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>> Hello, I'm Florida Chief Justice Jorge Labarga. I am here with Leon County Judge Nina Ashenafi Richardson and we're going to be talking about how Florida courts communicate and why that communication is so important to our system of justice. And a lot of other great things like a functioning democracy in a civil society. We are both very happy you joined us today. Judge Ashenafi.

>> Hello Chief, thank you for asking me to be part of this podcast. I'm so excited to be here and to be talking about court communications, that's something I've spent a good deal of time thinking about and talking about in the last year or so. If there's any time that we need to be communicating with our citizens about the courts, the importance of what the courts do, the importance of an independent judiciary, the importance of the rule of law it is now because we have so much social media that allows us to – there are venues, as the court is already doing. The word is getting out on Facebook, Twitter, internet. I'm not savvy in all these things I'm still having to get brought up to speed, but it's been exciting to see our circuits using technology to allow citizens and our young people to learn more about the courts and what we do.

>> If you can just tell us a little bit about, at least some about the communication plan as you know it.

>> Yes, Justice Labarga, I want to first thank you for your vision in having the judicial management council develop a communication plan. And I was honored that you allowed me to serve as chair so that this plan can be developed. Our committee developed and the judicial management council approved and the full justices also approved a communication plan that is four years in the making. Now the goal of Florida's communication plan is to advance court communication efforts to improve the perception of the judicial branch to both internal and external audiences. It allows the court system to improve perceptions and create support for the courts by building relationships with a variety of audiences. It also is to sustain outreach efforts to enhance public understanding and support for the judicial branch. The courts are to also improve internal working communication and have open lines of communication not only within the court family, but externally and to communicate effectively using coordinated strategic efforts. And the communication plan has numerous strategies and ideas in developing different plans and different ideas for circuits to look to, to improve communication internally and externally over the next four years.

>> What do you say, how do you describe the importance of courts to those people sitting in a courtroom? For example, you are a trial judge, I haven't

been one now for the last nine years, but I was one for 13 years in Palm Beach County and I always got some really good feedback from people who actually served as jurors and participated in trials somehow. What is your feedback as a trial judge here in Leon County as to the importance of courts to people who sit in a courtroom?

>> Justice, I sit in the County court and it is vital in the County court level in particular where we are dealing with so many pro se litigants. Your work with the access to civil justice ties so much in to what I see in the court system. We have citizens who want to have their day in court, who want access, but who may not know how to maneuver through a very complicated legal maze. The court systems must be able to allow citizens to file their pleadings, to have their day in court, to be heard when they step into the courtroom, to have an opportunity to speak their cases whichever side they're on, to have judges pay attention and be fair in their rulings, but to listen, to be very good listeners. It is so important that we do this in order to enhance public trust and confidence.

>> So, I take it Judge Ashenafi Richardson that in your court, the County court, which many of us describe as the people's court because that's where people come in to resolve minor disputes that you see a lot of people coming in who are scared to death and they can't afford a lawyer and they're standing there in front of you and you as a judge cannot help them, you cannot walk them through the system because then the other side is going to accuse you of taking sides. So, you're in a tough situation, tell us a little bit about what can you do to help these folks along in the extent that you can?

>> One of the things that the county courts can do and certainly in our circuit we're doing is we are conducting and this is part of what the communication plan encourages us to do, is to have clinics. For instance, we're having landlord-tenant clinics where with the clerk of court and with attorneys, a panel that is present and explains to both the landlords and the tenants how do you present a landlord-tenant case and provides vital information about the appropriate forms and information about the statute and guides them those who come to these clinics on a landlord-tenant case. These are often the type of cases where they don't want to hire an attorney, they can't afford to hire an attorney, the costs are very low in terms of damages. So, these clinics are very helpful. We're also directing people to legal aid foundations, legal aid foundations are so helpful to pro se litigants. Part of the communication plan encourages us to get that information out handily, whether we leave these in the clerk or court's office. We are working with our clerks to provide information that is citizen friendly and referring individuals to resources out there in the community. In my office I've compiled a resources sheet so that pro se and indigent individuals can get information about resources in their community. The communication plan has several suggestions along this line to connect citizens with resources and improve communication using the court website, Facebook, Twitter. I've been so impressed with how the Supreme Court has actually taken the lead in this. I'm so excited to see the Supreme Court sharing information using certainly this

podcast, as well as Twitter feed and Facebook. It's been very exciting and the Supreme Court is taking a leadership role not only in our state, but I believe nationally.

