

OPEN NINTH:

CONVERSATIONS BEYOND THE COURTROOM

PIONEERING THE DIGITAL AGE

REFLECTIONS ON DECADES OF SERVICE

FEATURING CRAIG WATERS

EPISODE 144

HOSTED BY: CHIEF JUDGE LISA T. MUNYON

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 Lisa Munyon.

CHIEF JUDGE MUNYON: Hello, and welcome to Open Ninth. I’m here today with the Florida Supreme Court’s Communications Director, Craig Waters. Craig started his career with the Florida Supreme Court 35 years ago as a staff attorney to Justice Rosemary Barkett. Over the years, he accomplished many things, from starting the Florida Supreme Court’s public information office to becoming its spokesman during the 2000 Presidential election recount. But after a long devoted career, he’s ready to retire. I’m thrilled to have you in the studio today, Craig. Thanks for joining me.

MR. WATERS: Well, I’m glad to join you, Judge, especially the Ninth Circuit which has been so much of a leader in high tech communications.

CHIEF JUDGE MUNYON: Well, we had you to thank for a lot of the direction with regard to communications and I think we want to get into some of that. But before we do, tell me, you are a Florida boy, right?

MR. WATERS: I am. I was born in Pensacola.

CHIEF JUDGE MUNYON: Well, there aren’t many of us around that have been in Florida since birth or had families here a long time. So when you were a child did you always aspire to be in journalism and in the law, or did you have some other goal?

MR. WATERS: Well, my first love was writing. I learned to love writing very early on. I started writing stories even when I was you know quite young. I kept that up and I got very

interested in journalism. I was in college – I started college right at the time of the Watergate era so journalism seemed like a very noble and great profession at the time so I spent four years as a journalist before I ultimately decided to go on to law school. The law had also been something that had interested me as well, although that interest developed later in life. But I always had been attracted to things that combined those two loves of mine, you know, both writing and the law. And in the process, I also got involved in technology, particularly the technology of communications.

CHIEF JUDGE MUNYON: What about journalism caught your interest at such a young age.

MR. WATERS: Well, journalism I had been intrigued with for a number of reasons. I remember when I was in the 8<sup>th</sup> grade I was elected student body president and as a result of that I ended up being the spokesperson for my school in some events that attracted local media attention, particularly the newspaper. And I just became very interested in the news profession at that time. I kind of kept up those ties through the years and I kept running in the circles of the Pensacola News Journal. Its editor at the time whose name was J. Earle Bowden, someone who was very influential with me as well. That continued into high school. And ultimately in high school I continued that so when I went to college it really became something that -- it seemed natural for me to get summer internships working at my hometown newspaper, which is what I did. And I did that throughout college, and that led me to segue way into a journalism career once I graduated from Brown in 1979. And I have to say the work in journalism is what actually led me into technology because the journalism industry had computerized before just about every other major industry. So I started learning computers when I was still a college intern working at the Pensacola News Journal during my summer jobs there. And that's how I got into computers

and ultimately that led to me getting involved in the Internet and the World Wide Web when it first came along.

CHIEF JUDGE MUNYON: Now, I would imagine that technology transformed journalism. I can't imagine editing something if you had to go back and retype it, correct it with correcting ribbon.

MR. WATERS: Yeah, I had just started – my very first summer internship was at a time when – at the Pensacola News, you know, they had just moved to a mainframe system, away from the old system of using hot lead type. But the hot lead machines were still there. I was talking with people who were explaining to me how that process worked, you know, if someone would come in and write a story and it would be put into this system that would – that would create these individual hot lead moles that shaped the words. It was a very cumbersome, a very dirty process. There was a lot of heat involved in producing the lead type and so starting at the time I did, I got a chance to see that as it was going out. But you know you're absolutely right that computers totally transformed journalism. And it really was a remarkable time for me to enter the journalism profession because of that. It certainly impressed on me very early on the major changes that computers were going to do, as they became more and more a part of our mainstream life.

CHIEF JUDGE MUNYON: So other than the technology aspect, do you think that your love of journalism and your experience in journalism helped prepare you for the law and for working for the court?

MR. WATERS: It prepared me in a tremendous way and not just because I covered the court beat for quite a bit when I was journalist. I also covered state government for a while. But

you know I think the one thing that journalism prepared me for in a big way and certainly for law school was the idea of doing written assignments and also you know the idea of having to be on your toes during interviews you know with very important people who were not going to take any gruff off anybody. I vividly remember my very first session at the state capitol here in Tallahassee as a young reporter covering that when the speaker of the house, it was Ralph Haben at the time just jumped all over me because of a story somebody else had written in another Gannett newspaper elsewhere in Florida. I wasn't even responsible for that story so you were just expected to kind of punch back even when it was someone as important as the speaker of the House of Representatives. So by the time I got to law school I had already pretty much had a lot of experience with things that were – were a lot like the Socratic method and of course I was very accustomed to writing on deadline. And as you know, so many of our exams in law school are high-pressure deadline writing assignments. So that was wonderful preparation for law school.

