

# Switching Courts

From the home court to Drug Court,  
Judge Andy Owens makes the goal.

BY JAMES HELLEGAARD



In the old Alligator Alley, Andy Owens (JD 72) could feel his way around the basketball court. With his teammates at the University of Florida in the late 1960s, Owens sweated through countless practices, scrimmages and games at Florida Gym, devoting endless hours to dribbling around the well-worn hardwood and finding those places where he could launch shots with a feeling so true he thought he couldn't miss.

"Every day I'd go up early and stay late and pick different spots on the floor and shoot 30 or 40 jump shots," recalls Owens, who set school records his senior year for points in a season in 1969-70, when he averaged 27 points per game, a UF mark that still stands. "When the game comes and you can get the ball in that spot, you know you're going to make it. To me that's the way I could develop confidence."

Today, after 25 years as a circuit judge in Sarasota, Owens tries to instill that same persistence in young people whose lives couldn't be more different than the one he has known, men and women living precariously on society's edge.

"I've always had a desire to try make a difference and help people," Owens said as he sat in his office in the courthouse in downtown Sarasota. "I just felt that as a judge you would be able to make a difference in your community, and I certainly think that you can."

A decade ago, Owens helped create a Mental Health Court in Sarasota, as well as a Court Intervention Program. Also known as Drug Court, the year-long outpatient program for felony drug offenders has given Owens a chance to reach out a hand and lift up those who have fallen down into indescribable depths.

"Kids today all feel bulletproof," he said.

Young people have a very difficult time reasoning abstractly, he explains, thinking bad things, like getting arrested for drugs, only happens to other people, it won't happen to them. It's okay if I experiment, they think, I'll never get in trouble.

"But regrettably, that's not the case," Owens said. "And so a lot of good kids end up making a stupid decision. And now they're caught, arrested for a felony and

having a felony on your record carries through for the rest of your life."

The goal of the Court Intervention Program is to help these young people make changes in their lives that will lead them to make better decisions. First-time offenders who complete the program can have their charges dismissed. For others who have multiple offenses on their record, the hope is the program will help them turn their lives around.

Emotion wells up in Owens' eyes and in his voice when he talks about the people whose lives literally have been saved by the drug court. One woman walked into Owens' courtroom in 1997 with a long list of 10 felony convictions on her record, including drugs and prostitution.

Brenda Owens-Philhower grew up in Sarasota. She began using drugs at age 13. By the time she went before Owens at the age of 33, she was estranged from her family and friends, addicted to crack cocaine and living behind a dumpster. She weighed 87 pounds.

"I was looking at a 10-year sentence," recalls Owens-Philhower, who is no relation to the judge, though she now affectionately refers to him as her long-lost uncle. "I had already been in prison once, and basically Drug Court was not supposed to take me because I was already a convicted felon and had been to prison. But Judge Owens, he knew I was going to die."

Given one more chance to turn her life around, Owens-Philhower grabbed the opportunity with everything she had, becoming the program's first graduate. She returns to Owens' court every year so the judge can present her with a medallion to signify her accomplishment. She eventual-

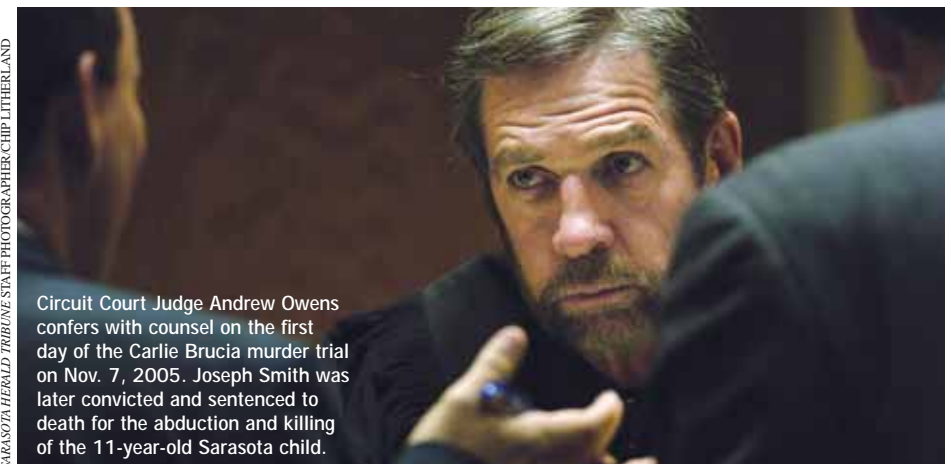
**"I think the lessons that you learn in athletics apply well to life; primarily persistence."**

ly received a pardon from Gov. Jeb Bush, who posed for a photo with her that sits in Owens' office.

