



Hon. Darrin P. Gayles

U.S. District Judge for the Southern District of Florida

by Candace Duff



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Patricia A. Seitz, senior U.S. District Judge for the Southern District of Florida, says that her successor, Judge Darrin P. Gayles, “is a superb addition to our Court—wise, practical, efficient yet compassionate, with the patience of Job—and a joy to work with. He is a wonderful colleague who personifies the saying from Micah: acts justly with mercy and walks humbly with God.” Truer words were never spoken.

A Product of Peoria

Judge Gayles was born in Peoria, Ill. His father, a musician, died when he was 5 years old, leaving his mother a widow to raise him and his sister alone. Luckily, he had a strong family network. His uncles and his grandfather stepped up to act as positive male role models.

His mother taught him the importance of education. She attended classes at Bradley University. There were times when she couldn’t find a babysitter. She’d take him to class with her and he’d sit in the back. He learned from her the importance of a college degree and the willingness to sacrifice to get it.

He also learned early on to love reading. One of his aunts worked the night shift at a children’s home. She was a voracious reader, consuming three or more books a week. Judge Gayles spent many hours with her after school. She would take him to the library every weekend and check out books.

Thanks to these influences, he stood out as a student, and he was plucked from the regular student population to attend a grammar school for the gifted, one of very few African-American students to be selected. That experience exposed him to different types of people. It was the 1970s. Kids weren’t always very kind—especially to those whom they perceived to be different—but he learned a lot about himself and made a lot of friends.

Judge Gayles next attended Peoria High School—the oldest high school in the United States west of the Allegheny mountains. He continued to excel in his studies and was also very active in extracurricular activities. He was elected student council president—the first African-American to hold that



position in the school’s history. He ran track and cross-country, and was a state finalist as a member of the school’s speech team.

Judge Gayles dreamed of attending Howard University after reading about the school in *Ebony* and *Jet* magazines (his grandmother had subscriptions). Open to all faiths and colors, Howard University, a historically black university that has trained future leaders since just after the Civil War, has awarded more Ph.D.s to people of color than any school in the country. Its list of graduates reads like a who’s who of recent American history and the civil rights movement.

Many of Judge Gayles’ heroes, the people he read about and admired, had gone to Howard University. He felt the need to have African-American professional role models and believed that Howard University was the place to achieve that goal.

It was indeed. Howard opened his eyes and changed not only his outlook on life, but also his professional aspirations. He learned the importance of community service and giving back. He made lifelong friends. When he got to Howard University, he was surprised to discover how little he really knew about African-American and African history. Although

those subjects weren't a central part of the curriculum, attending a historically black university offered him the opportunity to take classes not offered elsewhere and to interact with people he wouldn't otherwise meet. It also provided him with an opportunity to build his self-esteem and to realize that there were a lot of people like him in the world.

A political science major, Judge Gayles assumed that he would work on Capitol Hill upon graduation. During his junior year, he was selected as one of the inaugural Patricia Roberts Harris Fellows, a public affairs program named after legal pioneer Patricia Roberts Harris, who had three notable firsts: she was the first African-American woman to serve in a presidential cabinet, as a U.S. ambassador, and as a law school dean. The fellowship led to a congressional internship where working with the general counsel for the House D.C. Committee gave him the idea to become a lawyer. Judge Gayles was also influenced by a number of his Howard classmates who also ultimately became lawyers, including Miami-Dade County Court Judge Tanya Brinkley, California Attorney General Kamala Harris, and Atlanta Mayor Kasim Reed.

Once Judge Gayles decided to become a lawyer, he chose George Washington University Law School (GW Law) because of its reputation in the legal community and because it offered him the most financial assistance. He was the first in his family to graduate from college and the first (and only) one to attend law school.

As a first-year law student, he interned with the U.S. Department of Labor in the Directorate of Civil Rights. In his second year, he interned with the Occupational Safety and Health Administration. As a result of these experiences, he was certain he would work as a labor and employment lawyer upon graduation. He even received offers from labor and employment firms in the Washington, D.C., area.

A Fluke Leads to Florida

He landed his first legal job at the Miami-Dade County State Attorney's Office (SAO) almost as a fluke. He'd vacationed in Miami during his third year of law school and had a good time. Upon his return to school, he visited the career development office to show them his updated resume. There was a drop box for employers recruiting at the school and he saw a folder for SAO. Something compelled him to drop his resume in.

He got the interview, but, to his disappointment, it was held at GW Law and not in Miami (law firms he'd interviewed with in other cities had paid to fly him in and he'd naively expected the same of SAO). He described it as being the second-most relaxed interview he'd ever had because he didn't really want the job. Despite this, he received a callback for a second interview, this one was held at the Florida House on Capitol Hill. At the interview, the SAO representative talked about the office, the type of work they did, and the ability for the attorneys who worked there to get trial experience. Judge Gayles still didn't think he'd get the job since he still didn't really

want it. To his surprise, he received a letter stating that he had a final interview with the then State Attorney Janet Reno. Before the interview, however, Reno was nominated to become the U.S. Attorney General. As a result, she didn't conduct that final interview. By that point, however, Judge Gayles' interest was piqued. He thought that if the U.S. Attorney General came out of that office it had to be something special. So he took the job.

