

OPEN NINTH:

CONVERSATIONS BEYOND THE COURTROOM

#JUSTSERVE: PARTNERS IN SERVICE

EPISODE 48

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HOSTED BY: FREDERICK J. LAUTEN

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

Now here’s your host, Chief Judge Frederick J. Lauten.

>>**CHIEF JUDGE LAUTEN:** I’m here today with Orange County Clerk of Courts Tiffany Moore Russell. In 2006, Ms. Russell became the youngest Orange County Commissioner elected in Orange County. In 2014, Tiffany Moore Russell became the first African American female Clerk of Court elected here in Orange County. So clearly a trailblazer. Clerk Russell, welcome to Open Ninth and glad you’re joining us.

>>**CLERK RUSSELL:** Thank you for having me.

>>**CHIEF JUDGE LAUTEN:** So maybe you could fill in a little more biographical information. Where are you from originally?

>>**CLERK RUSSELL:** Well, I am one of the few natives of Orlando.

>>**CHIEF JUDGE LAUTEN:** Very good.

>>**CLERK RUSSELL:** Actually grew up here, went to high school here. I’m a Dr. Phillips graduate, and went to undergraduate school at University of South Florida, law school at Florida State.

>>**CHIEF JUDGE LAUTEN:** Fabulous. Wonderful. Did you practice law before you sat on the Orange County Commission?

>>**CLERK RUSSELL:** Yeah, actually I had the privilege of being a housing attorney for Legal Services here in Orlando so I did a lot of work with representing residents of Section 8

of public housing and protecting their rights. Also looking at issues when it comes to affordable housing and quality housing.

>>**CHIEF JUDGE LAUTEN:** Did that work then spark your interest in politics and the County Commission job? What attracted you to that?

>>**CLERK RUSSELL:** What attracted me, actually I served as a citizen appointee to the Board of Zoning and Adjustment. And on that board, we looked at everything from cellular towers, and whether they should go in certain communities, and that kind of sparked my interest to wanting to serve in public politics.

>>**CHIEF JUDGE LAUTEN:** So you ran for the county commission, won in your first race.

>>**CLERK RUSSELL:** That wasn't my first race. I actually ran for the Florida Legislature and lost but then I won the county commission race.

>>**CHIEF JUDGE LAUTEN:** Great. So tell us a little bit, what was it like to sit on the Orange County Commission? What was that experience like?

>>**CLERK RUSSELL:** It was very different because, you know, as an attorney, you're trying to litigate issues, and I really had no awareness or appreciation for how our community actually developed, right. So I didn't know anything about land use, and that you couldn't have alcohol stored near a school and church, all those things that you kind of take for granted. You just assume they just showed up that way. It was kind of like a rude awakening to be on the County Commission, the big box and how you put a Walmart somewhere and how does it impact neighborhoods. And we have theme parks here and so what we put our theme parks through to put in a new roller coaster if it's near a community. Joining the county commission was actually

a huge learning curve because I had to learn a whole new area of a career or profession for some people. I had to make decisions on whether we were going to allow a certain business to move into a community. But it was a great experience. Also learned how to work with your peers because it takes four votes to get anything done. So you kind of have to learn, you know, do I support them to get what I want on this issue and also learn about other aspects in our county. What's important in Winter Park may not be the same as important to Lake Nona, so it was a great experience.

>>**CHIEF JUDGE LAUTEN:** So tell our listeners how long you served on the county commission.

>>**CLERK RUSSELL:** I served for eight years.

>>**CHIEF JUDGE LAUTEN:** All right, eight years. How much seniority did you have by the time you left?

>>**CLERK RUSSELL:** By the time I left, me and Fred Brummer were the most senior commissioners on the county commission.

>>**CHIEF JUDGE LAUTEN:** Right. And from there you chose to run for clerk?

>>**CLERK RUSSELL:** Yes.

>>**CHIEF JUDGE LAUTEN:** And what attracted you to that position?

