

OPEN NINTH:

CONVERSATIONS BEYOND THE COURTROOM

THROUGH SERIAL'S LENS

LOOKING AT THE LEGAL SYSTEM

EPISODE 122

MARCH 29, 2021

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(Music)

NARRATOR: Welcome to another episode of “Open Ninth: Conversations Beyond the Courtroom” in the Ninth Judicial Circuit Court of Florida.

And now here’s your host, Chief Judge Don Myers.

CHIEF JUDGE MYERS: Hello, and welcome to Open Ninth. I’m here today with Judge John Russo and Darren Toms, both of whom hail from the Cuyahoga County Common Pleas Court in Cleveland, Ohio, and from Serial Podcast fame. Serial is the Peabody Award Winning Podcast from the creators of This American Life. And for its third season, it spent a year inside a typical American courthouse. The courthouse they chose was the Cuyahoga County Justice Center Complex in downtown Cleveland, Ohio. Judge Russo was the administrative and presiding judge during that time. And Darren Toms was and still is the courts public information officer and community outreach coordinator. I’m thrilled to have them both on today’s podcast and to have the opportunity to get a behind the scenes glimpse at the making of this groundbreaking podcast. I want to thank you both for joining me.

JUDGE RUSSO: Thank you for having us, Judge.

MR. TOMS: It’s nice to be here.

CHIEF JUDGE MYERS: I am grateful to have this chance to pull back the curtain on you pulling back the curtain. We’re just so interested to understand a little bit about the thought processes and the engagement with the folks in the Serial podcast, but before we get to that, I just want our audience to hear a little bit about each of you, your background and maybe a little bit about what you do. So Judge Russo, could you just kick us off here?

JUDGE RUSSO: Sure and again, thank you for having us. So I have just this recent year have removed myself from the administrative position. I was the administrative judge, presiding judge in Cuyahoga County for six years and had been involved with all facets of the court, from the administrative judge over 34 of us and about 500 plus employees, presiding judge over the general division common pleas court for all the other divisions as well. So I've been on the bench just finishing my 16th year as a judge and before that I had about 12 years in private practice. So I'm excited to be here this morning to see if we can answer some questions.

CHIEF JUDGE MYERS: Excellent. So we find ourselves here in the midst still of the pandemic. Did you withdraw from the administrative role ahead of the pandemic?

JUDGE RUSSO: Somebody said I had a crystal ball. The current administrative judge teases me about that but I had – it was a definitive six years, I had stepped aside and then of course March came and everything else came with it. So a little less stress for me and a lot more stress for Darren and the new administrative judge.

CHIEF JUDGE MYERS: Well, that is some great crystal ball work there. Darren, tell us a little bit about you, and your background as well.

MR. TOMS: I spent, before I joined the court in 2013, I spent 25 years in news, in broadcast news, on television and radio. The last 16 at the local news talk radio station in Cleveland, and when, you know, you reach a certain point in your life, you look for a new career path and they opened this position at the court. And they had never had a PIO before, and so it was just a great opportunity to join an amazing organization in a new position and together building it from the ground up.

CHIEF JUDGE MYERS: Well, that's awesome. And clearly as I listen to you, you've got that radio broadcast voice that I'm so jealous of. It's a great sound. Judge, tell us –

MR. TOMS: I see a microphone in front of me, it's like a flashback.

CHIEF JUDGE MYERS: Judge, tell me a little bit about the Cuyahoga County Common Pleas Court. I think it's the equivalent of what we refer to as our circuit court here just doing a little bit of reading, but what's the work of the court there?

JUDGE RUSSO: So we're a trial court. So we handle the felony docket as well as a civil docket, anything over \$15,000. So we are the trial court, of course, those trials have stopped because of the pandemic. But that's really the call of the 34 of us in the county. The 34 of us in handling those dockets, then we are complemented in our division by a domestic, juvenile, probate and the court of appeals which are all within the same jurisdiction. As a presiding judge, you oversee the domestic, the probate, and the juvenile court as well. But for the 34 of us, we are the trial court on all felonies as well as civil cases.

CHIEF JUDGE MYERS: Okay, excellent. And I have to imagine as I picture the setting, does your county area include all of Cleveland or a part of Cleveland?

JUDGE RUSSO: Yes, so all of Cleveland is encompassed within the Cuyahoga County along with the other jurisdictions that outlie Cuyahoga County as well.