CHIEF JUDGE MUNYON: I would think the writing, and just the discipline of writing well, would certainly aid you but journalism – journalists also do a tremendous amount of research to prepare the stories that they prepare, and sometimes they're the most curious person in the room so they learn how to ask – they learn how to notice what questions need to be asked. I would think that would be very helpful for law school too.

MR. WATERS: Yeah, it was. You also get some real world experience that comes in handy in filling in the gaps, you know, when you're studying these cases with the case method. I remember my very first con law course, there was a – we had a very intense professor, Fletcher Baldwin, who –

CHIEF JUDGE MUNYON: I remember him.

MR. WATERS: Oh, yes, he could really grill you and he loved to ask zinger questions that – the answer of which you could not actually find in the materials. So he was really – he was kind of testing how well you worked on your toes. And that – the particular case we were studying dealt with an airport search and seizure where police dogs had sniffed drugs in a suitcase and – but they had done it at a different airport. They actually moved the luggage from one of the New York City airports to another one. And you know that background scenario was not evident from the materials, so Fletcher Baldwin asked me, why did the police move the luggage from one airport to another? And because I had been dealing with police and police issues somewhat as a journalist I just spontaneously said, because that's where – that's where the drug-sniffing dog was. And it turned out, even though that was a guess, it was the right answer. Of course, everyone in my class thought that I had you know some sort of clairvoyant ability when it was simply an intelligent guess based on the work I had done as a journalist.

CHIEF JUDGE MUNYON: Well, you obviously loved being a journalist. What led you to leave that and go to law school?

MR. WATERS: I saw the journalism profession was changing at the time I was there. USA Today had just started up as part of the Gannett Network, which I worked for. And I was being commandeered more and more to write stories for USA Today, and the format for some of the USA Today stories were you know short four to six paragraph stories. And the editors in the Washington, D.C. area would go over those stories you know like pulling teeth. And I – that wasn't what I saw for my future, that kind of journalism. And so I took the LSAT and did fairly well. Got into all the law schools I applied to, and decided that I would leave journalism because I just didn't like the direction it was taking. And you know keep in mind that those were the

days before the Internet existed so in some ways I guess there was a little clairvoyance there and my understanding that that direction was, you know, was going to get worse over time. It wasn't really clear in the 80s when I did that, that that was the case but it turned out to be true.

CHIEF JUDGE MUNYON: So what led you after law school to apply to the Florida Supreme Court?

MR. WATERS: Well, I had let the career placement office know that I was very interested in clerkships, was very interested in anything involving scholarship and writing because I had a big interest in that. I was also interested in media law and I had finagled a summer job my last year of law school with one of the premier media law firms in Miami, which at that point was called Thomson Zeiter. It was Parker Thomson's big law firm and of course, he was a well-known media lawyer representing the Miami Herald. And I actually got that summer job and went to work, you know, with Thomson Zeiter. But during that period of time, the career placement office came to me and let me know that Rosemary Barkett was looking for her first set of law clerks. And you know, the career placement office suggested that that might be a good place for me to start my career. And, of course, at that time the understanding was I would – I would do a two-year clerkship and then of course, I could go back to work with Thomson Zeiter in Miami, which was originally what I had planned to do. And so I went to do my two years with Rosemary Barkett, which were just fabulous years, you know a fabulous couple of years, great experience you know working for this groundbreaking judge, the first woman on the State Supreme Court. And during that period of time Thomson Zeiter kind of fell into pieces. The law firm fragmented and went – the different pieces went in different directions. And I was a little concerned about moving back to Miami in that particular environment. So I ultimately decided when Gerald Kogan came to me and said that he would like me to work for him for a

couple of years after I finished with Barkett. I went and I told him, yes, I wanted to do that because I was just not – I didn't feel very safe about what was happening with the opportunity that I had in Miami. And of course, you know, it was during that extra two years with Justice Kogan that he ultimately was chosen as Chief Justice-Elect and asked me to stay on to work on some of his projects, which ultimately led me to me starting the public information office which I still lead. And obviously, those opportunities were so wonderful. I just kept getting dragged on into more and more wonderful opportunities here at the Florida Supreme Court.

CHIEF JUDGE MUNYON: So tell me how did the public information office come to be.