>>**CLERK RUSSELL:** Well, unfortunately, it became an open seat because our former clerk passed away so what was attractive to me was that it was one area that I could use my law degree, that I thought I could use my law degree. I can tell you I learned a lot about that as well,

but I thought that this was one job other than being a judge, that was closely tied to my profession and what I went to school for. So that's kind of how I chose to run.

>>**CHIEF JUDGE LAUTEN:** Well, tell our listeners a little bit about – I know, but tell our listeners a little bit about what your office does which is maybe more than a lot of people realize.

>>**CLERK RUSSELL:** Gotcha. And so when I mentioned that I thought it was close to being a lawyer, I realized that as a lawyer you think the clerk is really going to serve you and your cases. But when I became the clerk, I learned there's so much more to the job than just handling the lawyers' cases. But of course we are the keeper of the record, and making sure we have accurate data, how to secure that data and make sure no one hacks our system. We have very confidential information. But we also handle guardianship and, you know, auditing those guardianship cases. We marry people, issue passports, collect a lot of money between traffic citations and fines and fees. And so I learned a lot that the job was bigger than what I thought it was.

>>**CHIEF JUDGE LAUTEN:** It's a big job. So as you know, the Ninth Circuit is the third largest circuit in the state and you're one-half of the circuit, but population-wise, you're the bigger part of the circuit. And you've heard me say that the 65 judges in the Ninth Circuit – our circuit judiciary is larger than eleven state judiciaries. So I'm just trying to give the listeners an idea of the size or scope of your operation because you work with the lawyers in Orange County, all of the different factors and segments you talked about. Not all 65 judges are down here but most of them are. I think it's 43 and you work closely with the judges so it is quite an operation. And one thing that you do is – and we have reached a great agreement about this, but you're statutorily responsible for jurors and jury service.

>>**CLERK RUSSELL:** Yes.

>>**CHIEF JUDGE LAUTEN:** So tell our listeners a little bit about that.

>>**CLERK RUSSELL:** Well, we have a great partnership with the Ninth Judicial Circuit here where we provide jury services to our citizens, and so our partnership is to make sure they get paid timely, that they are reimbursed for their mileage, or their meals. And so we partner with Court Admin. to make sure we provide those payments to our jurors who give up their day or their week to provide their service to our citizens.

>>**CHIEF JUDGE LAUTEN:** Yeah, let me publically commend you because you are so great to work with.

>>**CLERK RUSSELL:** Thank you.

>>**CHIEF JUDGE LAUTEN:** We've worked out this arrangement where the Ninth Circuit staffs the jury room in part because we work directly with the judges, kind of know what they need, but statutorily jury service is your responsibility and we've reach this great agreement to work together and I'm really appreciative of it. Now, so jurors receive compensation –

>>**CLERK RUSSELL:** Yes.

>>**CHIEF JUDGE LAUTEN:** And I know what it is but I'm going to ask you to tell our listeners what it is and then we'll talk about how you're going pay them and how they get paid for their service. We'll talk a little bit more about jury service.

>>**CLERK RUSSELL:** They get paid \$15.00 a day. Of course that increases depending on how long they stay on the jury and so one of the things – so that's kind of statutorily what we're supposed to pay them as well as for their meals.

>>**CHIEF JUDGE LAUTEN:** So my understanding, correct me if I'm wrong, I think for the first three days they get paid \$15.00 and then it goes to \$30.00 a day.

>>**CLERK RUSSELL:** Yes.

>>**CHIEF JUDGE LAUTEN:** And honestly, I think you and I have talked about this a little bit, we don't pay our jurors enough because we're taking them away from –

>>**CLERK RUSSELL:** No.

>>**CHIEF JUDGE LAUTEN:** -- their daily responsibilities. On the other hand, lots of employers will pay their employees their wages when they sit on a jury. Then they don't get paid the per diem because they're getting paid their salary. And whenever I get the chance, and I've heard you say it too, we like to appeal to the employers here locally as a matter of public service, would you pay your jurors because we certainly need jurors. They're the lifeblood of the trial system and need citizens to report to jury duty and, of course, pay attention and participate, and we know that if they receive the statutory payment, it's less than people can live on. But I understand that you're instituting a new delivery method for that payment, so I thought I'd ask you to tell our listeners about that.