>> But it is absolutely important that if we are going to have a judicial system that everyone has access to it. I firmly believe that Florida has one of the best judicial systems in the country. But what is the use in having a great judicial system if only those who can afford it are able to use it and that's just not acceptable in a democracy where everybody should have access to the democracy. So, one of the things that I do want to talk about is how do people find out about what we do in courts? My view having been a lawyer for 37 years now and having been in practice as a former prosecutor, a former public defender in private practice, and as a circuit judge and now as a Supreme Court Justice. My experience has been that when people think of our judicial system they think of these high-profile cases that we read about in the paper, that we read and these big murder cases that reporters like to write about. And that hasn't been my experience as a judge sitting on the bench. The typical cases that judges hear every day are cases involving our children, perhaps our nephews, our nieces, our next-door neighbors, perhaps ourselves, a family member, someone who just fell off the track for one instance and now just needs to get back on track again to continue to be a productive citizen. But again, people don't realize that that's what is going on, that's the bulk of the cases we're dealing with every day. Those first-degree murder cases of people who commit atrocious crimes they are the exception. The other cases involving everyday people they're the rule. And it is up to judges to deal with these cases on an individual basis. And the goal from my perspective always was let's get this person back on track again to be a productive citizen rather than just sending them to prison and lock them up for a long time. You know I'm pretty sure there are some people who commit crimes and deserve to be locked up for a long time, but that's usually the exception. Do you see that in your court people who you immediately are able to assess that oh, this is not a bad person, just had a bad day or under some pressure or some mental health issues, perhaps some drug addiction issues? Perhaps if we can get him to the right place maybe we can get him back on track again. Do you see that often in court?

>> Absolutely, Justice. Part of what I love about being on the bench is the opportunity to connect with citizens where they are, whether they have mental health issues, whether they are facing poverty issues or economic issues. It is a challenge that all judges see and feel and I'm honored to be on the bench to do what I can. So, I am there to administer justice, but at the same time I'm also there to help in the way that I can. For instance, I currently preside over felony drug court, we're very fortunate in our circuit to have felony drug court where those who are suffering with drug and alcohol issues can get treatment in lieu of incarceration. We're very fortunate in our circuit to have a program like that. We also have mental health court in our circuit. And it's wonderful to see the judge that presides on that bench be able to have those defendants sent into mental health treatment facilities to get the care they need in lieu

of being in our jails and prisons. So, part of what I have learned through the work of the communication plan, part of your leadership, is to make sure that we communicate to our respective communities, to our respective circuits that we have these resources, that there are resources that the courts are there to not only administer justice to protect our communities from violations of criminal law, but to also have people helped in the ways that we can help and to communicate that. The communication plan helps us for instance, to let citizens know this is what we have, this is the resources that we can connect you with. All over the state I have noticed in the last year when I look at websites from all over the state circuits are absolutely using websites to share information about drug court, mental health court, veterans court. It's very exciting to see.

