a lot more engaging with their children and more anxious to be rewarded custody and to just have more than just the standard visitation which is every other weekend. They would come and be requesting more of the week on week off or more time. So, I'd say that over the time was a change that I saw.

Craig: we are going to have a whole episode devoted to that. Kind of the role as a modern father and I'm really glad you brought that up because more and more, even today I had a conversation with a dad who wanted to rearrange his original custody agreement because of that very reason, why do you think that is Judge? Is it the more women activity in the workforce here or what would you attribute that to?

Judge: Well I don't really know exactly what would be the cause of that other than just in the overall broad rubric of education, I just think people have been as a society we have just educated folks to the advantages of children to having both parents available for their care and love and nurture, so I don't know exactly why that is but it's a good thing. I think, I like to think of myself as an optimist, I think that the social trends are mostly good or at least more good than bad, so I see us headed in the right direction.

Matt: So your honor, one thing that I think is very interesting, considering when you took the bench, there have been a lot of societal changes that we have seen since from when you to the bench to when you retired namely cell phones and social media. How did those two societal influences change what you saw in the court room?

Judge: Well the most obvious change is people would come in, lawyers would come in with their case prepared to offer evidence against the proposing side that they had gathered through social media and not just social media but texting and sending pictures and incriminating evidence over digital means in all forms. Social media has obviously been a real boon to gathering evidence for you guys.

Craig: Well in my experience and my opinion there is really nothing that a party to divorce litigation can gain from social media by putting things out there on social media. Do you agree?

Judge: Oh absolutely, now you are talking to somebody that, I refer myself to a dinosaur sometimes because I don't do Facebook, I don't do snapchat or whatever all those things are. It doesn't really interest me. I don't really care to know that much about what's going on with that many people, maybe a full of people but anyway, I don't see it as anything beneficial and certainly if I was one of you guys counseling potential divorce litigants, I think the first thing I would tell them is you have got to drop yourself off of all of this stuff during the period that I am representing you and extract a commitment off of that. There is nothing good to be gained for their case.

Craig: I started practicing in 1999 and you had already been on the bench 5 years. You actually had already been on the bench until the last few months, my entire career and I can remember early on some of the cases, back when everybody had a house phone, and it was one of those cordless phones and I can remember the very first juicy adultery case I was ever involved in and this girl had met her lover on like America online or something like that, which was just a hot new thing. So, her husband was suspicious because she would take her cordless telephone and go out and walk around the swimming pool. Well this guy was, what I thought, a genius tech savvy. So he got a police scanner and he put it in the pool house and I can remember people doing this, they'd get their police scanners and they would set it to some certain frequency and listen to their neighbors conversations and stuff like that, well this guy did that. He set it in the pool house and captured just hours of her on the phone with her lover. It's funny because, you know I'm 45, and here we are in technology and GPS tracking and snapchat and social media. There are 30 different apps that someone could use to privately communicate with someone and it really is, I don't want to say the wild west, but there is just so much technology out there and without even getting to all the academic stuff about how evidence works and authenticating different types of communicating. I'm a parent. I've got two daughters. I have a 15-year-old and a 14-year-old and matt has a young daughter and we have had these communications about, man I'm the first generation of parent who have to circumnavigate snapchat. It changes and judges are the same way. There are these waves of technological changes and trends that change what you experience.

Judge: Absolutely.

Matt: I've been practicing a little over 10 years and the majority of my practice has taken place during the cell phone and social media wave but not only all of those things, there are so many different outlets at our fingertips. Our culture as changed to where everybody needs to say exactly what they think, and they need to publish it. I know, Judge Singletary, one of the first big cases that I had ever did was in front of you and I dealt with a man who felt compelled to just write the most vile things into emails and then send them to his wife. The entire thing I was just harvesting hundreds of them at a

time and I would make him read them in court, but I would think sometimes what a lawyer would have done 10-15 years ago because this is how this man had treated this woman and their children for the last decade but until email and text messages how would you have been able to actually convey exactly what he had been doing at home because I don't think you could get up there and say "he called me this".

Judge: You guys jobs are made easier in some respects now a days than it used to be.

Matt: Except when your client sticks their own foot in their mouth which makes it harder.

Judge: Oh yeah sure.