MR. WATERS: There were surveys that were being done back around the time when Kogan was chosen as Chief Justice-Elect, the Judicial Management Council in particular was doing surveys of court customers. And what they – what those surveys showed was that people were pretty unhappy with the way they were getting information about the courts. You know, the survey showed that – that court customers were getting that information through the news media but they didn't feel like the news media was giving them everything they needed. And there also was a lot of sentiment. We did – back then the – the JMC also talked with some journalists and the journalists indicated that they felt like the courts were not doing a very good job of letting them know what the courts were doing. So there was – there was a general sentiment that was developing at that time that courts were not communicating as well as they should with all of the people they served. That was something that really caught Justice Kogan's attention. He had been made the chair of the Judicial Management Council while he was Chief Justice-Elect. And so that was something that he really – he asked me to look into. That ultimately led, you know, during the two years when was Chief Justice, he asked me to get

together with people in the Press Corp here in Tallahassee and elsewhere in Florida and find out what we're doing wrong. And so you know one of the first things I did as soon as Kogan became Chief Justice was I sat down with the president of the Florida Society of Newspaper Editors, Bob Shaw, and Barbara Peterson of the First Amendment Foundation and I had a long lunch where I told them, I said punch away. Tell me everything we're doing wrong and they did. They told me the down and dirty of the inadequate job of communications the court system was doing. I took that back to Chief Justice Kogan and he decided then and there that he was going to try to turn that around. One of the recommendations the Judicial Management Council had come up with was that there needed to be staff devoted to the job of communications. We didn't call them public information officers back then. That came a little later. But Kogan asked me if I could put together the office, if he could put together the funding and get it through the legislature, which he ultimately did. And so even though I was doing PIO duties during the two years when he was Chief Justice, I didn't actually formally become the courts full time communications director until immediately after he left office when Major Harding became Chief Justice, because that was the time when the funding took effect and the Florida Supreme Court had its first full time communications director, which was the job that I took the moment that Major Harding became Chief Justice in 1998.

CHIEF JUDGE MUNYON: I know that the Supreme Court has had a website for a long time and I know that you are the person that began the website. Did the website, did it predate the public information office?

MR. WATERS: Yes, it predated it by quite a bit actually. I had, because of the interest – my interest in computers, which we talked about earlier, I had always kept on top of what was happening with the computer world. And I had been following the development of this new

thing called the World Wide Web, which was really starting to come into some degree of public attention in 1993. And I began experimenting with it. The Florida Supreme Court actually had a connection that enabled me to get onto the – the rather primitive version of the World Wide Web that existed at that point in time. And so, I had gotten on and was playing around with it. And I actually created some web pages for different purposes for the organizations that I was involved in. And I had a personal webpage as well, which you know it wasn't that difficult to do back then but it was regarded as something of a miracle because this was something also new at the time. And it got some attention. And ultimately, the technology Justice up here at the court, it was Ben Overton, read some of the news articles about these websites that I had done and came to me and asked if I could do the same for the Florida Supreme Court. And I told him, sure, you know, I'd be happy to do that so he went to Justice Kogan. This was before Justice Kogan was even elected Chief Justice and asked me – asked if he could borrow me for the purpose of creating a website and so in 1994, we actually put the first Florida Supreme Court website on line. It was a very primitive website at the time, couldn't do much with it because these were really static pages, you know, with just very limited information. There was no interactivity at all at that point in time. So at that particular point in time I actually was able to get this website up and running even though it was very primitive at the particular time. So it – it kept growing from there and ultimately when Justice Kogan decided to act on the judicial management council recommendations, the website was the first focus of the way we were going to get information out. In fact, after my conversation with the Florida Society of Newspaper Editors and the First Amendment Foundation, one of the points they brought up was you've got this website, why aren't you using it to post attorneys' briefs and opinions, and other court filings especially in the high profile cases that we have to cover. And so, you know, that was something that was – that

was very novel at the time but it was doable. And so one of the first things we did in 1996 was to start placing court opinions and briefs, and other filings in high profile cases up there for the press to see. Well, you know, this was something regarded as something of an incredible innovation at the time because up until that point in time, journalists really had to come here to the courthouse to get paper copies. It actually took me several years to train journalists that there was this new way of accessing these documents. I was really surprised how long it took for journalists to get beyond their addiction to paper. And we really didn't finally get completely beyond that until the Bush v. Gore cases turned it into a worldwide phenomenon.

CHIEF JUDGE MUNYON: Well, you know that I have a love of court technology and you were instrumental in working with the Supreme Court's website and getting the first court records online in Florida and it's hard to believe that that has been what 26 years ago at this point.