>> One thing I always tell judges, new judges about our system is that one powerful way people learn about the importance of courts is through jury service and I'm sure you see that. And you know people may groan when they get the summons to come in and serve as jurors, but in my experience once they're chosen as jurors and they're resolved to the fact that they're going to sit there and listen to this trial they really get into it. And once the case is over and they've made a decision their perspective changes completely. I always asked jurors after a jury trial, how do you feel about jury service today now that you served. Even in cases where they deliberated for a long time and it was a difficult decision to make and you can tell that they were, they argued a lot, even then all of them will tell me that it was the greatest thing they ever did and they're so happy that they had a chance to do it because now they really understand how our system works. And the one question I would always ask them after that was, well do you feel that someone sitting at home can make a judgment call about what a judge or jury did unless they were actually sitting in the courtroom and listening to all the evidence in the case. And if they learned anything from a jury trial was that they could not. That unless you were there to see the witnesses as they testified, hear what they said right there in front of you, and if you listened to what the law was the legislators we elected passed that they were told to follow. Unless you were there for that you're in no position to judge what jury does in a case. And that is one of the biggest learning tools that we have is actually serving on a jury. And again, every week thousands and thousands of Floridians are summoned throughout the state to serve on juries and they do serve on juries in civil cases where it could be anything from a real estate case to a medical malpractice case or some type of commercial litigation case to a criminal case where someone can be charged from anything from petty theft all the way up to first-degree murder. Every week people are summoned to listen to those trials and I think that people usually leave very impressed with the way we conduct our judicial system. So, I welcome all those folks who serve on juries and hope that they will always continue to do that. My wife has served on two juries and she basically was immensely impressed, particularly because I wasn't on the case. But in any event, she was very impressed with the system having participated in it from that angle. That said about juries, is

that pretty much your impression of the way people leave the courthouse after jury service?

>> Yes, I believe that jurors are doing an amazing job. They take what they do seriously, they're very thoughtful, they're very considerate of their deliberations and I see that. I also believe that jurors when they're initially summoned aren't always enthusiastic about serving, but they're often reminded that we have men and women who are fighting all over the world for the rights that our respective courthouses represent and they have the opportunity to do their civic duty right here in their own backyard. And usually that reminds them that tempers their anxiety about being summoned. The role of the juror is just so important and I always remind them that without their service our courts could not function, could not operate.

>> And I agree and the jury the mere fact that the framers of our Constitution decided that these decisions involving somebody's financial fate or even freedom should be left to jurors of their peers and not just to some professional person who makes those decisions and that is one of the brilliant aspects of our constitutional system in this country. I don't think anyone wants to face a military tribunal in a dictatorship when someone is charged with a crime. I came from that world and that's where I was born, I was born in Cuba and that's the way it was. And you know there's a story about when Fidel Castro took over the previous regime that was in place which was a dictatorship had an Air Force, such as it was maybe five or six airplanes. And they were bombing Fidel and his people in the mountains because they were at war with Fidel. Once Fidel won the pilots that were dropping the bombs on Fidel's and his army were captured and they were tried by a tribunal. The tribunal that was in place was a straight shooter one, it's the one that had been in place all along. And the bombers, the pilots who were dropping bombs their claim and their defense was that they were in the military, they were at war and they were following orders. And based on that defense and based on the facts presented they were acquitted. Fidel didn't like that, so he fired the tribunal and installed his own tribunal. And within a week the pilots were retried in a very public trial that was televised across the country, they were convicted and some of them were executed, and some of them served long terms in prison. So that's what happens when people don't like the results of a judge, you know they go off to some very drastic approach to resolving in their own way and we cannot have that. So that's why we allow jurors, people who are not interested one way or the other in the case to come in and make these decisions and I think that's the best system. It's not ever going to be perfect, but I cannot think of a better system to do this. Okay now let's talk a little bit about some of the history that the Supreme Court of Florida has had as far as being innovative in communicating to the people what courts do. I wanted to talk a little bit about the decision that was made in the 1970's to allow cameras in the courtrooms. Television cameras are allowed at the trial court level, at the appellate court level, including the Florida Supreme Court. And you know, we have allowed that for a long time. In fact, the oral arguments before the Florida Supreme Court are televised, you can actually access them

anytime you want. They're by case, case name, case number and you are able to get them on your computer. We have been very open about that. Have you had any experience with cameras in your courtroom?