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Craig: I wanted to ask you about one thing and what did you do Judge, you probably heard thousands of cases, with a pure he said she said case? I mean how, I know every case is different because you got the wife saying one thing and husband saying something the exact opposite, what do you do with that?

Judge: You know that's where it just comes down to credibility. It was my job, a chancery judges' job without a jury there, to judge the credibility of the witness. When it's a he said she said situation, you have to just watch them very carefully the entire trial and be prepared to kind of go either way once you saw which one of them finally convinced you by what they said or someone's inconsistency. Lot of times you were withholding judgement on that point until they had enough rope to hang themselves. It was hard. I always liked it better after we got more readily available incriminating evidence that we had been talking about. It made my job easier.

Craig: How hard is it? I mean I tell people I've got this crystal ball that doesn't work but I tell them if I had a crystal ball, id probably be doing something other than a divorce lawyer. You are sitting there on the bench, two good lawyers presenting their case, is the equitable thing obvious or is it something that you have to labor over?

Judge: On no. Many cases are obvious or what you think is likely is proved to be obvious is known to you early in a case. You know how lawyers are, sometimes they will over prepare and go on forever when it would be better you just set out a simple defense of their client or prosecution of their clients position and let it stand at that. However, I have had that conversation before and learned that if a lawyer can't read you as a judge then they have to be prepared to just keep going because they don't

know when he's had enough. So, I don't think I have a poker face on the bench, a lot of lawyers would tell me they couldn't tell what I was thinking but I didn't signal it as much as I had thought, I guess.

Craig: I always thought you were very patient on the bench. What happens when lawyers go back in chambers and I tell people what happens when I go back in chambers and I believe that most of the time they believe me, but is that useful for you when lawyers, I think clients get afraid and think they are back there cutting deals and im being left out of the conversation but what did you find beneficial? I know you liked to have lawyers come back and talk a little bit informally about cases, is that a good thing or a bad thing?

Judge: The criticism of me I think was justified probably other than preferring to start at 10 o'clock instead of nine, was that I did too much of that. I didn't keep in mind what the clients were thinking when the lawyers would come in chambers with me to discuss the case before we started. I think it is more efficient, but I should have been more cognizant of what your clients were thinking. Occasionally a lawyers would tell me, "Your honor, I need to make sure my client hears some of this, so we don't spend too much time doing this before we get started." But that was kind of rare. Lawyers are a little reluctant to be that direct with a judge. I would do quite as much of that as I did.

Matt: Well I think that I find a lot of clients sort of expect a very dramatic scene in a court room whether it be a trial or a temporary hearing and also almost a dramatic conclusion to it whereas I tell people to kind of look for just the practical solution is because it's not going to come across like it does on tv. There is not going to be some gun smoking moment. What is the most common-sense practical way that these pieces will fit? I understand you don't want to pay XYZ but there is no way your spouse can so that's going to have to go in your column. I think that was made worse sometimes when we would go into chambers and they didn't exactly understand what that conclusion has come to.

Craig: I want to show you a picture Judge, this is the last official time I was before your appearance was the adoption for this little family. This is the Hillman Family and that Ling, a girl who was adopted from china and her little brother Jesse and I don't know if you remember this...

Judge: I remember it well!

Craig: so this was November 2018 and you got a little emotional about this adoption and I get a little emotional looking at the picture and talk a little bit about when you get the good in people because I know as a chancery judge you hear about the adultery and otherwise good people doing stupid things but how does adoption change that for you?

Judge: Well adoptions were obviously were the most, I don't want to say fun, but the most rewarding thing that I ever did. This one in particular, I know the young child from

china being adopted had some medical condition. I don't know exactly what medical condition it was but it's a very visibly, physically obvious thing and this little girl is 6 or 7 and just for this family, who had two other children with them in this picture, had it in their heart to save this little girl and make her part of their family and that's wonderful.

Matt: Your honor, I know you mentioned that you're not completely retired. You have been doing some mediation since you stepped down from the bench. Tell us how that has been going.

