

OPEN NINTH:

CONVERSATIONS BEYOND THE COURTROOM

SHAPING THE FLORIDA COURTS

REFLECTIONS ON DECADES OF SERVICE

EPISODE 138

HOSTED BY: LISA MUNYON

(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 Lisa Munyon.

CHIEF JUDGE MUNYON: Hello and welcome to Open Ninth. I’m here today with Lisa Kiel who retired from her job as the Florida State Courts Administrator at the end of September. Lisa has been our State Courts Administrator for a grand total of 14 years, but she’s been with state government even longer than that. Although she has worked for the government for 35 plus years, actually 39 years I think, but now after so many years in the court system, she’s ready for her next venture in life. I’m thrilled to have you in the studio today, Lisa. Thanks for joining me.

MS. KIEL: Thank you, Chief Judge Munyon.

CHIEF JUDGE MUNYON: So tell me a little bit about yourself. Where did you grow up? I know you’ve lived in Tallahassee a long time, but I don’t know if you grew up there.

MS. KIEL: I did grow up in Tallahassee. My parents moved to Tallahassee in 1956 when I was just a baby. My parents are both native Floridians. They grew up in – they were born in Jacksonville and Fernandina, but decided to raise their family in Tallahassee. So I came through the public schools in Leon County and I’m a proud graduate of Florida State University.

CHIEF JUDGE MUNYON: I was going to ask you that. So you graduated from Florida State.

MS. KIEL: I did.

CHIEF JUDGE MUNYON: The local university in Tallahassee.

MS. KIEL: That's correct. I'm a very proud Seminole.

CHIEF JUDGE MUNYON: So what did you study in college?

MS. KIEL: I actually have a degree in government, not surprisingly. They offered – I don't know that they still have that particular major at FSU but I had been interested in government all my life and very interested in history. I minored in history and I'm a real history buff and continue to read a lot of history. So I observed Florida State government from a short distance for many years in Tallahassee. And when I graduated from FSU, I started looking for work with the state and found it and ultimately landed with the courts in 1990 and have been very happy to serve in that – in the courts from that point on.

CHIEF JUDGE MUNYON: So what about government interested you earlier – early in your life?

MS. KIEL: I think I was just always drawn to public service. My parents both were not in state government but they were – they were involved in different ways. Obviously, they had a lot of friends who were in state government and I was just intrigued by public service. And once I started, I continued to find it incredibly interesting and challenging.

CHIEF JUDGE MUNYON: So what was your first job out of college?

MS. KIEL: I actually started – when I graduated from FSU, it was a very bad employment market and everyone was really scrambling for jobs. So I ultimately accepted an administrative position, not a professional position, with the – what was then called the Department of Administrative Services, and just said, I've got to, you know, get my foot in the

door somewhere and it was a very good choice, a very lucky choice for me because it was in the area of human resources, and the opportunities for me to move up from that entry level position materialized very quickly.

CHIEF JUDGE MUNYON: So you didn't stay with the Department of Administrative Services for very long, I wouldn't think before moving to your next position.

MS. KIEL: Right. I went from there to the Department of Corrections as the assistant personnel director there and I spent six years at the Department of Corrections as assistant personnel director and then applied for and was offered the position of the Director of Personnel for the state courts.

CHIEF JUDGE MUNYON: I would think being the assistant personnel director at the Department of Corrections could be challenging because the Department of Corrections has a lot of employees.

MS. KIEL: It was – it was a very good experience in terms of really gravelling with very complex and difficult HR issues. We had – at the time I think we had 25,000 employees. There are unions active in the Department of Corrections. It was – it was a very – very good way to develop some skills in that area early on in my career.

CHIEF JUDGE MUNYON: So when you left the Department of Corrections and came to the state courts, you're leaving the executive branch and coming to the judicial branch. Did you find the culture different than in the executive branch?

MS. KIEL: Absolutely. It's a – it is a very different organizational structure, the judicial branch is from what you have in the executive branch.

CHIEF JUDGE MUNYON: How so?

MS. KIEL: Well, the executive branch is obviously a very top down model. There's one boss and it's a very hierarchical organization, especially in the department like the Department of Corrections. The judicial branch, there are – the way the branch is organized, the Chief Judges of all the circuit courts and the district courts have constitutional authority over their jurisdictions. The Supreme Court is a – while we have a Chief Justice, the Supreme Court as a whole is involved in policy making and so it's – the navigating, the development of policy and the implementation of policy is just a different – different animal than what you have in the executive branch. I think it's a great system. I'm making a neutral comparison between the two because I think our policy making, the way we try to do things in the branch is very collaborative and I enjoy that – enjoy that work.