MR. WATERS: Right.

CHIEF JUDGE MUNYON: That's pretty amazing because Florida has been at the cutting edge of court technology for decades. And I think many lawyers don't appreciate that.

MR. WATERS: Yeah, I think you're right about that. Journalists were slow to catch on to you know these online resources, so was the legal community. I mean, a lot of lawyers thought that if they didn't have the paper copy in their hands that they hadn't gotten what they – what they came for. There was almost this idea that these PDF documents that were available on the web were not the real thing. And it took me a long time to really kind of educate people about that, really. It was four years from the time that we started putting these things online until

Bush v. Gore because of the fact that that was on World Wide television, you know, suddenly it dawned on people that these online resources were actually better than the paper copies.

CHIEF JUDGE MUNYON: So you were the courts public information officer when the recount of the 2000 Presidential election occurred, correct.

MR. WATERS: Yeah, that's correct.

CHIEF JUDGE MUNYON: Tell me about it. I mean, that was an amazing time at the court.

MR. WATERS: It was really amazing, you know. Honestly, if I had known that was going to hit me, I probably would have gotten a job elsewhere. But I must say that the experience we had already had in the prior years, you know, the website was already up and working in 1994. We started placing documents online in 1996. In 1997, we started livestreaming oral arguments on the World Wide Web, something that also was not fully appreciated until Bush v. Gore happened. By the time Bush v. Gore hit, we already had several years' worth of experience making those things work. And honestly, a lot of people have said that Florida was the best place Bush v. Gore could have happened because we did have these technological resources. And other states simply did not have that at that particular point in time. And because of that, you know we were able to push documents out on a worldwide basis from our website. We had to do some tinkering with the website to make sure the bandwidth was working properly. The filings that were coming in, you know, the opinions that were filed, those were all placed on the website where you could get as quick access in Tokyo as you could in Tallahassee. And on top of that, you know, we had the oral arguments that were streaming from start to finish, unedited, complete oral arguments that were going out on a worldwide basis so

that anybody in the world could watch it really better than you could in the cramped courtroom at the Florida Supreme Court. And so that was a remarkable episode I think and it was the first time that so many courts and so many court customers began to realize that the online age had come to the courts and was never going to leave.

CHIEF JUDGE MUNYON: Well, was the – were the oral arguments in the 2000 Presidential election the first time that oral arguments were livestreamed from the Florida Supreme Court?

MR. WATERS: They were not the first time. The first livestream started in 1997. What was different of course about Bush v. Gore was this was the first time that such tremendously high profile cases had been – had been livestreamed on a worldwide basis. You know, the two oral argument cases in the Bush v. Gore episode you know were the first appellate arguments in history that were broadcast on this worldwide basis via a livestream. It was the first time that people began to see that you could provide access to people even though they couldn't physically come to Tallahassee and even though our courtroom was too cramped with the people who wanted to get in to start with. The technology actually provided better access than you could get in person or from paper.

CHIEF JUDGE MUNYON: And Florida has been a leader for a very, very long time, for decades in allowing access to cameras in our courtrooms.

MR. WATERS: Right.

CHIEF JUDGE MUNYON: And I believe that that – that occurred during your era as well, did it not?

MR. WATERS: Well, the actual – the experimentation with cameras you know, goes back to the 70s and – but I was very much involved with the people who had been part of that, you know, particularly people like Sandy D’Alemberte was very influential in helping us get the, you know, the livestream started here at the Florida Supreme Court. Well, D’Alemberte and several others, including Justice Overton and Allan Sundberg and a number of others were the ones who had first started experimenting with the whole idea of letting cameras into trial courts in Florida. There was a four year pilot program from 1975 to 1979 that – that kind of experimented with letting cameras into the courtrooms on a controlled basis but still on a – on a basis that was meaningful. And it worked very well because there was that background and because these pioneers had laid that groundwork, you know, when the time came, when the World Wide Web came along in the early 1990s, it was natural that this was an outgrowth of what you know, what Sandy D’Alemberte and the others had been doing since the 1970s. I think it was so fitting you know when Justice Kogan first came to me and wanted to explore live broadcast from the Florida Supreme Court oral arguments, the very first meeting we had, Sandy D’Alemberte was there. He was president of FSU at the time. It was – and he was extremely instrumental in getting the funding that we needed to put the equipment, the software, the fiber optic connections in place that allowed those livestreams to work as well as they did. It literally, I can say without Sandy D’Alemberte the remarkable broadcast that we had during Bush v. Gore would not have been possible. So literally, the work that I did in the 1990s, I was standing on the shoulders of others. I was standing on the shoulders of giants like Sandy D’Alemberte, you know, Allan Sundberg, Arthur England, Ben Overton and others who had you know, starting in the 70s, had laid that remarkable groundwork.