One of the matters he worked on that stands out in his memory is a difficult case involving sexual abuse of an 11-year-old girl by her mother's boyfriend. The mother and the abuser reconciled, threatening both the prosecution of the case and the child's welfare. Judge Gayles brought the matter to the attention of the SAO's domestic violence division which had weekly meetings with the Florida Department of Children and Families and child protective services officials. To try to protect the child and prevent the mother from fleeing with her children to frustrate the prosecution of the abusive boyfriend, Judge Gayles worked overtime to ensure the children were placed in a safe environment. The experience taught him that a good prosecutor does more than prosecute; a good prosecutor helps the victims and does what is right, and fair, and just.

It's important to Judge Gayles to be fair and just. It was never his goal as a state or a federal prosecutor to just put people away. That's one of the things he loves about being a judge—he gets to do what he thinks is the right thing.

After four and a half years as a state prosecutor, he tried for the U.S. Attorney's office in Washington, D.C., but they had just hired some new attorneys. While he waited for an interview, his friend Howard Marbury, a former general counsel at U.S. Immigration and Customs Enforcement in Miami who had just joined the U.S. Immigration and Naturalization Service (INS), encouraged Judge Gayles also to apply at INS. Judge Gayles protested that he didn't know anything about immigration law. Marbury pointed out that if he got hired, he'd be employed by the Department of Justice and he could transfer to Washington, D.C., at some point. It would be a big pay increase as well. Convinced, Judge Gayles applied for the position, secured the job, and worked at INS for a year and half.

When the U.S. Attorney's office in D.C. finally called him for an interview, he had just started with INS, so he politely declined. Luckily for those of us who practice in the Southern District of Florida, the timing never worked out for Judge Gayles to return to Washington, D.C.

After a year at INS, he was ready to apply again to the U.S. Attorney's office in D.C., but they weren't hiring at the time. A colleague at INS told him about an opening at

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the U.S. Attorney's office in Miami and encouraged him to apply. He did and was hired by the then U.S. Attorney for the Southern District of Florida, Tom Scott.

After spending five years as a federal prosecutor in the appellate, major crimes, and narcotics sections, Judge Gayles started to consider another career move. He read an article in the Miami-based *Daily Business Review* about the difficulties of transitioning from public service to private practice.

He consulted his friend Jason Murray, an established private practitioner and the first African-American attorney to serve as president of the Dade County Bar Association, about making the transition. Murray asked him if he wanted to be a judge. Judge Gayles had never before considered that prospect—he was only 36 years old—but the idea appealed to him. Murray encouraged

Judge Gayles to apply for an opening on the county court judiciary.

Judge Gayles received a nomination, but didn't get the appointment. Never one to give up, and now deeply interested in a judicial career, he reapplied. In April 2004, Gov. Jeb Bush appointed him to the County Court of the Eleventh Judicial Circuit in and for Miami-Dade County.

A Calling Found

Judge Gayles had found his calling. He loved being a judge. He started in the criminal division and later moved on to the civil division. According to Judge Gayles, the county court really is the people's court. While serving there, he dealt with a lot of pro se litigants and, as a result,

learned a lot about people and the community. Dealing with pro se litigants in county court helped him better deal with them in circuit court and, later, in federal court. According to Judge Gayles, most people just want a judge to hear what they're trying to say and to be treated fairly. County court taught him that most people can deal with an adverse ruling so long as they understand why you made the decision and believe they were treated fairly and with respect.

In 2011, he was elevated to serve as a circuit court judge in the Eleventh Judicial Circuit Court in and for Miami-Dade County. The circuit court is a hybrid, handling both trials and appeals. The added appellate dimension deepened Judge Gayles' understanding of the judicial process and how to handle and decide cases. His cases in the criminal division ran the gamut from drug possession to first-degree murder. In the civil division, he learned to juggle a wildly overcrowded docket with more than 3,000 pending cases, which he worked hard to decide fairly and expeditiously.

In 2014, Judge Gayles was nominated to the federal judiciary by President Obama and confirmed 98-0 by the Senate. When asked about the transition from state to federal court, he said that sitting as a circuit court judge down the street, you think that being a federal judge couldn't possibly be as hard as being a circuit judge. As a circuit judge, you have a lot more cases, you don't have law clerks, and you're basically reading everything and deciding everything on your own without the benefit of any assistance. What he found, however, is that even with three law clerks, a courtroom deputy, and a magistrate judge, the work is equally demanding in federal court, but in a different way. The cases in federal court, as a whole, are more complex. Not only does he have to read what the law clerks write, but he also must read all of the underlying material so that he's well versed in the case. That takes a lot of time. As a result, he does more reading and writing than presiding over hearings in federal court.

His transition to the federal bench was eased by his experience as a federal prosecutor and by the many mentors he developed over the years. However, as a new district court judge, he received cases from all of the sitting judges. Some of them were complex cases that had been ongoing for a while. He had to bring himself up to speed quickly and issue rulings, which was a bit difficult.

Judge Gayles is the first openly gay African-American man to serve in the federal judiciary. After his nomination and confirmation, he received messages from people all over the country and different parts of the world congratulating him on his confirmation and stating what it meant to them personally. He said that there are a lot of people who really struggle with their sexual orientation and have real family difficulties because of it. To the extent his being on the federal bench can help people through those difficulties and to understand that through hard work and determination all things are possible, then that's wonderful. He prefers to be considered on his own merits rather than as a symbol, but if others are inspired by his appointment, he's delighted. It's a good thing when barriers are broken down, he believes. It creates more opportunities for other people. "Hopefully," he said, "we will reach a point where there won't be so many firsts."

Judge Gayles' true ambition is simple: He just wants to be known as a good judge. Since Judge Gayles is held in high esteem by his colleagues, legal practitioners, and the community at large, I would say he has already achieved that goal. ☺

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