CHIEF JUDGE MYERS: Okay, great. And of course, the question that everybody wants to know the answer is how in the world did this podcast come about?

JUDGE RUSSO: Yeah, so I think when Darren and I went back and revisited, we started to look at when – when the knocking on the door, and Darren, I think if you can fill in, it was 2015 or 2014 when we first had the knock.

MR. TOMS: Yeah, I got my first contact from Sarah Roenig in 2015 and approaching us about the possibility of doing something like this. Of course, my first question was, why us? And in looking back, I remember her telling me that she had an attorney friend in Ohio who recommended us because our court is known as being very open and transparent. Unlike some other states and areas, we do allow cameras and microphones in our courtrooms within a limit, of course. You have to get the judge's permission to be in there and let them know, you know, exactly what your plans are but, you know, our courtrooms are public and anyone is welcome to be in there. And so we got the initial contact from her in 2015 and Judge, as I recall, we had a phone conference with Sarah, you, myself and our court administrator, Greg Popovich. And then after that, they opted to go a different route for Season 2. And thought, okay, well, that was interesting, we're done with that. A year later, she came back and said, well, we went a different route with Season 2, we'd like to revisit being with you guys for Season 3. And that's where the conversations really started.

JUDGE RUSSO: If I could, Judge, too, without giving a broad platform of myself as the administrative judge, you know, one of the things that was key for me was this transparency in my – in being able to be the administrative judge and a little bit of my platform, and so you'll see that, you know, having Ohio in itself being an open courtroom forum, I also pushed that a little bit as one of the platforms as the administrative judge where I thought transparency was important for the community and for, you know, the people we served. We started to open up online websites that you could view our dockets and you could see how we as judges were

moving our cases. And so I think when Darren says, you know, someone in the community mentioned us to her, I think it was really this drive that we were pushing as administrators to move our court to the front of Ohio as being a transparent open courtroom.

CHIEF JUDGE MYERS: So what other venues or opportunities did you have to push the court forward in transparency like that beyond this opportunity with the Serial podcast?

JUDGE RUSSO: For example there's -- from the National Center for State Courts, they have CourTools. And so I'm not sure if you use that in your jurisdiction or not, but the CourTools allows for -- really timely. So every month we would upload our CourTools and they give you measuring data that would show you how fast we're clearing cases, how fast trials are being held, are we within the six month, you know the guidelines from the Supreme Court? Are we moving criminal cases within six months? How many judges are over those numbers? How wide are your numbers between the 34 judges? So it was a measuring tool that I felt was important for the public. As the administrative judge I thought it was important to have that and we continue to push those and to fill those data fields on a monthly basis. It wasn't always favorable to judges and I always receive pushback but you know I think a majority of judges understood why it was important and so I continue to move us. So that's just one example of CourTools. Not only CourTools but you know Darren would also populate a website. That was something new that we also had is a website that was interactive. Darren and the team worked real hard to bring in a company to update our website so that was the second. The website gave you easier access to what we were doing and viewing some of that data as well. So just a couple of examples of what we were doing in Cuyahoga County.

CHIEF JUDGE MYERS: So that's really interesting. As you -- as you're approached by Serial to do something that is really going to -- and I can't get away from this phrase, pull back

the curtain, on the everyday activities inside of the courtroom there in Cuyahoga County, and you've had some pushback on some of the transparency ideas, what are you thinking about? I mean, how – what's the – how did you all process that request?

JUDGE RUSSO: As Darren said and I'll let him jump in too is I recall the initial meeting we had and to be honest, your court administrator, if you were to define the role of that court administrator, and looking at my court administrator, he put up his boxing gloves. And he said, hey, wait a minute, judge, I got to protect you and not just you, but the judges and not in a way that he was saying, I need to protect you because you're doing something wrong, but it was a court administrative role of, let's just protect the court, we don't need to be so transparent. So those internal discussions between my administrating staff were somewhat lively but in the end, I had the final decision to say well, let's bring them in and let's see where the podcast moves. It was also, as Darren said, we were transparent. We were an open court, but nobody had asked the question. Nobody had come in. And I remember Sarah, and Darren, you could probably fill in your thoughts too, but I remember Sarah saying to us like, what you mean you're saying, yes? I mean, there isn't like this pushback from you, Judge. And I was – she's like, are you really telling me what I want to hear because I want to hear it or is this what you're – you know, it was kind of that funny – if you've ever met Sarah, she's really down to earth and she was looking at me like, come on, are you really allowing this to happen without a pushback? I don't know Darren what your – what your thoughts were when we sat with her.