Owens-Philhower has gone on to work as counselor to help others get off drugs, and this fall opened her own outpatient drug and alcohol recovery program in Ocala called Recovery Road. She has been a featured speaker for The Florida Bar, the Guardian Ad Litem Program and Florida's drug courts. She's been recognized with Florida's Points of Light Award by both Gov. Bush and current Gov. Charlie Crist.

She and Judge Owens share a special relationship. The judge presided over Owens-Philhower's wedding vows. Her youngest daughter, Elnora, 14, inspired by the man who literally saved her mother's life, wants to go on to law school, and her oldest daughter, Dominique, 17, takes criminal justice classes at night while in high school. He's the first person she calls when her girls bring home their report cards.

"He cares about each individual," Owens-Philhower said of the judge. "He believes that addicts and alcoholics deserve a second chance. Not a lot of judges care about us. Everything that I do in my life is because of Judge Owens. Me getting my own business, me buying my own home, me getting



Circuit Court Judge Andrew Owens confers with counsel on the first day of the Carlie Brucia murder trial on Nov. 7, 2005. Joseph Smith was later convicted and sentenced to death for the abduction and killing of the 11-year-old Sarasota child.

SARASOTA HERALD TRIBUNE STAFF PHOTOGRAPHER CHIP LITTERLAND

my new car...when I got my first new car he was the first person I called...I'm crying. I cry when I talk about Andy."

Sitting in his chambers, Owens proudly points to the photos on the shelves of Owens-Philhower and the other men and women who have successfully turned their lives around in the Drug Court program.

"That's the driving force," Owens said. "You see by saving a mother, you save a family. I can't tell you the number of successes that we've had like that."

His own life would appear to any observer to be one long winning season. When his playing career at UF ended and Owens graduated with a bachelor's degree in finance, he wasn't exactly sure what he wanted to do. He'd been selected in the National Basketball Association draft, but as a seventh round choice, there was no guarantee he would make the team and the money wasn't exactly great.

Eschewing an uncertain future in basketball, Owens decided to take advantage of a scholarship he'd been offered by the NCAA and immediately entered law school at UF. But Owens, who had always done well in school, wasn't prepared for the academic rigors of law school, and his grades in his first year suffered.

"I think the lessons that you learn in athletics apply well to life, and primarily persistence," said Owens, who quickly got himself back on track academically. "And I think if you're willing to do the work and are persistent, you can achieve desired goals. And that's just what I had to do was buckle down and start working. I was not gifted intellectually, so I had to spend some time and read and study and re-read and study some more."

Owens counts himself as fortunate that both his parents were college graduates. His father, Doug Owens, graduated from Georgia Tech and was an engineer. His mother, Dottie, graduated from Agnes Scott. They instilled the importance of education in their children, says Owens, whose sister, Elizabeth Kaplon, has a doctorate in speech pathology, while his brother, Parker, is a certified public accountant in Tampa.

"Education was pushed in our home from the time we were born," Owens remembers. "You were always pushed that you were going to go to college, and even beyond the four-year degree."

Born in Atlanta, Owens' moved as a child with his family to Tampa, where his father opened an auto parts business, Owens Tire Company.

That's where Owens sports career began, initially on the North Seminole Little League baseball fields, where his teammates on Lou Boyles' Phillips 66ers included two future judges, Stan Morris (JD 71), a longtime circuit judge in Gainesville, and Bobby Simms, a circuit judge in Tampa who died in 2004.

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Owens turned his attention to basketball in the 7<sup>th</sup> grade, when he led his team to the city championship. After winning the title game, Owens invited his teammates to his house for a barbecue. It was there that his mom, much to her son's initial embarrassment, challenged the boys to a pick-up basketball game in the backyard.

"Well, as it turned out, my mother beat all of us," Owens recalls with a laugh. "And she had actually played college basketball for Agnes Scott. She could really shoot, and she had a two-handed shot, and none of us could do that. That was kind of fun."

Owens distinguished himself as a prized basketball recruit at Hillsborough High as he led his team to the state finals his last two years. College programs from around the country offered him a scholarship, and Owens narrowed his list to the traditional powerhouses North Carolina and Kentucky, along with the University of Florida, which had yet to really distinguish itself as a basketball program.