>>**CLERK RUSSELL:** Again, because we have a great partnership, we are working together to see how we can better provide service to those who come and provide services as a juror, and now we currently issue jury payments by check, right. We know every year, around September, we issue a press release saying, if you have any unclaimed checks, please go to our website. And typically the largest volume of those checks are jury payments that just go uncashed. But of course, if you had a \$15.00 check, you've misplaced it, I can see why that

happens, or it ends up in another purse or briefcase, you forgot about it. So we're moving toward debit cards.

>>**CHIEF JUDGE LAUTEN:** Interesting.

>>**CLERK RUSSELL:** So hopefully people will – it will cut back on our time processing those checks and we're hoping we'll see some efficiencies in costs there as well, but that we will go with not having to process so many unclaimed checks.

>>**CHIEF JUDGE LAUTEN:** Great. So let's talk a little bit just about the logistics. So I walk into the jury room to start my first day of service, and do I get a card when I check in? Do I get it when I check out? How is it going to work?

>>**CLERK RUSSELL:** So you walk in on Monday. You will receive a nice brochure with all the instructions with a blank card.

>>**CHIEF JUDGE LAUTEN:** All right.

>>**CLERK RUSSELL:** Okay. And then we also, because your staff is very informed, will educate them. We'll have videos in the room, explaining the process. But they'll receive that card and we won't put the money on there because we don't know if they're going to get picked. They may finish that day and that's it, or they may get picked and be there a whole week. But on Friday when we receive notice from your – from Court Admin. as far as who should get paid and how much, that's when the money will be loaded to their cards, on Friday.

>>**CHIEF JUDGE LAUTEN:** So if I – if I showed up on Monday and I served through Friday, Friday they'd load, I guess it's \$105.00 onto a debit card, and then I'm in possession of that. That weekend can I use it? Once it gets loaded I can use it?

>>**CLERK RUSSELL:** Yep, you can use it.

>>**CHIEF JUDGE LAUTEN:** Great. That's fascinating. And what will the card look like?

>>**CLERK RUSSELL:** So we worked out with the vendor that it will have our logo for the clerk's office so it will have my name, so they'll know that that is not just a regular Lowe's gift card or Walmart; it is a clerk of court gift card for you to use from your juror payment.

>>**CHIEF JUDGE LAUTEN:** Will it be sort of a like a VISA card? I mean, can you use it all over the place?

>>**CLERK RUSSELL:** It will be a MasterCard. And one of things, we hope that the public will really read the brochure and follow the terms of the MasterCard – terms and agreements because it has some very strict rules as far as how many times you swipe it, if you go over what the balance is, you may be charged an extra fee. So we want to encourage citizens that do pay attention to the terms and the dos and don'ts when it comes to the MasterCard.

>>**CHIEF JUDGE RUSSELL:** Now, are you the first clerk to use this in Florida?

>>**CLERK RUSSELL:** No, I'm not.

>>**CHIEF JUDGE LAUTEN:** Oh, okay, well, I wasn't aware of that.

>>**CLERK RUSSELL:** We learned that my colleague up in Okaloosa, Clerk Peacock is the first actually in Florida that had started it and so we benchmarked with him and we're going to follow his lead.

>>**CHIEF JUDGE LAUTEN:** What kind of reaction has he gotten? Has he gotten any feedback?

>>**CLERK RUSSELL:** He's received positive feedback. He's not shared anything with us that he's had some negative feedback.

>>**CHIEF JUDGE LAUTEN:** And so when do you think you'll roll this out?

>>**CLERK RUSSELL:** So we're scheduled at the first – so we issued jury notices in April, so that group that receives their notice that are called in April, they'll see it in May when they show up for jury duty. I think my understanding, I'm hearing is May 14<sup>th</sup>, whatever that week is, that group will see the debit cards.