CHIEF JUDGE MYERS: Darren.

MR. TOMS: Well, one of the things that kind of sold me, and I knew it would be a challenge. But she wasn't coming to open the curtain on the Cuyahoga County Common Pleas Court, she wanted to open the curtain on the justice system as it stands in the United States and

in a big city. She could have done this in any city and basically gotten the same sort of responses, the same types of cases. What we do here is really no different than what happens in every other major city in America. We were just willing to allow them to come in. And they did have to follow the same rules every other reporter did. They had to get permission from the judge to record, let the judge know that they're going to be in there. I think one thing that helped, just like this podcast, it wasn't video. So they're very unobtrusive. They had the better microphones, of course, but it was all audio. It wasn't – it wasn't video so there weren't these big cameras sitting there either. And as I said, they followed the rules but what was really fascinating is while Sarah came back and forth, her associate Emmanuel rented an apartment and lived here for a year. And they also used some other stringers, some local reporters as well, but you know they would look around, find cases and basically follow where the breadcrumbs led them.

CHIEF JUDGE MYERS: So was there any effort on the court's part to maintain any editorial control? Any limitations, anything at all?

JUDGE RUSSO: We did not –

MR. TOMS: Well, I think anytime – yeah, anytime you deal with the media, you – you run your docket as it is run and with any reporter, the only kind of editorial control I think you would have as a court is to point out if something is blatantly wrong. And they would often ask questions. You know, is this correct? Do we have this right? So they did that, but no, they were – they were on their own to choose what cases they wanted to follow.

JUDGE RUSSO: One of the things, Judge, is at the end, and I know maybe we'll get there in chronological order, but in the end when they – our agreement with Sarah was that when

they were going to air the podcast or the first episode, that we would have the ability after – so we didn't have the ability to hear it before everybody else. But we were told it's going to drop at this time and so we were the – as soon as it dropped, we were there. Darren, myself, and some of the other administrators were in on the drop. And then if we believed there was inaccuracies, they allowed us to come back to them to tell them potentially what it was and then they made a decision whether they corrected it or changed it for their future airing of the podcast. So they did allow us to do that, not telling them what to do but if we felt like there were concerns about how they portrayed something – and we did have one of those situations. Darren, I know right off the bat with one of our judges, we thought there were some issues, the comment made on the podcast may have lent itself to sound like the judge had committed a violation against the Code of Ethics. And we explained to them why it sounded that way and Darren, I think we had lots of interactions with them to get to a point of understanding.

CHIEF JUDGE MYERS: Fascinating.

MR. TOMS: Yes –

CHIEF JUDGE MYERS: Go ahead, Darren.

MR. TOMS: Oh, and we did appreciate them letting us know ahead of time, not only, you know what the content of the podcast was going to be but which judges of ours would be focused on. And you know they built some reputations with some of the judges too and notified judges if their names were going to be used in a podcast. What surprised me in the end really was the focus, and Judge correct me if you think I'm wrong here. The focus of the podcast was not so much our court, but the justice system as a whole. So there were a lot of episodes that dealt at the municipal level in cases before they even got here. So ultimately when it aired I was

surprised that it wasn't more about the time they spent in our courtrooms but about the system as a whole.

JUDGE RUSSO: Yeah, I would, Darren. And I think it's clear throughout the Serial episodes that they always came back to the justice system in the United States and how it was playing out in all other major metropolises similar to what was happening in Cuyahoga County. So I thought they did a nice job of not pointing a finger at us saying, hey this is a corrupt justice system here in Cuyahoga County and, you know, we need to do something about it. It was this is the justice system in the United States and now we've put a light on it. What do we need to do to change some of the things that go on.

CHIEF JUDGE MYERS: So it's interesting, my first podcast experience was the first season of Serial. I can't say I listened to podcasts before that, but I got hooked and was a weekly listener for the first time to podcasts when that first season came out. And I've always been so impressed with Sarah Roenig's ability to research and to incorporate so much of what she's learned into just all of the conversation about what she's observed. Is that what you all experienced day to day with her?