Staying close to home, so his parents could continue to watch him play, was a major factor in his choice to come to Gainesville. He looks back on it now as a great decision that would impact the rest of his life.

Owens' playing career at UF coincided with what was a golden era for college bas-

ketball in the state of Florida. While Owens and Neal Walk lit up the scoreboards in Gainesville, Artis Gilmore was helping turn Jacksonville University into a national title contender and Dave Cowens was dominating the backboards at Florida State University.

After graduating from UF Law, Owens began practicing law with a firm in Punta Gorda. The experience was a real eye opener for Owens, who recalls he had no clue what he was doing. Owens quickly learned the ropes under the mentorship of former Judge Archie Odom, mainly handling small criminal cases, and in 1977 moved with his wife to Sarasota, where he began a civil trial practice representing insurance companies with the law firm of Dickinson & Gibbons.

Although he was often so nervous with energy and anticipation before basketball games that he was sick to his stomach and could hardly eat, Owens enjoyed the competition involved in playing sports, and battling another attorney in the courtroom brought many of those same feelings back.

"I just switched courts," he says.

Along with that sense of competition came long hours of preparation, however, and something eventually had to give. In this case, it was Owens' marriage. Following the split, he continued working all the time. Luckily, it was then that Owens caught a big break, a new circuit court judgeship had opened up in Sarasota, and friends encouraged him to apply.

Owens credits "some really outstanding people" who helped him and pushed his application in front of Florida Gov. Bob Graham, and says it probably didn't hurt that both he and Graham went to UF. In fact, Owens feels his connections to UF have been the key to his success and the reason he's a circuit judge today.

Although he'd made his living in the courtroom for more than a decade, his appointment to the circuit bench in 1983 allowed Owens to see things from a different perspective. Those nervous feelings he had known before basketball games and prior to big cases as an attorney returned once again as Owens prepared to take his seat behind the bench.

"My stomach was just as upset, I was just as nervous that first day in court," said



Brenda Owens-Philhower with her daughters Dominique Owens (17), left, Elnora Evans (14), and husband Donald Philhower. Philhower-Owens is clean now and has opened her own addiction recovery program, Recovery Road Inc., in Ocala, Fla.

Owens, who initially split his time between Sarasota and Bradenton doing civil and divorce cases. “It’s still nerve-wracking. I still get nervous when I go into court. And this is true about every judge — you always want to make the right decision. And I’m not going to tell you that the right decision always makes you feel good, because the law is not always fair for every person in every instance. But you want to make the right decision. And if you can help someone you like it.”

In a quarter century as a judge, Owens has presided over some high profile cases, including death penalty cases, which he calls “such a horrible tragedy for everyone involved that you will never forget them.”

Today, Owens feels the greatest satisfaction in helping others achieve victories in their lives. Though he has no children of his own, Owens recounts their stories like a proud father.

Owens beams when he talks of the more than “20 clean babies that have been born in”

the Court Intervention Program. He tells of the young man dressed in a suit and tie who recently visited his office and was such a far cry from the “horrible heroin addict” he’d seen years earlier that Owens didn’t even recognize him. The man had since graduated from college and now had a successful career with a wife and children. At the program’s recent graduation, Owens marveled at the progress made by another man who had been estranged from his family.

“He struggled, and we had a hard time. It took him close to two years to get out of this year-long program, but he never quit,” Owens said. “And there he is with his kids and his wife. So it’s very, very rewarding. I basically live for that.”

Owens tells participants in the program that everybody’s life is a series of problems, and encourages them to work with counselors to find the self-discipline they need to make good decisions. The problem many have is replicating the structure they have in the program once they leave it.

Remarried several years ago, Owens credits the support of his wife, Melissa, a third-grade teacher at Bay Haven Elementary School, along with a very strong faith with helping him get through the emotional ups and downs that can come with his job.

“I’m not going to tell you that every night I can close the door and go home and shut it out because a lot of times there are a lot of cases that you’re sitting up late at night not only doing legal research but just wondering ‘did you make the right decision, what is the right decision,’ ” Owens said. “But in general by applying those principles you’re able to close the door and realize that if you’re going to be successful in the courtroom you have to also be successful outside the courtroom. And you can only be successful outside the courtroom if you can leave the courtroom in the courtroom. So as best you can you have to be able to do that.” ■