>>**CHIEF JUDGE LAUTEN:** Great. That's wonderful. I can't wait to see how it's received. I suspect it will be received quite well. And it's certainly much faster, because if you get – under my hypothetical, if you get credited with \$105.00 on a Friday, before, you'd have to wait for a check to arrive in the mail, and then like you said, you have to make sure you remember you have the check and cash it somewhere.

>>**CLERK RUSSELL:** Yes.

>>**CHIEF JUDGE LAUTEN:** That's great. Do you often, as Clerk, get calls or contacted with citizens going, oh, I got a jury summons, what should I do?

>>**CLERK RUSSELL:** Yes, I do.

>>**CHIEF JUDGE RUSSELL:** Well, maybe you can tell our listeners about the importance of jury duty.

>>**CLERK RUSSELL:** Well, I think it's very important because we have such a very diverse community here in Orange County, and that our jury pool should reflect our community. And so I would encourage anyone who's called not to see it as an inconvenience to be called for

jury service, but that it's your duty and it should be an honor to want to go serve. And so I do get those calls and I encourage people to participate in jury duty. And I realize, you know, it's – someone has to be out of the country, or you know – but then, it's, well, let's go ahead and schedule another date, but you're going to serve.

>>**CHIEF JUDGE LAUTEN:** Right. So again, for our listeners, I mean, if you got a summons, which is a Court order to appear but you had – let's say you had a child's graduation from college or high school, or you paid for airline tickets, we pretty readily reschedule people. We don't say, well, just forget it, you don't have to come.

>>**CLERK RUSSELL:** Yes.

>>**CHIEF JUDGE LAUTEN:** But we will reschedule people frequently.

>>**CLERK RUSSELL:** Staff down there is great about rescheduling.

>>**CHIEF JUDGE LAUTEN:** Because we try to make it as convenient as we can understanding that it's not completely convenient. I mean, we have to have jurors and it's an obligation. It's a legal obligation as you said, and it's sort of fundamental to being an American citizen. And we couldn't really function in this building without jurors so we're really appreciative of jurors and what they do for us, and we rely very heavily on jurors. I know you offer other services to the public. And one, we'll talk very briefly about is that there are some folks who need legal questions answered and maybe couldn't afford the full services of an attorney and you started a self-help center to reach out to folks who need some legal guidance. Why don't we take a moment and you can explain to the listeners about that innovative program.

>>**CLERK RUSSELL:** So what we have is the Lydia Gardner Self-Help Center. It's actually in the courthouse, the main courthouse. And it's a full service self-help center, fully

staffed with deputy clerks there to answer questions. We have all Florida Supreme Court approved forms. It's for that citizen who is navigating the process by themselves. They can't afford an attorney, but they're still trying to file for a divorce. They may have a child support issue, or they have a landlord-tenant dispute, or small claim dispute between them and their lawn service, could be anything. And then we partnered with the Orange County Bar Association, which has been a great partner for us and they provide us attorneys on Monday, Wednesday and Friday where you can – citizens can see an attorney for a dollar a minute. And we recently expanded to Apopka. So now, we're in Apopka on Tuesdays and the OCBA expanded that service as well. So now, four days a week in Orange County citizens can see an attorney at a nominal cost.

>>**CHIEF JUDGE LAUTEN:** Great. That's a great program. Your mentioning Apopka made me think about that you have, of course, your main office here in the 23 story Orange County Courthouse located downtown. But you also offer services to citizens out in the community in what we call branch courthouses --

>>**CLERK RUSSELL:** Correct.

>>**CHIEF JUDGE LAUTEN:** -- or branch offices. Do you want to tell the listeners where those are and where they can go if they live kind of in that region or neighborhood?

>>**CLERK RUSSELL:** So we do have one branch that's really not open for public as far as payments and that's our juvenile courthouse. And that branch is primarily there to serve as juvenile dependency, what happens at that courthouse. We do have a branch in Ocoee where court is there as well so we are in Ocoee. Apopka, Winter Park and we have a payment center on Goldenrod.