JUDGE RUSSO: So professional. Again, down to earth, you know, backpack on your shoulder to jeans, kind of kickback, hey, good morning, cup of coffee, and a bagel, whatever it is, but very personable. I will say I agree one hundred percent with you, Judge, they're fact checkers. I mean, she may have come in audio, gave her thoughts, but then they had fact checkers all the time running exactly what was going to happen and then calling us or emailing Darren, hey, is this true? Is this how it works? And Darren, I think they wanted to come into the arraignment room because the process was discussed maybe in the courtroom and they were like, what is the arraignment room? How does it work? And so I gave them access. I let them come

in and see what happened in the arraignment room but they may have done that for other of our processes, Darren, and had that dialogue with you, so I'll let you jump in too.

MR. TOMS: So yeah, they – they're very good at what they do. And the thing about Sarah to me has always been that she is such a good story teller. She gets the story in there and you can hear her point of view on things but she was always fair in looking at both sides. And that's what a good journalist does, and that's one of the reasons that I think we trusted her more than we might somebody else. What always – what kind of made me laugh when we were getting all this under way is, again, this – we're talking five years ago. And podcasts were getting big but they weren't what they are now. And so many people here didn't know much about Serial at all. If they hadn't followed that first season or you know, got caught up in the media attention, they're like, what is this? And I had to explain, you don't understand, folks. This is really big. This is going to be really big and here we are five years later still talking about it.

JUDGE RUSSO: Darren, I can remember – I won't mention one of the judges, but I mean, there were a few judges who were like, you know, what is a podcast? And where are you going with it? And so it was clearly what Darren said, and I think knowing that and being able to hear that some judges and personnel didn't understand it, we put up – let's say we educated our judges before it came out. And Darren was very good with letting them know what was coming so that we couldn't – nobody could point a finger at me and say, hey, Judge Russo, you set us up on this. So any time we thought there needed to be at least an explanation of what was happening, explaining to staff what and who was going to be in the building and how they were recording, Darren did a great job. So every time we thought there's just something here the judges don't understand and they're bailiffs and their staff, let's get an email out to everybody.

Darren did a great job with letting them understand what the process was and then what was coming next.

CHIEF JUDGE MYERS: So let's talk a little bit about the day to day once the commitment is made to do the podcast. How long did it take for them to record and produce that first season?

MR. TOMS: Well, they were here for a year. So they really started, gosh, early 2016 is when they really started sitting in on things. And the first episode aired September of that year, if I'm correct on the dates. However, they were – when the first episode or two dropped, they hadn't even finished writing the last ones. So it literally was, they were still doing it as they went along. One of the things that I thought was fascinating was, Sarah sat in on a trial, on a Douglas Shine, Jr. who was committed – or convicted of three murders and it was a big trial. Back tracking quickly, I think another reason that they were interested in Cuyahoga County is we did have a reputation for having pretty interesting cases coming before our judges. So she spent oh, a good month in that trial, all the way through deliberations, verdict, sentencing and then it became almost a footnote in the podcast. And that's how they operate. They see where the story takes them. So they were there for this long trial but it turned out to be the smaller cases that they found interesting. And the first season of Serial was all about one big case. So this was their opportunity to look at how smaller cases moved through and how the process works. And I think once they saw that, that's why the podcast took the change that it did.

CHIEF JUDGE MYERS: And on a day-to-day basis, what were you all dealing with? Was it mostly getting permission for them to be in courtrooms, to make arrangements to be there and to record those types of things, or was there more to it in terms of the interaction between the court and the podcast, Serial?

JUDGE RUSSO: I think they just became part of our day to day. So it wasn't as if every day they check in with us and said, hey, we're here, or we're there. They did get approval and when they did get approval to be in a certain judge's courtroom, then I don't believe it was like, Darren wasn't checking in on them every morning, hey, where are you? What are you doing? Please give us an update. We gave them that access. And you see it play out in the elevator conversations, right. She's on the elevator. She's talking to a lawyer. She's getting off the elevator. So that's – we let them do that and they had the ability to move throughout. One of the things they were not allowed to do was to be back in the judge's area, you know, our bailiff, courtroom chambers unless asked and given approval to do so. So we had some understanding that they weren't lurking behind the courtroom and audioing people or judges who are talking somewhere in a hall, that may be out in front of their desk talking about a case. So they had the approval to be in the courtroom. We knew what courtrooms they were in and they did that for a year. But Darren, I don't believe there was a daily check-in and you following them around.