CHIEF JUDGE MUNYON: The judicial branch is very different than the executive branch because you're dealing with literally a thousand plus constitutional officers which is a different – a different beast than dealing with employees in the executive branch.

MS. KIEL: That's correct. And we also, as you are well aware, deal very frequently with other stakeholders in the system because our practices and policies impact other constitutional officers, the Clerks of Court, State Attorneys, Public Defenders. So it's – there are a lot of considerations within the branch that – in how we do business.

CHIEF JUDGE MUNYON: So how long were you in personnel services with the state court system and how did you become State Courts Administrator?

MS. KIEL: I was – I have to go back and think. I was the HR, personnel director as we called it then for just four years. And I was promoted to Deputy State Courts Administrator at

that point in time. Ken Palmer was the State Courts Administrator at that time and I worked – began to work directly with him as the deputy over the, basically the administrative functions of OSCA, the HR budget, finance and accounting, the procurement activities, those more administrative issues. In 2001, we lost Ken Palmer. He died very tragically and unexpectedly of cancer that he – we all had hoped he would survive but he did not. At that point, the court did a nationwide search. They brought someone in. At some point, not long thereafter, there was a decision that there needed to be a change and the court asked me if I would take the job and at that point, I agreed to do it. And so that was in 2003 and I took over at that point.

CHIEF JUDGE MUNYON: A lot of our listeners and a lot of lawyers don't know what the Office of State Court Administrator does. Could you tell me what – what are the aspects of the Office of State Court Administrator? You have a large – large and wonderful staff, and you do a lot of different things that nobody realizes that you do. So tell us what your office does.

MS. KIEL: Well, we are essentially the administrative arm of the Supreme Court and in that capacity we do, as you said, we do a lot of different things. The duties of the office are actually contained in the rules and everything we do is an outshoot of those rules. As I mentioned, we have a lot of administrative functions. The HR functions, payroll functions. We pay all the bills for the courts. We oversee, you know, thousands of contracts. We do procurement for the courts. We do the budget for the courts, which involves working internally to prepare a budget, advocating for that budget with the legislature, implementing budgets and just overseeing expenditures on a day-to-day basis. We also have some regulatory functions. We regulate court mediators and that's a fairly comprehensive job that we do in that regard. We regulate court interpreters. We provide judicial education to the judges. Judges are required to get continuing judicial education credits, similar to how lawyers get their continuing legal

education credits. So we oversee education programs for judges, county judges, circuit judges, district court of appeal judges and the Supreme Court Justices. We create statistical reports on case reporting throughout the state. We prepare that data, data on caseload, workload, judicial workload for the court's consideration when they determine whether there's a need for additional judgeships. And we have a state technology office which I know you're very familiar with.

CHIEF JUDGE MUNYON: Yes, I am.

MS. KIEL: And we provide direct support to the appellate courts for all of their technology and indirect support to the trial courts. Through all of that, we support and staff numerous Supreme Court committees. In addition to the committee that you chair, the Florida Courts Technology Commission, we staff the Trial Court Budget Commission, we staff the problem solving court steering committee. We staff multiple mediation committees. Everything we do with the committees is in support of policy developing in a broad – a broad area. So those are – that's essentially what we do on a daily basis.

CHIEF JUDGE MUNYON: And you have a – you have a staff that is not huge to accomplish all of those things. How many people, approximately work in the Office of State Court Administrator?

MS. KIEL: I think we have currently about 185 authorized positions and so we – we probably keep about 175 people busy on a daily basis with the vacancies that come and go.

CHIEF JUDGE MUNYON: Yeah. Anybody that runs a large organization knows that you always have some vacancies. People come and people go.

MS. KIEL: Right. And I have a lot of good multi-taskers because as I said, we have a lot of operational responsibilities but people with operational responsibilities are also tasked with staffing these policy committees that we discussed.

CHIEF JUDGE MUNYON: So what is the most enjoyable part of being State Courts Administrator?

MS. KIEL: Well, I love the job. It's a great job. It can be a very challenging job and can be hard from time to time, but it is – it has been very rewarding for me. The most enjoyable part is the people. The people that I have met and interacted with throughout the branch all over the state, professional colleagues, and a lot of people who have become dear personal friends, I just couldn't think that you could work with a better group of people than the people that we work with in the court system. The judges, the court staff, it is a – it's a pleasure to have the association that I've had with so many really good people.