CHIEF JUDGE MUNYON: Well, you've been instrumental in making sure that the trial courts have public information officers and have information available readily to members of the public. How did you begin that project?

MR. WATERS: That was another outgrowth. It was partly an outgrowth of *Bush v. Gore* because the trial courts were certainly – some of the trial courts were certainly affected by that. But the major historical impetus that was behind that was the terrorist attacks of September 11, 2001. And of course, we had the anthrax scares that followed here in the court system in Florida. Because of those two events, *Bush v. Gore* and the 911 attacks, Chief Justice Charlie Wells put together a commission that started meeting in really 2002 and during his tenor as Chief Justice. Today we call it the Wells Commission. And one of the recommendations of the Wells Commission, which I was a member of, was that we needed to have designated PIOs in every – every division of the state court system, you know, meaning of course all 20 of the circuits, all five of the district courts, the Supreme Court and the Office of the State Court Administrator. And so that recommendation took a number of years to implement. You know, there were funding issues. We were able to get some grant funding at the start, but it's difficult creating something that has never existed before. We of course had to work with the chief judges of the lower courts to even convince them that, you know that they needed to pay attention to this issue of communications. And of course, that still went back to what we had learned in the 1990s about the failures of the court to properly communicate. So it really was a multi-year effort and over time, we were able to build up this statewide network of Public Information Officers. Because of grant funding we got from the Florida Bar Foundation, in 2005 we were able to hold a statewide training here in Tallahassee where we brought in all of the people who had been designated as PIOs by their Chief Judges and we trained them. That training was done in

corroboration with a number of organizations that provided faculty members. In particular, the National Center for Courts and Media at the National Judicial College in Reno was a very major – served a very major role in putting that training together. I had been working as faculty for the National Center for Courts and Media up until that point and so I had the contacts there. And the training they had been doing for judges and communication was really an excellent groundwork preparation for the training of, you know, really what became the first statewide network of PIOs in the entire nation. And so over time we of course have built that up. The 2005 grant funding meeting led ultimately to regular meetings of the PIOs, which continue to this day. And in 2007 we were able to incorporate as a federally recognized nonprofit as, you know, what currently is called FCPIO, the Florida Court Public Information Officers. And we hold monthly meetings now and we, except during pandemics, we have statewide in person educational meetings as well to make sure that our members continue to be trained on the latest communications techniques, technology and other things they need to know to serve the communities served by our courts, to make sure that communication is done, is done well and is a two-way street.

CHIEF JUDGE MUNYON: Well, you were instrumental also in introducing the use of social media not just to your court but to the lower courts. How did that – how did that happen?

MR. WATERS: I had always kept on top of developments on the World Wide Web since my days in the early 90s when I was – when I was exploring that newfangled thing called the Internet. And it became obvious to me starting around 2006, you know, these new – these new companies like Facebook and Twitter, you know, Wikipedia of course was one of the very first, I kept toying around with them because they – you know, they were proposing something that was quite different. Even though they were based on the World Wide Web, it was – it was a different kind of technology and it offered a kind of interactivity that had not really existed on

the web up until that point in time. It was the interactivity that really caught my eye because that was something that was so new. It was something I certainly thought deserved exploring as a way of better serving the communities of – that our courts work for here in the state of Florida. So I kept following these social media. By 2009, I really became convinced that they were – they were something that was here to stay. They reminded me an awful lot of the World Wide Web when it first came along in the 1990s. A lot of people thought it was a little too wild west and a little too crazy, involved a lot of diverse communities that tended to argue quite a lot. But the potential I saw in the World Wide Web back in the 1990s you know turned out to be what I thought it was going to be, a wonderful way. And of course, now today, every court has to have a website. But when the social media first started coming along in the late 2000s, I became convinced that it was going to be something similar and that courts needed to also investigate that. So in 2009, in the late 2009, I went to the Florida Supreme Court, I went to a court conference of all seven of the justices and I told them that this was something new and that I wanted to explore it further. But judges tend to be very conservative people, very caught up in precedent and so there was a lot of reluctance expressed by the Florida Supreme Court at the time. But they did give me permission to start officially using Twitter and with an eye -- seeing how well that worked and then later on we would revisit some of the other social media that were being developed. So in late 2009, we started an official Twitter account for the Florida Supreme Court and it really became very active over the next few years as we began to explore ways of using this amazing interactivity of social media. And of course, this was something that we talked about at the FCPIO meetings all the time. It was something that everybody was following. There were a lot of concerns about social media. One of the biggest concerns that PIOs around the state kept raising were workload issues. You know, this is going to add to my