MR. TOMS: No, we didn't treat them any differently than we would treat any other media outlet. They had to, you know, seek permission from the judges to be in the courtrooms, but otherwise, unless they had specific questions for me or they asked for maybe to help introduce them to a judge or bailiff, could I arrange that? Of course. And I remember the only time there was ever an issue, we had a judge calling frantically, wondering why this person was sitting out in the hallway back in the secured area. And I was a little surprised because, you know, Sarah knew the rules. Well, you know, you look into it and she was talking to an attorney who had to go back into a closed chamber conversation. And so she was with him and she waited in the hallway where she was supposed to be. But you know, I can understand, you know, a judge saying, you know, why are they back in the secured area? Well, that's why. It

wasn't that she had broken any rules. She had permission from an attorney to be there and we got that cleared up pretty quickly.

JUDGE RUSSO: And I think they built relationships with some of our staff over the year too. I mean, deputy sheriffs and bailiffs, and court reporters. So you know, for a year, Emmanuel lived in Cleveland and he would come in in the morning and spend his days, or if he heard something was popping with a new case or something in a courtroom, boom, he'd be up and over. So I think they developed some relationships with some of the staff of our stakeholders, and some of the staff for the court as well.

CHIEF JUDGE MYERS: So I'm assuming you all got some feedback from folks in the community, lawyers, even your own judges, court reporters, interpreters, those sorts of folks around the courthouse day to day. What sort of feedback did you get about this experience?

MR. TOMS: Oh, Judge, I never heard anything from anybody, did you?

JUDGE RUSSO: Very quiet, Darren. I'm so excited five years later someone has some interest. Judge, I would say, you know, post the dropping of the first episode, if you could imagine a year – a year and a half of Serial really driving the community and the concept of justice, that's what happened. About a year and a half of interviews, of law schools for example, Cleveland-Marshall Law School developed one class on the Serial podcast where they – it was their largest class. Their goal was to get everybody who potentially played a part in the Serial to come in and speak to the law students live about the experience and why they did it. And that class was, you know, a three credit hour class for law schools. And both law schools did it in Cleveland. The bar associations, open forums, open conversations. Sarah coming in. Debates, a criminal justice symposium that started from within the community, activists who wanted to

have conversation, the churches, the – just everybody wanted to talk about the spotlight on Cleveland and Cuyahoga County and where do we go from here on making this a better justice system. So that – Darren, if I'm wrong, maybe you could even plug in some others who grabbed us for interviews and conversations.

MR. TOMS: No, we talked to a lot of people, and you know, the opinions of it varied depending on who you talked to. There were some people that would say, well, how could – how could you let them in there? Why would you do this? Well, because we're a public court. Anybody has the right to come in and view our system and how it works. There are a lot of people that were thankful that it happened. And I don't think that anything that came out of the podcast was necessarily wrong. You know, you listen to something, like, well, yes, she's right or you know, Emmanuel got that right. But it was a chance for people to – especially the public, to know more about how the system works. That it's not just a judge imposing a sentence on somebody. There's a whole long process that leads up to that, you know, we call it inside baseball. You don't really know how it works until you really hear it so I think most of the feedback that we got was positive. But like anything else, there was negative as well. And it was – boy, there was a good year of just conversations, and as the Judge said, forums, everything about it.

CHIEF JUDGE MYERS: So I had the chance to listen and there were some moments as a chief judge where I'm comparing circumstances or events that have occurred in the podcast, real justice, the making of the sausage that airs. And I cringed. I had some responses where I thought, oh, I wondered, did that hurt, you know, and were there those types of reactions as well?

JUDGE RUSSO: I think it existed and what our goal was to respond to all of it. And so for example, we set up a hotline, specifically for anybody who had an opinion or a comment to

be made once the podcast was dropped. That they could phone into a hotline. Darren and I, and maybe some of the other administrators had access to it. So anytime there was somebody that wanted to comment or give a comment, or you know, ask for an interview or things of that sort, we had a hotline set up so that individuals, you know, as soon as the podcast was dropped, if there were questions and concerns, again, from the state of Ohio or anywhere else outside of the United States because, you know, the number of viewers who were listening to it. So we did set that up. We did respond to any – any conversation that asked for on that hotline, anybody that wanted a response, an interview, things of that sort. But as Darren said, they weren't always pleasant messages, right.

MR. TOMS: Right.