CHIEF JUDGE MUNYON: Well, I know the job of State Courts Administrator can be challenging too. What is the most challenging part of the job? Other than herding the cats that are the trial judges? And I can say that as a trial judge.

MS. KIEL: The best part of the job is the people and the hardest part of the job is the people. We can say it that way. I think that again we have, they're managing a lot of different points of view. As I said, we – the branch, there are a lot of different centers of power, I would call it, and people feel – can feel different ways about different things, different policy decisions or operational decisions that they need to make. But – so sometimes managing all of that – what can be conflict that we want to turn into consensus building can be challenging. So it is, as I mentioned before, we're not only dealing with our internal people, but you have a lot of other

constitutional officers and other stakeholders that we interact with. We – we deal with the legislature obviously every year in getting our budget needs addressed. We've had some challenging times in past years with the budget, when state had budget shortfalls. Those were very – some very difficult years. But currently we have been fairing very well with our budget and pleased since I've been back in particular with the resources that we have been provided by the legislature.

CHIEF JUDGE MUNYON: I've noticed since I've been involved in statewide work that the judicial branch has a different approach to policy making than the executive branch or private corporations do. And it seems to be a very collaborative approach. I would assume that that's been intentional.

MS. KIEL: Yes, and I think it is based on that structure I described. When you have – the constitution contemplates that there is authority, the decision-making authority, throughout the branch, not just – it doesn't just rest with the Supreme Court. But the Supreme Court is ultimately in charge of the branch and they have responsibility to set statewide policy on a broad array of matters. But given the constitutional powers invested in judges throughout the state, the model that has been adopted by the court in the last thirty years or so has been to engage those who will be impacted by policy in the policy development. And I think it's a very, as I said before, it can be a lot of work because you again being chair of a very big commission understand but I think the end result in the product that the court is presented and with policy recommendations is – can be seen by all to be well-considered in the best interest of the branch overall.

CHIEF JUDGE MUNYON: And it's been my experience in dealing with the court technology commission that because all of the different stakeholders with different points of

view had had an opportunity to be heard and their points of view considered, the ultimate decisions are accepted by the broad group.

MS. KIEL: I think that's right. I think it's – it's not dissimilar to what we hear people say about court. It just – they feel like they were heard. Then even if the result wasn't what they wanted, they can feel good about their experience in court and I think that's the same that we see in policy development. If they've been heard, even if the end result isn't exactly what they wanted, they are more willing to comply and go along with what's been decided.

CHIEF JUDGE MUNYON: Now, you retired once from the Office of State Courts Administrator.

MS. KIEL: I did.

CHIEF JUDGE MUNYON: And you returned. So why did you return to the role other than I'm sure someone begged you to return to the role.

MS. KIEL: Yes, I could not have been more surprised to get a call from Chief Justice Canady two and a half years ago asking me to return. And at first she – PK Jameson had made the determination that she wanted to go back to work for the legislature and she – it was a short turnaround time for her because session was going to start very quickly and she needed to make that transition. And that was very understandable. The court therefore was looking for someone to be interim just to get through the session that was upcoming and to carry the office forward while a permanent replacement could be found. And so Justice Canady asked me if I would be willing to serve as an interim and I gave it – I did not say yes immediately. I said to him, gee, I think I'm going to have to think about that a little bit and he said he understood. And I talked – thought about it, talked with my husband about it, and my husband – my dear husband, I said to

him after – after I had wrestled with this for a while, I said, I just don't know how I can say no. And my husband said, I don't know how you could say no either. And that – that resolved it. I had originally planned to just stay for a year and we agreed to stay a little longer and then we were all overtaken by a worldwide pandemic and the – again, you've been so actively involved in our policy development with the pandemic. You know how critical it was for us to have stable leadership at every level of the courts. And I wanted to stay through that – the crisis and not leave until I felt like operationally we were in a good spot. And I could feel better about my office staff as I looked to leaving. I just feel like we have a wonderful stable group who will continue to serve the courts well.

CHIEF JUDGE MUNYON: Were there any differences in approach during this round of being State Courts Administrator than your first stint as State Courts Administrator?