>>**CHIEF JUDGE LAUTEN:** Great. So if someone gets what, a traffic ticket, they can go there and pay?

>>**CLERK RUSSELL:** Well, the way I think we are structured here in Orange County is if you get a traffic ticket, say in Winter Garden or Ocoee, you'll be directed to go to Ocoee. If you get a traffic ticket in Winter Park, you'll be directed to the Winter Park branch.

>>**CHIEF JUDGE LAUTEN:** Okay. So one relatively recent development, at least it wasn't this way when I started practicing is that all of your records now are digitally stored, not every single one because there are some paper that's essential –

>>**CLERK RUSSELL:** Yes.

>>**CHIEF JUDGE LAUTEN:** -- like a negotiable instrument and some other documents, just the paper forms. But for the most part, the data that you keep is electronically stored and now pretty much available to the public.

>>**CLERK RUSSELL:** Yes.

>>**CHIEF JUDGE LAUTEN:** Maybe you can tell our listeners a little bit about that.

>>**CLERK RUSSELL:** So we are currently – most of our cases dating back to '98, maybe '96 in some case types are all available online. We moved to more of an electronic system now after the Supreme Court order that we make those documents available to the public. We now make sure we, as judges may ask for an older case, we will go ahead and make those documents available online so we don't have to go back and ask for that file anymore. But we now are primarily digital. Everything is available electronically, and that's the new era that we're in when it comes to court and accessing our court documents.

>>**CHIEF JUDGE LAUTEN:** And it also saves you a lot of storage space, right, 'cause a digital file takes a lot less storage than a paper file.

>>**CLERK RUSSELL:** When I got here – I want to just publicly thank you as our partnership, you know when we first met, we started talking about less paper. I didn't realize that we had, you know, three or four employees that were just punching holes and labeling a folder. And it was just amazing to me, in 2015 we were still printing from the portal, you know. But I think we've had a great partnership to move our county towards a less paper environment and it's worked well so far. We don't have files in our courtrooms and our judges are working with their laptops and computers, and everyone is moving towards that environment.

>>**CHIEF JUDGE LAUTEN:** Maybe you can tell the public, just to go back to an earlier topic, about size and scope of your office. About how many employees do you have?

>>**CLERK RUSSELL:** I have about 440 employees.

>>**CHIEF JUDGE LAUTEN:** That's a lot.

>>**CLERK RUSSELL:** That's a lot.

>>**CHIEF JUDGE LAUTEN:** And so the public often sees various employees of yours. If you go into a courtroom, there's a trial clerk there and you go to certain desks, the traffic desk or civil desk, you see employees there. You also have a lot of employees sort of behind the scenes because of the scope of this operation. I just thought it would be helpful for the public to know there's lots of people doing the work of the court system.

>>**CLERK RUSSELL:** A lot of people are in what I will call nontraditional court-related jobs that people don't know we have in the building. We have a data forecaster, someone

who tries to forecast our caseloads so we can base our budget on those numbers. We have a security specialist, someone who make a – how do we secure our data? How do -- what are we doing to make sure we are not exposing ourselves to risks when it comes to our various – if an employee is going to a website that brings a virus into the system. You know, so we have IT folks to handle that. We do have program developers here at the Clerk's Office. Of course, we have our financial services team and other support divisions. We have one division called project management and they manage all of our projects and process improvements here at the Clerk's Office. So we have the employees that people see on a daily basis and then there are those behind the scenes. There are employees who, you know, I tell attorneys all the time, you file something on the portal but there is someone that has to look at that, docket it, make sure that it gets into the case management system. Those are people that citizens will never see.

>>**CHIEF JUDGE LAUTEN:** Yeah, and another thing I know that you do that I'm not sure the public does, there are certain information in these documents that get filed all the time that would risk the privacy of individuals. So your employees redact social security numbers so that identity theft is kept to a minimum or eliminated, and other – the juvenile cases, the juvenile's name is not subject to public release. And that's just two. There's a laundry list of information that is exempt from public disclosure and so while we are governed under the Sunshine law, the records are public records. There is – the courts have recognized that there's some basic data that must be kept private or people's identity could be easily taken, and a lot of those are in the family division where financial documents are filed and social security numbers. So I think it's important for the public to know that.