burden of work already so how are we going to deal with this. But over time, FCPIO began to work on that. The staffing issues began to get better as more and more people were recognized as PIOs. You know, we now have about 60 FCPIO members so it's not just one per circuit or one per district court. And so the workload has been spread out a little better. But I'll tell you, the one time I saw when I really began to realize what social media was going to do was in 2012, we had another one of Florida's famous hurricanes hit us, closed courts around the state in different parts. And we for the first time used Twitter as a way of pushing out information about court closures, the impacts on people who were expected to come to court. Not just defendants, but also potential jurors. And of course lawyers who had cases in the courts, you know, that were being closed by this hurricane. And the Florida Bar at that point in time was also experimenting with social media. And I saw the synergy that developed between the ways we were able to post on Twitter about court closures. The Florida Bar was then able to pick that up and transmit that onto lawyers in the individual communities that were most affected by the hurricanes. We were able to do what today would be called micro targeting. We didn't use that term back then because I don't think anybody understood the concept very well, became much more prominent a concept in 2016. But in 2012 because of this crisis situation involving a hurricane we were able to demonstrate to our judges the real value of being able to let people know quickly on social media about this crisis that had hit particular courts in our state court system. And that was a lesson that proved very valuable and it's something that has only gained more value over time. We saw it in a big way with the pandemic because when the pandemic hit us, on March 13, 2020 was the day I remember when we began to do an oh my God. And we, all of a sudden we had to start notifying people throughout the state about what was going to be happening to their court system as we began to realize the magnitude of the COVID pandemic.

We could not have done what we did without – without Facebook and Twitter. And to some degree we even used some of the other social media as well. And by then of course it was a statewide effort. The PIOs at all of the lower courts were very much involved. They had their social media accounts up and running. The Florida Bar was helping us by spreading these notifications on social media through their own social media accounts, through what now would be called Viral Reach. You know, you reach – you spread by technological word of mouth. And because of that we were able to minimize the negative impacts on the communities we serve as the COVID shut downs began.

CHIEF JUDGE MUNYON: I mean, literally the groundbreaking work that you began in the 90s allowed the state court system to remain open for the last two years. I mean, you pioneered having public records online. If we were bound to paper files, the pandemic would have been very difficult to deal with. You pioneered the use of websites in the court system. And the websites proved an invaluable way to get information to lawyers in every circuit, and the use of social media. And I suspect that a lot of people don't know what an instrumental impact you had to keep the court system open for the last two years.

MR. WATERS: Well, and I'm certainly glad that I was able to fulfill that. It goes back to what Chief Justice Kogan told me when he first appointed me to this job. You know, he stressed to me that he wanted the courts to have openness and transparency. That he did not like this atmosphere that had grown up over time of courts being isolated from the communities and not communicating with the communities. He wanted that to change and so really that was the mantra I was given from the very first day that I started doing this job. And I've really done my best to maintain what Justice Kogan asked me to do. And I'll have to say you know being able to do this during an era when this technology was developing was you know tremendously

satisfying because the technology kept coming along before we actually seemed to really need it, especially with social media. I think the only thing we hadn't anticipated was Zoom, WebEx and MS Teams and some of the similar interactive technology. But of course, I don't think anybody had really anticipated what a major role that would begin to play after the pandemic hit. So we all began to learn how to Zoom in those crazy days in March 2020.

CHIEF JUDGE MUNYON: Yeah, I suspect that Florida lawyers don't truly appreciate how much they benefited from the Supreme Court's decades-long commitment to technology because there were state court systems, and parts of the Federal court system that didn't get a lot of work done during the last two years. And you know we had a little downtime, maybe a week or two. And then we picked up and took off doing our jobs for the people.

MR. WATERS: That's very true. I often get calls from other state court systems and of course, I've worked with the National Center for State Courts on a lot of projects. And it became very evident as I was getting calls from these other states that they were having a tremendously difficult time dealing with the closures caused by the pandemic. And the hurdles that they faced, and many of them, those problems were caused by the fact that they had not put in place the kinds of things that Florida already had put in place and had proven over a period of years. So Florida became something of a bellwether of how to deal with those sorts of crises. And I think a lot – I think you're right that a lot of lawyers here in Florida, because they've lived in this environment for so long, they don't understand how big the challenge was in states outside of Florida.

CHIEF JUDGE MUNYON: I think you're absolutely right. So why retire now?