MS. KIEL: I would say that is more of a personal thing than a professional thing. Having been out of the work force on a full time basis, I was doing some consulting while I was – after I had retired, but not full time. I really got a better sense of needing a good work life balance, as they call it, and when I did come back I knew I wanted to keep my – keep a better balance. It's a job that is easy to get completely absorbed in and a job that's easy to spend many, many hours on and I was intentional coming back about trying to turn work off in the evening and make sure that I took care of myself. And had time to refresh and relax. The office, as I did before, but I think even more so on this round, I really tried to empower decision-making at the lowest point so that decisions are made – so people did not feel that everything we were doing in this office I needed to bless. As I said, I have great people. I trust them. They're accountable. And so they've tried to really empower OSCA employees throughout the office with the responsibilities of the office again, so that I did not carry that burden in every instance.

CHIEF JUDGE MUNYON: I know the state court system has changed a lot over the decades that you've been involved with it. What do you think the most notable changes are?

MS. KIEL: Well, it clearly, the change in funding for the trial courts that we refer to as Revision 7 back in 2004 was transformational. That – that – the impact on the trial courts and sort of the, a little bit further enhancement of trial court decision-making over budget matters, those kinds of things has been a huge change.

CHIEF JUDGE MUNYON: That Revision 7 changed funding from more of a local county funded model to a state model.

MS. KIEL: That's correct. The constitutional amendment actually passed in 1998. The implementation date was 2004, so we had a fair amount of time to plan for it. But we moved, in the initial years, we moved over I think 120 million dollars in funding from county government to state government for the trial courts. And of course that number has grown since then. That, when I look back, is one of the biggest changes. The other is, and again something you're very familiar with is the change in technology, which is obviously a societal change that the courts are a part of. But in our own way, electronic filing that was implemented ten years ago and our continued and ongoing work to digitize the work within the courts, the records of the courts is ongoing and again from the paper-based systems that we had in the early 2000 – before and into the early 2000s to the more and more electronic systems and case management systems has obviously been an incredibly significant change for us. We've talked – we know – you and I know with the pandemic the ability to conduct remote proceedings in every court, the appellate courts, the trial courts is how we kept the court system on its feet. That technology is so essential to the courts and I think will continue to be so into the future.

CHIEF JUDGE MUNYON: Now, Florida is a leader in court technology and we have been for many years. A lot of that is due to your leadership. So how did – how did you – what vision did you have for the courts and how did you go about trying to implement that vision?

MS. KIEL: Well, the – one of the other large challenges that we face, and one of the disappointments of Revision 7, frankly, is that we did not – we did not address the funding for technology in a way that provided the resources that the trial courts need for technology. Whatever that scheme should be I don't know that we've – we haven't resolved it yet. It's still an open question, but that is one of the – that's just a challenge that we face. So my vision really was, how do you overcome that challenge and provide the level of technology that's needed and expected of us? Again, the technological changes are societal changes not just court changes and people expect that they're going to get service delivery from us the way they get service delivery from everyone else they do business with. So I really have always been focused on how to overcome those obstacles and we've been able to capitalize on certain opportunities throughout the years to do so. The e-filing portal is one example of that. We collaborated with the clerks and worked with the legislature to create the e-filing portal authority. And that has served us well. I have interacted with my peers in other states through a national organization of State Court Administrators and I'm always pleased when I come back from one of those meetings that some of the challenges that they're still facing in terms of things like electronic filing, we found a really workable solution ten years ago. So continuing to roll that technology out to the trial courts within the constraints, is kind of – we don't have a – there's no way to do it in a global sense because of the constraints so we try to take little steps at a time and figure out how to kind of put the next piece in the puzzle based on the circumstances that we find ourselves at any given time.

CHIEF JUDGE MUNYON: And I think one of the crucial parts of accomplishing that and accomplishing the e-filing portal has been the collaboration, the collaborative model that the court has always adopted because we do have independently elected clerks. It's important that we work together.

MS. KIEL: Absolutely.

CHIEF JUDGE MUNYON: Otherwise, we couldn't accomplish anything.

MS. KIEL: That's right. And that e-filing portal authority is, you know, just a real example of what that kind of collaboration can lead to.

CHIEF JUDGE MUNYON: So what do you consider your biggest accomplishment as State Courts Administrator?

MS. KIEL: Well, frankly, I think the work that we've done through the pandemic. I am certain I will look back and be very proud of the way that the court system responded to the crisis of proportions that none of us has seen before. It took a lot of innovation. It took a lot of quick decisions. It took hours and hours of time and energy from lots of people and – but I would stand our response up against the response of any government any day in the country frankly. And I feel very proud of that. I am proud of what we've done with funding. I am proud of what we've done with technology. Those are – again, those have been major focuses of mine while I've been in this job. But I think responding to a crisis effectively is something that I will be glad I was here to help with that.