>> Yes, we have had cameras in our courtroom when there are high-profile trials and the media has requested to come into the courtroom and our court administrator typically coordinates all that. I know that actually our Supreme Court has been a leader nationally. Also, we have so many law schools all over the state that turn to the videos of oral arguments, so Justice I believe that Florida is a trendsetter on many levels. In our courtrooms we do have media come in, but we are not at the point where we have the livestream unless the local channel, local media outlet has the trial livestream like the Florida Supreme Court has. Every oral argument you can pull it up online and that's been very exciting. And I still now watch oral arguments from my office even now and I find that very informative and very helpful.

>> We started a national trend and at first, you know, we were told that you know you've got to be crazy to allow this to happen, you know, are you kidding. But still I think it is a good way for those who cannot fly to Tallahassee to watch those oral arguments I think it's imperative that people get to see how justice is being done. It's not just that justice is done, it has to be seen to be done and that's the only way that we derive our legitimacy the courts have to begin with that people get to see how it happens. And they may disagree with a decision that we made and that happens all the time. I mean that's pretty much the life of a judge, when you take the bench every day and you got one side arguing for one thing and you got the other side arguing exactly against it and you've got to rule for one or the other once you make your rule you're going to make one side very happy and the other side extremely unhappy. But the key is that both sides leave your courtroom thinking that okay I lost, I think the judge was wrong, but I think the Judge Ashenafi Richardson gave it her all to try to make the best decision possible. And as long as people leave with that that's about all that we can deliver as judges because somebody's got to win, somebody's got to lose. Of course, nowadays and if you read the papers the winning side is about what you do, the losing side will call you activist judges. And that's just the way it's always been and that's the way it's always going to be. So anyway, that's another aspect of our dedication to public information or to allowing the public to see what we do is the fact that for the last 15 years every circuit in the state has a dedicated public information officer. We have them all over the state and each circuit makes a good effort to basically allow people to know what's going on in their courtrooms in the best way possible. You have a public information officer in your courts, don't you?

>> Yes, we have a public information officer, however, he was a designee of our chief, he's actually our court marshal [inaudible] who also wears two hats, he's our court marshal and he's our public information officer. But because of this communication plan he has actually created a communication committee in the Second Circuit, we are working on implementing this four-year plan, so

even our marshal has become involved in implementing a communication plan, also courthouse safety. We are blending all of that into the work that we're doing. I want to also compliment you've got amazing Team Chief Craig Waters, he has been wonderful in developing and getting the word out about the court communication plan. I also learned in working on this communication plan that there's a statewide organization of the Florida public information officers, I didn't know this that there's a whole statewide organization. I knew that you spoke to them after the court communication plan was developed and approved by the full Supreme Court and they were so excited to take this plan and run with it. And I just wanted to kind of send a shout-out to them how appreciative our committee is that they are running with this. They took your message when you spoke with them and they really are working on helping circuits. For instance, how do you prepare a press release? That may sound basic to them, but many of our chief judges who don't have professional PIO officers they don't know how to handle many communication issues, so the statewide PIO officers and leaders are actually working with circuits and providing them hands-on assistance and I can't thank them enough. The fact that our circuits are not alone, there are teams of people that are there to help our chief judges and other stakeholders in developing and implementing the court communication plan. We do not want, our committee does not want to see this plan sitting on anyone's shelf.

>> I agree with you 1,000%. So, let me just move on to another topic. When it comes to effective communication Hollywood knows a thing or two and I'm always struck by how many great movies are set in courtrooms, I'm talking about dramas, tragedies, thrillers, comedies, even musicals. We even had a movie film here at the Florida Supreme Court, but that's a topic for another podcast and I'll just leave that sitting out there for you. So, what would you say judge is your favorite court movie?

>> Well Justice, I believe it's the same as yours which is *To Kill A Mockingbird*. Is that yours as well?