JUDGE RUSSO: Yeah, but it opened, I think, the idea of if there is justice reform, if there's how the sausage is being made, conversations that people really didn't have, it opened that up. I think there are lots of spinoffs, Judge, as you know, you're an administrator, you would understand too this idea of you know, bail and bond discussion that has come out of I think this concept of justice. The idea of fines, fees and court costs. This idea of openness and transparency. Those ideas that I think were focused. Investigation -- the issues of what's going on right now with you know racism and all of that was bred in that Serial – I mean, those podcasts. I don't know if Sarah could pinpoint it, but it really has spun out of that and so I think the conversation is continuing though in a different forum than saying, oh, this is Serial podcast information or the end result of what Sarah brought out to the general public. But I think it's there and so -- we continue to have those discussions which is good. I'm glad we're having them.

CHIEF JUDGE MYERS: I think that's incredibly positive and I know I've asked some questions about some of the negative or potential negative aspects of this but I think Judge Russo, your point is excellent, that we can't shy away in the judiciary from tough conversations. Especially those that impact the quality of justice, the ability of people to access our courts, those things that ultimately make a difference in the outcome for the people that we serve. And I'm very grateful and appreciative of your comment about that because I think it's so true. I know here in our locale, we also have a very open courtroom setting. Cameras, microphones have been allowed here for a very long time and we've got a great relationship with the media that takes advantage of that for high profile cases, but certainly doesn't witness the daily grind inside the courthouse, I don't think on a regular basis. And that relationship, that positive relationship gives us a bit of a platform to be able to address some of the hot topics and the black lives matter movement, the riots that we endured here in Orlando, the protests were all significant and remain a point of conversation for us and an important one we think.

I just have to – over fifty million downloads, and that number may be updated. I'm sure that's a somewhat dated statistic but that's just a tremendous testament to the success of the opportunity to take a look at the justice system through your courts. In hindsight, anything you would have done differently?

MR. TOMS: That's a good question. The biggest goal for me other than making sure that all the rules were followed were just to be prepared for when these aired. And Judge talked about the hotline. I was really concerned that our frontline employees, the secretaries, administrative assistants were going to get deluged with phone calls and have no idea what to do. I wanted a line where they could transfer a call that we could then listen to and respond to. And frankly we did not get many calls at all. We got a lot of emails, a lot of emails. And you know

the ones that were just you know, you guys are terrible, et cetera, you can't respond to that but if somebody had actual questions or concerns, we did our best to respond to them. Maybe we could have done a little more when they were here with the legal community, Judge. Maybe letting, you know, the bar association people know, but they figured it out pretty quickly. And the attorneys that were featured were very much – you know, they knew what was going on. There was no – nothing there, but overall I can't think of much that we would have done too differently.

JUDGE RUSSO: Yeah, Judge, I think if – that's a great question. I don't know if we've been asked that, Darren, and so it was great that Darren answered the question first. It gave me a minute to digest your question. I think if – as the episodes were being dropped, I think we felt like we were on the defense, right. And felt like we needed to respond or do we need to respond, or do we need to go back and be prepared for a media, you know, response or something. So that – that was my probably biggest angst, right, my bigger stresser. There wasn't stress I think in allowing it. I did have to get through, you know – I always told Darren and you know my position as administrative judge, if I have eighteen people in favor of the judges, then it's a go, right. I always wanted to make sure I had the majority of the judges. But that wasn't always the case. Sometimes I just made the decision as the administrative judge and moved forward. So in this case maybe that stress that I felt could have been relieved in having an outlet after each episode. And maybe having a dialogue right after the episode where we were able to go back and forth with answers and questions. And I don't know if Sarah would have done that or Emmanuel, if they would have said to us, hey, that might be a great opportunity, here it drops and now we have a conversation. Here it drops, and now we have a conversation. Or was it just let us all play and then have the conversation afterward. So that would probably be a request

that, looking back on it, if I could have had some of that stress taken away, it would have been, is there an opportunity to discuss it after it drops to kind of put it all on a playing field where you get a view from Sarah, but you also get a response from the court. I don't know if that would have been something she would have allowed. She did give us an opportunity to have those conversations afterwards and openly have those conversations in public forums. And I think that was good. It gave us a response after the fact.

CHIEF JUDGE MYERS: That's great. It's hard to imagine having been through this process for a year, waiting for those drops, responding, processing, thinking about those things, that this wasn't in some way transformative for you as a court. That there were changes made or lessons learned, opportunities. Can you look back now and see – have there been changes? Lessons learned?