>>**CLERK RUSSELL:** We, you know, over the years, the Legislature has directed the clerks' offices to go to more redaction software, but as you are well aware, if there's a sex crimes

case and there's a 200 page deposition, no software is going to catch everything and so we do have employees that have to manually read and redact some very sensitive information.

>>**CHIEF JUDGE LAUTEN:** And the other thing I know you do, and most lawyers know, but again I don't know if the public knows this, so when we have a trial, whether it's a civil trial or a criminal trial in the building, very often there's an appeal that happens because of those trials. And the clerk is charged with gathering basically the record so that's all the exhibits that are admitted into evidence and all the documents that get filed with the clerk and become part of the official record that the court of appeal reviews. And you're charged with gathering that up and getting it to Daytona Beach for the Fifth District Court of Appeal or the Florida Supreme Court for a death penalty appeal that goes directly there. That's a major responsibility, and you also are the custodian of all of the evidence that's ever introduced in trial –

>>**CLERK RUSSELL:** Yes. That stays here as long as they're supposed to be kept.

>>**CHIEF JUDGE LAUTEN:** And once I heard an entire automobile was admitted into evidence and I know that you have things in the evidence vault that people would be surprised to learn are there and require coordination and storage that's of significant challenge. Well, the work you do is fascinating. I want to publically say Tiffany that working with your employees is a treat.

>>**CLERK RUSSELL:** Thank you.

>>**CHIEF JUDGE RUSSELL:** They're very professional and work very hard to help the 65 judges of the Circuit and help the citizens of Orange County. Sometimes it's thankless work and sometimes it's work that's just not seen. As we said, it's behind the scenes.

>>**CLERK RUSSELL:** You know, Judge Lauten, I think it's also sometimes work that we take for granted and we don't say, good job, but we do notice when they've done something wrong.

>>**CHIEF JUDGE LAUTEN:** Yeah, that's a good point. The other point about everybody in this building, I know I make it with my employees and I know you do too, that -- you know, this isn't my courthouse or your courthouse. It's the tax payers courthouse; it's the citizens' courthouse and I applaud Linda Chapin for having the political courage to build this building. I have been to some other circuits that just don't have a courthouse that meets the needs of the citizens and it was courageous for her and the commissioners at the time to say, we're going to commit ourselves to spending an enormous sum of money for this building, but to provide an essential service to the public. But the public walks through the door and it's their courthouse. And very often they're anxious because this is not a place that people enter without some issue, a criminal case, they're a victim or an accused. Family court, they may be going through a divorce. When am I going to share time with my children, and it's so traumatic when a marriage comes to an end. Or in the juvenile courts, what's happening to our children. And in probate, the estate of someone that was loved who is deceased. Very often people are anxious, understandably anxious, and so anything we can do, and you do it very well, to reduce the level of anxiety and serve the public, I think is important for our mission and you do such a good job at that.

>>**CLERK RUSSELL:** Thank you.

>>**CHIEF JUDGE LAUTEN:** Well, thanks for joining us today. We look forward to this payment program for the jurors.

>>**CLERK RUSSELL:** Thank you for having me. Hopefully the jurors will appreciate it.

>>**CHIEF JUDGE LAUTEN:** I hope so too and I'm sure you're going monitor feedback. It sounds like a great idea so thank you.

>>**CLERK RUSSELL:** I think even we worked out where the trial clerks, if it's a week or two week long trial, will give the jurors, when they complete their time, a little note card because they may not remember that Monday conversation just to say, don't forget, your payment will be on the card and this is how it works.

>>**CHIEF JUDGE LAUTEN:** Okay, great. Well, thanks for taking time out of your schedule and talking with us. It's great to be with you. Thank you.

>>**CLERK RUSSELL:** Thank you so much.

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