>> That is my favorite movie of all time and I think I see it every year, I have it at home and the book I think I've read it since I was a child probably 15, 20 times. And I have always fancied myself after Atticus Finch, you know as he stood there in front of a jury, this all white-man, male jury presiding over the case over a black man in Alabama being charged with the very atrocious crime having assaulted a white woman. And my favorite part is during closing arguments where Atticus could see that he was getting nowhere with this jury, they all had their arms crossed and just looking at him not in a good way and he tried quoting Thomas Jefferson about how, you know, all men, in those days all men are created equal and that didn't go very well. And in the sense of exasperation, you know, he took off his glasses in the movie, he was wiping them with his handkerchief and he is just trying to buy time, not to say the wrong thing, and he finally comes out and says, you know if there's one thing in our system that is the great equalizer it is our judicial system, it is our

courts. Where Rockefeller can be the same as a poor person, where everybody is treated equally and today you are the court, today you are here, today you are the equalizer. And that set the tone, it didn't work but it set the tone for the whole trial. I found that to be so impressive and I had that in my book, my copy of *To Kill a Mockingbird* has been read about, you know, how many times and I have it marked and always quote that, that particular statement in most of my speeches when I talk to people about our court system how Atticus Finch even though he was a fictional character, but he could've been 100 real people, people like Thurgood Marshall who came down to the south and defended these folks. And some of them were hung, but you know to his credit in some instances he actually got them off and a lot of people know Thurgood Marshall because he was a United States Supreme Court justice. But people forget that before he was that he was also one heck of a trial lawyer. And to come down from New York where he lived into the deep south and stand before 12 very angry white jurors and actually convince them to acquit a black man charged with a crime back in those days that was one heck of a feat and that he was excellent at that. So, *To Kill a Mockingbird* was my favorite. If you want to get light about it *My Cousin Vinny* is my second favorite. And I think you and I can agree judge that when we were lawyers trying cases that all of us at least once in our career faced a judge very similar to the one that cousin Vinny faced and that whole business about what are youths and are you on drugs, the whole nine yards. I, you know, I can just hear the one judge I'm thinking about that I practiced in front of in Palm Beach County as a young prosecutor saying that kind of thing right now back in the early 80's. So, have you had any judges like the judge in *My Cousin Vinny*?

>> I have because like you I'm an immigrant and sometimes I speak different. I know when I was practicing here I would often be asked are you a Yankee because I don't have a southern drawl and so practicing in the south I would get called out on having been brought up in New York and Massachusetts and maybe not having a southern drawl. But like you Justice, Atticus Finch was to me such a role model of the kind of lawyer that I wanted to be. I admired his courage because in the face of a community that had a strongly differing viewpoint he stood squarely on the rule of law and I believe that that is what makes this country great. That lawyers have moved our country forward because we have to stand squarely on the rule of law, even where the community may be against the rule of law we have to move our society forward and I believe that lawyers and judges have played a vital role in that. And I wanted to be part of that, I wanted to be part of the – I want to be a member the of the bar because to me when you fight with the rule of law to make our communities better, to make lives better that is the place to be and Atticus Finch represented that courageous lawyer, the lawyer that did the right thing because the rule of law demanded it.

>> And to some extent that transfers to judges, the judge that is presently being considered for the United States Supreme Court is Neil Gorsuch. He made a statement during his presentation that I thought was very good about

judges and he said, you know a good judge doesn't like a lot of his own wrongs because the [inaudible] is going against the grain of how he feels about things, but he's following the law or she's following the law. And that's the sign of a good judge where you know gee I wish I didn't have to rule this way, you know, I wish I could just because I just know it's not the way to go with this, but this is what the law requires of me. And that is the sign of a good judge and God knows you and I have done that so many times where we have followed the law. So anyway, I enjoyed this very, very much and I suspect that we're going to have many more of these podcasts and each time we have one [inaudible] and I hope that you'll come back.

>> Thank you for listening to Beyond the Bench. The mission of Florida's courts is to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes. To fulfill this mission, courts need the trust of the people they serve. These podcasts are designed to strengthen your confidence in Florida's court by increasing your understanding of them. We hope you join us again.

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