Judge: You know, its very rewarding to take two clients who are about to litigate their divorce and in the course of one day bring them to a compromise that they can both live with. Its reduced to writing and signed on and they can both walk out of there, if not loving the outcome, at least relieved that they didn't go to court and didn't spend anymore money than they had to on you guys. Or more pointedly, didn't have to do battling court and hack away at each other so it's a rewarding thing and frankly its kind of the way I would approach the job on a bench. I would call you guys in chambers and say how can we figure out some sort of compromise listening to testimonies that might not be forgotten for a long time? Its been a real rewarding experience.

Craig: I've heard different mediators who were former judges say they know way more about a case after a full day of mediation than did when they were on the bench listening to testimonies. Do you agree with that?

Judge: Absolutely because you are not confined to taking what you learned about it in little bits that are admissible in evidence. If you just go in a room with someone and say what is the situation here, what's your beef? They are going to tell you everything. there is nobody to say "Objection, your Honor". You learn a lot of stuff in a concentrated period of time.

Craig: Right and sometime people talk about needing their day in court and I talk about with my clients about how every dispute has an emotional component to it and then actually the hard and fast facts which resolve and issue and if you skip and emotional component of a dispute and you skip right over to the hard and fast resolution, sometimes you find yourself going in orbit. If you stay there in the emotional stuff, you just sit and spin. Its like you are stuck in the mud. But when you move through the emotional piece and you land on a resolution, and that's something mediation offers, it gives you the opportunity to tell your story. Would you agree?

Craig: I don't know to what extent a litigant would feel telling a retired judge their story, whether that aspect of their need would be satisfied rather than telling it to a judge in a black robe on a bench. I think there is that opportunity to have that need met and mediation is a wonderful way to go. I would say if there is any criticism that I would have of lawyers coming in to try a case, it would be that some lawyers had not prepared their client with reasonable expectations of the outcome. In a mediation that is what, the first thing to do is have everybody understand that this is a compromise, if you have a hard and fast competition that you are not going to back off from, this is not going to work.

Reasonable expectations have to be a component of not just the court room work but mediation too.

Craig: I think a lot of people don't understand. I like the analogy of an ice burg. It wasn't the part that was sticking up that sunk the titanic, it was all the big chunks of ice underneath the water.

Judge: I like that. I'm going to use that.

Craig: Yeah you are welcome. A chancellor, they are limited because of the rules of evidence to that piece of ice that is sticking up out of the water. The lawyers and the litigants and they family, they have the benefits to the rest of the ice burg under the ice burg and a mediator gets to peak into that outside of the confines of the rule of evidence if you will.

Judge: Exactly. So, Singletary dispute resolution services is the way to go.

Craig: Look I agree. I would mediate every case but sometimes people aren't ready and sometimes people aren't emotionally ready and sometimes the information exchange hasn't happened, but you know I'm totally in favor of it. I've got two thoughts about it. Mandatory mediation, if someone doesn't have skin in the game if they are not willing to step into the process and sometimes its less beneficial if they are forced to be in the process. Most smart lawyers, I think the lawyers who do this day in and day out, most of them understand the power of mediation because at the end of the day, we are trying to provide good service to people. We don't represent Walmart. We don't represent big companies; we represent everyday people. A 10,000-dollar legal bill or goodness a child custody case, an 80- or 100,000-dollar legal bill, that's a game changer. That's a Harvard education, I mean maybe not Harvard anymore but certainly it will get you an education at ole miss.

Judge: That's one year at Harvard.

Craig: Judge, I just wanted to ask, how important is it for someone who is facing family conflict, to have an attorney?

Judge: Its essential. Its vital important. Not just saying that because you guys are sitting in front of me and you guys invited me into the conversation, a person cannot be expected to know what their rights are to sufficiently solve a case without some kind of legal advice. Whether that's dropping a 10,000-dollar retainer on you or just going to talking to a lawyer ahead of time, there is more than one way to do that. But you've got to go into that process with legal advice.

Craig: Judge Singletary, thank you for taking the time to be with us today to do this. I really think, our goal is to arm people with information, and I think you've helped us do that. Just a view from the bench and thanks for spending time with us.

Judge: Oh, it was my pleasure. Now I can add podcast to my resume!

Craig: Yeah man, me too!

Craig: You've been listening to the Robertson and Easterling podcast. Thanks for spending time with us.

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Craig: Have a great rest of your day and remember, there's nothing wrong with arming yourself with information. On behalf of Matt and our entire team. Thanks for listening.

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