MR. WATERS: Thirty-five years is a long time. And I've got a lot of things I want to do. I love travelling and I actually love writing about travelling. There's some other writing I want to do. There have been a number of connections I've developed over the years, but it is time for me to recognize that I have – I have done a lot, but I need to pass this onto the next generation and make sure that they are in place. I don't want to be one of those people who holds on after – after my ability to keep on top of all of these changes is no longer adequate to the situation. And so I've been very fortunate to be able to help put in place the staff that will be dealing with this after I leave. And I think the court system will be in very good hands and FCPIO just changed its leadership. And of course, you know, we've got Julio Semino from the Ninth Circuit is now our president-elect and he's done some remarkable technological things. Our current president is Stephen Thompson from the Sixth Circuit. He's also kept on top of these things. And of course, my replacement will be Paul Flemming here at the Supreme Court and I have been working with Paul for several years to make sure that he understands all of this. And that he is on a trajectory to keep on top of the things in the way that I have over the last 35 years. But one of the things I've learned in life though is there is a trick to knowing when it's time to let go of things. And you know you need to do it at a good time, and not when you are declining and so I am very happy to be able to hand this over to a generation that is well prepared to take on the challenges that will continue in the remaining 80 so years of the 21<sup>st</sup> Century.

CHIEF JUDGE MUNYON: So looking back on your very long and distinguished career with the court, what was the most challenging aspect while you were working for the court?

MR. WATERS: I think – of course, there were short-term challenges. *Bush v. Gore* was, you know, was an intense situation that had its own difficulties. And you know we've had other crises as well. But I can tell you the biggest issues you face in dealing with a precedent-bound

institution like the courts is getting everybody on board about these changes that are occurring and making sure they can make a judgment that are not based on false impressions about changes that are happening. I remember vividly when the World Wide Web came along, I had so many judges, you know who came to me at that time and were saying things like, that the web was a passing fad and it would not last. And I was able to work with them. I've never – I've never been a confrontational person, especially with judges and – but I was able to work with them and help them see over a period of time mainly by demonstrating the uses that I saw would be useful, the value of this new technology when it was coming along. So you know over the period of the 1990s because we started this so early, I was able to demonstrate to judges the real value of putting documents on the World Wide Web, the real value of putting court hearings and livestreams on the World Wide Web. And you know that early experience with the reluctance to engage on the World Wide Web certainly fed into what I brought to the issue of social media. Because I think the conservative elements of the state court system were even more leery of social media than they were of the World Wide Web. But I was able to take those lessons from that period of time and go to judges and say, listen, let me play around with this for a little while, let me work with the other PIOs in the state and we'll start off small at a level that you're comfortable with. And let us demonstrate what's useful and if something doesn't go well, we can just get rid of that particular aspect of it. And so I think that approach of consensus building and letting people have sort of hands-on experience was very valuable in helping bring the courts to this point in the 21<sup>st</sup> Century.

CHIEF JUDGE MUNYON: So that was sort of the challenging aspects, and how you overcame them. What do you see as your biggest accomplishment during your 35 years with the court?

MR. WATERS: I think the biggest accomplishment was the very thing that Justice Kogan asked me to do from the very beginning was to make sure that openness and transparency are part of the culture. Justice Kogan often emphasized to me that he wanted a culture of openness. And Florida has done a better job than any state in its court system of creating and maintaining this culture of openness. When I go to other states to talk with them about what we've done here in Florida, you know, I see a level of secrecy, lack of communication that reminds me so much of the way this – of the way our court system was in the 1960s and something that ultimately led to problems in the early 1970s with our state court system. Kogan was very intent on having this culture of openness because he believed in Sunshine. He believed in government in the Sunshine. And we're very fortunate here in Florida that government and the Sunshine is something that's viewed as a positive thing in all the branches of government. But I vividly remember you know something that Kogan told me at one point, quoting one of his heroes, Justice Brandeis, and that's the old saying that sunshine is a great disinfectant. Kogan genuinely believed in that and it's something that I have certainly tried to continue here in the court system with this idea of openness and transparency. So the one thing I am proudest of is that I think we have taken the openness and transparency that Florida already had and we have expanded it into a technological realm where it did not exist before to make it more meaningful. And to do it in a way that did not ultimately detract from the dignity of the court, the decorum of the court and I really think we were able to prove that you could have decorum and you could also have openness at the same time. Justice Kogan at one point even told me that two of the things he wanted to avoid were the scandals that had occurred here at the Supreme Court in the 1970s which were caused in part by a lack of openness. But one thing he also feared was that openness could become out of control could become too extreme and not carefully enough

channeled. He often told me that he did not want an O.J. Simpson situation to occur here in Florida. So really the two extremes he was telling me, you know, you want – you want to maintain openness to prevent these kinds of things that secrecy encourage, these bad things that secrecy encourage. But you don't want to have an openness that has no guardrails, that leads to an out of control situation where people begin to distrust the court system because of what they are seeing on television. And if I could say that I have achieved anything, I think it is to show that it's possible to work within those guardrails and to have that openness and transparency without it seeming to be out of control.