JUDGE RUSSO: I would say that when judges became aware of, you know, the podcast and what it meant and that, you know, wait a minute, that's Judge John Russo's voice and he's in the middle of a hearing and oh, my gosh, he sounds terrible. You know, those type – I think judges, when they heard it and they became aware of it and it became the talk, I believe it's – in my conversations internally with the judges at the time as the administrative judge, we did have conversations about how we present ourselves to the general public from the bench. There were some classes that I had taken actually here in Florida, in Miami on how do you speak to the person sitting out at the table and how do you speak to those who are behind that table which is their family so that they understand who we are as judges, what my job is as the judge. You know, define my role and the difference between the prosecutor and the defense lawyer. And so those definitions in defining happened I think more often on our benches and finding that our level when we're speaking to the general public is at a level they understand. We're not

speaking in legal terms but we're speaking – waiving a jury, what does that mean? You know, giving up your right to have a trial, those types of conversations. I found that the judges had a better understanding of how we're viewed by the public. And what I did do is I had a judicial retreat once a year just for the 34 judges and it would be CLE based for 24 hours and I brought in topics specifically on how to deal with the perceptions that we have, prejudicial perceptions. How do we speak to the general public in a way they have understanding. So I took a lot of what happened in Serial to the bench and classes, and dealing with diversity, equities and brought that through our judicial retreats. And I believe that that had effect on how our judges and the newer judges that were coming in handled themselves on the bench, to even today being that positive.

CHIEF JUDGE MYERS: Excellent. Darren, from your perspective, from a PIO, would you do this again?

MR. TOMS: Sure. I don't mean to sound that that's simple, but that's what we're supposed to do. The people should understand how the judicial system works more than what they just see in a headline or read about in the paper. It's a long process. There's so much that goes into it and I really think people did get a little more of a lesson on that. I will say that as each episode dropped, I can only equate it to like the tenseness you feel watching a very close sporting event in which your team has a stake in it. And you sit there kind of on pins and needles. When it's over, you're like, phew, okay, it's over now. Now, we move on to the next one. There were times when, you know, it was kind of nerve racking but there's no reason we shouldn't be as open as possible with the public and with the stakeholders because the system only works when everybody understands and buys into it. And so sure, I would do it again.

CHIEF JUDGE MYERS: And Judge Russo, just sort of a closing thought. You have the chance someday to sit down and talk about this with your grandchildren. What's one thing that stands out about this that it's a story you'll definitely tell?

JUDGE RUSSO: Yeah, even with – so my daughter who's 20 years old and go back a few years, when she had an opportunity to start to listen to the podcast, it wasn't because – she knew during that time frame that, you know, dad would come home and I'd talk about it with mom or somebody. She knew that there was something out there. But it wasn't until somebody who listened to the podcast, who was a friend of hers said, hey, you know, your dad was on this podcast and you know, have you listened to it? And she's like, well, no. And so she had a chance to listen to it and what really was – has stayed with me are the questions I got from my daughter, right? The questions – at the time she was playing basketball and some of her friends, and soccer, you know, I would hear questions from some of them driving in the car to an event or something, and I thought, this is great. This – look how it went from this level and now we're talking about, you know, seniors in high school and going to college and they're talking about our justice system. So from that angle and as you and I talk at that level about how it's rolled off into all these other great discussions, you know, bond and bail, and fines and fees, and disparities, and equity, those are really the conversations that need to be had, that have to continue to be had until we move to a better system. And again, I always tell whoever I'm speaking to, this is s a great justice system and I had a real exposure for the six years with other justice systems outside of our country. And so I speak of our justice system clearly being the best here in the United States. But that doesn't mean and you know, Judge, that there can't be improvements and that we can't move down a continuum of equity in all these other avenues that we deal with from the bench and how we effect those that we serve and who put us there and

elect us or that we serve as judges. So that's the important part for me in the long run is I'm hoping the discussion continues. I hope my grandkids, you know, can listen to and understand that maybe that was one of the pivotal things that happened in Cuyahoga County or maybe even Ohio, or maybe outside of Ohio that moved the pendulum on bail bond or moved the pendulum on something that created more equity and justice in our court system.

CHIEF JUDGE MYERS: Yeah. Well, what a fantastic opportunity and with such a tremendous national impact that you all participated in. Judge Russo, Darren Toms, thank you so much for the chance to have this conversation and I look forward to your next foray into social media. We're excited to watch.

JUDGE RUSSO: Thank you for having us.

MR. TOMS: It was a pleasure.

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