CHIEF JUDGE MUNYON: And I would be remiss if I didn't mention that you mentioned funding. We are the third branch of government, but I believe our budget is less than one percent of the state courts – of the state of Florida's budget.

MS. KIEL: Um-hum, yes.

CHIEF JUDGE MUNYON: And through your leadership we do a lot with that less than one percent.

MS. KIEL: Yes, I think that – I think we do. We are always going to be looking – I say always, maybe at some point we'll sit down with the Trial Court Budget Commission one day and go, gee, we don't need anything else, do we. But I don't really see that day any time soon. But we have done well the last several years with funding. And again, I think the leadership of the Supreme Court on those issues, the leadership with the Trial Court Budget Commission has been really critical in that. And I know we don't – we don't command a big chunk of the state budget but as you said, I think we have found ways to deploy our funding to make sure that the people we serve, their needs are met.

CHIEF JUDGE MUNYON: So what do you believe will be the biggest challenges that face the state court system in the future?

MS. KIEL: We'll have our continuing challenges, the ones that we've already talked about. I think a bigger issue that we all need to be mindful of is public trust and confidence in our democratic institutions. That's a societal issue as well. And the courts need the confidence of, again the people we serve. They need to be confident in that justice is being served and justice is fair and impartial and we need to work to keep the confidence of the public. I think we do that by being transparent in making – in education, transparency in education. I think the Ninth Circuit does a wonderful job on educating the public and as well as other circuits. I would just call you guys a leader in that area. But those functions I think is a long term challenge that we need to be very mindful of continuing that work.

CHIEF JUDGE MUNYON: So now that you are retiring, what are your next steps?
What do you have in your future?

MS. KIEL: I have three grandchildren that are – not in my future. They're already here that I adore. A lot of family, a lot of desire to truly spend more time with my family. My husband and I have travelled extensively and will travel more, but that's not my primary goal. I know a lot of people go into retirement with that being a large goal. I'm just more interested in being a good grandmother, and a good mother and a good wife, and enjoying. I have a very large extended family. We had a family reunion on my side of the family in July and with my – I have four siblings. With the five of us and all the children, grandchildren, spouses, we had forty people there. Just our immediate family.

CHIEF JUDGE MUNYON: Wow.

MS. KIEL: So I have lots of family to visit and I look forward to doing that.

CHIEF JUDGE MUNYON: So when you retired the first time you did some consulting part time. Do you intend to do that in the future or are you just going to be a mom, grandmother and wife?

MS. KIEL: I am going to continue to do some consulting. I can – I have several proposals pending and I intend to pursue those, but it will not involve an eight to five job every day. I'm very comfortable working from home. I did that before I came back to work and it was easy for me to transition when we all had to work remotely. So yes, I will continue to work as much as my family will allow me to.

CHIEF JUDGE MUNYON: Do you have any advice for those that attempt to fill your shoes in the future?

MS. KIEL: I think – you’ve emphasized several times the collaborative nature of the – of leadership in this branch. I think that is something that anyone in this job has to master. And part of that is being a very good listener. So listening to people, listening to people throughout the branch is critically important. And understanding the roles of the – all the stakeholders within the larger justice community and respecting all of those roles, I think is critically important.

CHIEF JUDGE MUNYON: Well, I know that the Supreme Court Justices will miss you, your staff will miss you and a lot of judges and court administration staff around the state will miss you. So I know we all wish you very well on your retirement so I just appreciate everything that you have done for our branch and appreciate your willingness to sit down with me today and answer a little bit about your office.

MS. KIEL: Well, thank you so much. I appreciate it and I will greatly miss everyone. I had said to people when I retired before, I didn’t necessarily miss the work but I really missed the people, and I know that will be my experience again. So I hope in my consulting I will continue to have relationships with colleagues throughout the branch.

CHIEF JUDGE MUNYON: I’m sure you will because I think we all have your cell phone number --

MS. KIEL: Well, I think that’s a fair game.

CHIEF JUDGE MUNYON: -- so we’ll be calling you.

MS. KIEL: I look forward to that.

CHIEF JUDGE MUNYON: Well, Lisa Kiel, recently retired State Courts Administrator, thank you so much for joining me today.

MS. KIEL: Thank you, Chief Judge Munyon. I appreciate it.

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