CHIEF JUDGE MUNYON: You kept your thumb on really the heartbeat of the court system for a long time. What do you think the biggest challenges will be facing the court in the future?

MR. WATERS: I really, to me the biggest challenge that's facing the court right now is what's being put under the general rubric of disinformation. Of course, disinformation is such a broad phenomenon right now because it's not just a particular form of communication. It's not just the partisan activities that are going on in the nation right now. It's a broader phenomenon. I think the courts are going to have to be very careful about – about disinformation. I'll tell you one of the reasons why I really wanted to get into social media from the start was because I didn't want social media to have all of this talk about so many things including the court system with the courts not being there and able to respond to it. Well, that concern has grown bigger over time as we have watched this issue of disinformation become more and more of a problem. If the courts are not out there to put out their message on a daily basis, to put out good information about what they do, about how justice is achieved, then it's going to cede the agenda to someone else who may have less kind thoughts about the court system and who may in fact

have nefarious goals of spinning the courts in a negative way. So I really think that courts have to be active participants in the communications that are going on right now. You can't simply wait for someone else to respond to disinformation. Those days are really gone, you know. At one time we relied on the traditional news media to police that. Well, they – their role, their ability to do that has faded as their business model has been disintegrating in recent years. We simply can't rely on the traditional media to get out the kind of information we could even in the 1990s. There was a time when I could rely on the daily newspapers in Florida, the local television stations to notify people about court closures caused by hurricanes. I can't do that anymore. I have to rely on social media. The courts have to get that information out on their own. But I really think this bigger concern about disinformation, the courts are going to have to keep on top of that. They're going to have to keep responding and they're going to have to have daily proactive communications efforts to make sure that they are not spun in a negative way by people who do not have the interest of the court system in heart – at heart.

CHIEF JUDGE MUNYON: And by people that don't live by the ethical standards that we have to live by as judges.

MR. WATERS: That's very true. Because a lot of people do not understand that we really need to have the good information out there from people who do it here to these ethical standards. So that way we don't look like we're simply being quiet in the face of these unethical actors saying things that – that are inaccurate about the state court system.

CHIEF JUDGE MUNYON: Well, after your 35 years with the court, what are your next steps? You indicated that you love travelling so I assume travel is in your future.

MR. WATERS: Travel is in my future. I love to travel around Florida. Every time I turn around, I discover something new about Florida that I didn't know. If I discover an interesting place that I haven't heard about in Florida, I will plan a vacation there. And I will go there and I take lots of photographs and I write about it. Mostly I post on social media about things like that, but I really – I've learned over time that if I am an active tourist which means I go in and I take pictures and then I try to write to explain about it, I learn more and I enjoy more about the places I visit than if I'm simply a passive tourist. So that's certainly something that will be in mind. I've had some contacts from some of the publications I've worked with through the years asking if I would be interested in doing freelance work for them. I'm exploring those opportunities. I've even had some inquiries from organizations like Court TV asking if I might be interested in having a role with them at some point. So I'm exploring all of those options. And of course, I do want to get back writing which I told you was my first love. I will be doing a lot of writing in my retirement, and I also am working right now on building a new retirement home just off Lake Jackson here in Tallahassee. So that's going to be taking up my time for the next couple of years until we get through all these supply chain problems.

CHIEF JUDGE MUNYON: Well, I look forward to following your travels on social media because you write wonderfully. You take wonderful pictures and you go to great places. And Florida has a lot of great places to visit, and it's always interesting seeing those places through someone else's eyes.

MR. WATERS: And I really – I certainly believe that. I'm also a big fan of history and I think a lot of Florida's history has not been adequately explored so history is often something I write about when I visit these places.

CHIEF JUDGE MUNYON: Well, Craig Waters, I appreciate you spending some time with me today and talking about your role in the state court system and how the state court system has changed over the past 35 years while you've worked for the court. Thank you for being my guest.

MR. WATERS: Well, thank you for inviting me, Judge Munyon. I've always enjoyed working with you and your predecessors and the wonderful staff you have there in the Ninth Circuit.

CHIEF JUDGE MUNYON: We do have the best staff. I do agree, although you would probably say that you have the best staff so we'll just have to agree to disagree on that. Well, have a good afternoon and thank you for joining us.

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