



Judicial Profile- Gary M. Farmer  
By: Thomas Hoadley  
June 1992

The lights dim. The magic door opens. In swirl three Appellate Judges in robes. They sit on a high bench and stare. They direct intimidating questions at us groundlings. Sweat runs down your arms. Brains don't function. We force ourselves to remember our names and our major cases. Their clerks have scribbled "per curiam" all over our well drafted Briefs, and that makes us nervous. Can a high school dropout find happiness with such a celestial group?

We know the Fourth District has swallowed up our best trial judges and lawyers. But can the son of a bus driver from Toledo, who dropped out of high school, fit the mold? Well, if Rocky did it in Philadelphia, Gary Farmer could do it from Toledo. In his speech at his robing ceremony, Judge Farmer said:

"I had not finished high school, enlisting in the Marines instead, and had worried that a high school dropout would forever be limited in opportunities... The oath I took today, however, represents so much more than this bus driver's son from Toledo could ever have reasonably dared to imagine."

How did "Rocky" Farmer do it? If Hegel defined life as "the struggle for existence," certainly Gary Farmer personifies this philosophical statement. He quit high school at the end of his sophomore year, in 1958, spent most of his Marine Corps tour as a Morse code operator on Okinawa, which of course is an island a thousand miles from nowhere. But what does a high school dropout do after leaving the service and arriving back in Toledo to find work? You travel to Florida to stay with relatives. In 1962, he found a job in Florida as a management trainee with Family Finance. He met his wife before marrying her in 1963; two children were born in 1964 and 1965. Then, next comes the amazing advancement up the educational ladder. Being an avid reader of history books and having a keen intellect, our newest Appellate Judge felt he had cheated himself and his family in not going as far as he could educationally. Therefore, in 1966, he went to Broward Junior College at night. He graduated in 1968. His assumption that he was smarter than the usual high school dropout was correct. He graduated first in his class with highest honors. Then to Florida Atlantic University in Boca Raton; he graduated in June, 1970, with a grade-point average of 3.8, and second in his class.

His next decision was tough. He didn't know whether to become a history professor, or go to law school. The decision was made for him when his hometown law school offered a full scholarship, one of two given every year by the Toledo College of law. With his books and tuition covered, he needed a place for he and his family to live; and to provide this, he cleaned lockers. In a very moving tribute to his wife at his robing ceremony, he mentioned the cleaning of these lockers. Describing his wife, he said: "It

was she who urged me to go to college after our children were born, it was she who made it possible for me to go and concentrate on my studies, it was she who lifted my spirits when the end seemed so far away. When she cleaned those locker rooms with me during law school, I used to promise her that some day it would be worth it, but I never thought anything like this would be our reward.”

Judge Farmer was selected for the Toledo Law Journal, and became second in command as Managing Editor. After graduation, he became a law clerk for a Federal Judge in Toledo from 1973 until 1975. He then moved to Florida and practiced commercial law and appellate practice.

He decided he wanted to climb the last rung in his legal advancement to a judgeship, and he applied for a vacancy on the Fourth District. He was nominated in December, 1990. But one more hurdle had to be overcome, a personal interview by Governor Chiles. On the day of the interview, he was late, but one of three very well qualified judges. Each were interviewed by Walkin’ Lawton for about 25 minutes mainly about personal matters. This novel interview process apparently would give the Governor a better insight to the selection of one of the three candidates. Judge Farmer was selected. He believes he had an edge in this selection because he practiced as an appellate lawyer.

I asked Judge Farmer what attorneys could do to better present their cases for decision by appellate judges. He stated that there was only one simple truth. At this point, I was on the edge of my chair. Would I know solve the mystery about what happens behind the magic door? He said that when he as an appellate lawyer, he believed that no brief should be longer than 10 pages. He said his best brief was 4 pages. (Maybe: Larry Klein does write the best Briefs.) Now that he has become a judge, he is more convinced than ever that this is the essential secret to being a good appellate attorney.

He further agreed that you must early engage the attention of the judges. You must hone in on your argument, you must be deadly accurate. Rarely cite more than one, two, or three cases, and only the ones you need to talk about. And, you golden throated orators will be disappointed to learn that oral argument turns a preformed opinion around only 10 percent of the time. Lastly, the only way to win is to stress the essential unfairness of the decision below, that it was wrong, and that you have a righteous cause. This should be like an argument to a neighbor, free from legal verbiage and impediments. (If all this is confusing, I suggest you rent a Warner Home Video, “Reversal of Fortune.”)

So what motivated this Hegelian ascendancy of a high school dropout to appellate judge? Giving a large share of the credit to his father, Judge Farmer stated at his robing ceremony: “He gave me whatever good qualities I grew up with. He helped plant in me the rage to learn. He, along with the Ursuline nuns, whom I also thank, taught me to read and to question, to think and to criticize. They together gave me my moral underpinnings.”

Finally, in conclusion, is there success after success? Yes, there is. His son, Gary, Jr., has recently graduated from law school and his daughter got married this year. Without winning the lottery, who could ask for anything more?