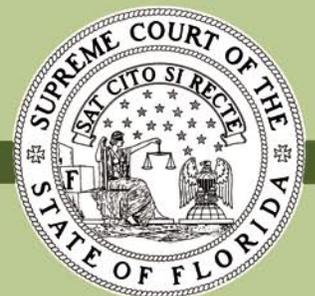


# FLORIDA STATE COURTS

2008-2009 *Annual Report*



# THE SUPREME COURT OF FLORIDA

Annual Report, July 2008—June 2009



Peggy A. Quince  
*Chief Justice*

Barbara J. Pariente

R. Fred Lewis

Charles T. Canady

Ricky Polston

Jorge Labarga

James E. C. Perry

*Justices*

Elisabeth H. Goodner  
*State Courts Administrator*



The Florida Supreme Court Rotunda.

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## *Mission*

The mission of the judicial branch is to protect rights and liberties,  
uphold and interpret the law,  
and provide for the peaceful resolution of disputes.

## *Vision*

Justice in Florida will be accessible, fair, effective, responsive, and accountable.

To be **accessible**, the Florida justice system will be convenient, understandable, timely,  
and affordable to everyone.

To be **fair**, it will respect the dignity of every person, regardless of race, class, gender or  
other characteristic; apply the law appropriately to the circumstances of individual cases,  
and include judges and court staff that reflect the community's diversity.

To be **effective**, it will uphold the law and apply rules and procedures consistently and in a  
timely manner, resolve cases with finality, and provide enforceable decisions.

To be **responsive**, it will anticipate and respond to the needs of all members of society,  
and provide a variety of dispute resolution methods.

To be **accountable**, the Florida justice system will use public resources efficiently,  
and in a way that the public can understand.

# MESSAGE FROM THE CHIEF JUSTICE

Just moments after I was sworn in as Florida's chief justice in June 2008, I issued a very somber warning and a very determined pledge.

The warning: The state court system simply could not sustain the kind of cuts it had experienced the prior year without being forced to push entire categories of cases to the backburner. The pledge: With a lot of help from a lot of people, we would secure the funding needed for our courts to handle every case efficiently and effectively.

How very grateful I am to report that this pledge was partially fulfilled in the spring of 2009 when Florida's legislative and executive branches took historic steps to establish stable funding for Florida's third branch of government. This was a great first step, but we do have more work ahead of us before we have funding sources that do not change with the economic condition of the state.

This annual report will provide details on what has been accomplished but I want to note that much hard work and careful thought went into the new funding structure. Florida's business and legal communities spoke out clearly and convincingly for the need for adequate and stable funding of state courts. Trial judges from around the state, the court administration professionals who support them locally and the Office of the State Courts Administrator here in Tallahassee provided the insights, data and expert analysis to help lawmakers make the wise decision they did.

On behalf of my fellow justices and all my colleagues in the judiciary, I extend heartfelt thanks to everyone who played a role in this achievement. It is no exaggeration to say the benefits will flow from this to countless people all across Florida for many years to come. Truly, stable funding for our courts secures justice for our people.

In addition to gratitude, I feel great pride in the men and women who work for this branch of government. Because of their dedication and expertise, Florida's judiciary has enjoyed a national reputation as an effective, efficient and innovative court system for years and, more importantly, Florida's people have been well served when they have turned to the courts for justice.

This year was no different. As our state and nation struggled to cope with recession, court jobs were cut and caseloads soared. But the people who make up Florida's judiciary worked even harder to carry out the mission of our branch: "to protect rights and liberties, uphold and interpret the law and to provide for the peaceful resolution of disputes." Florida's state court system also held true to its vision to be "accessible, fair, effective, responsive and accountable."

In fact, even as Florida's courts labored to address the difficult and challenging issue of funding, they did not neglect other justice initiatives. This annual report provides details on how some of those projects were advanced. The report also includes basic information on the structure of Florida's court system, maps of our 20 judicial circuits and five appellate districts and statistics on cases.



You can also read about the seven justices on the Florida Supreme Court. This year was somewhat unusual at the state's high court, as we said good-bye to four retiring justices: Raoul Cantero, Kenneth Bell, Harry Lee Anstead and Charles Wells. Justices Wells and Anstead each served Florida as a justice for nearly 15 years and Justices Cantero and Bell for six years each. We also welcomed four new justices: Charles Canady, Ricky Polston, Jorge Labarga and James E.C. Perry.

I hope many people take advantage of this report to learn more about our courts. It is informative, interesting and even inspiring.

Yes, even inspiring.

How else can you describe drug courts? They have the power to save lives, heal families and strengthen communities. Tens of thousands of people all around Florida have graduated from drug court since the very first one in the country was created in Miami in 1989. We celebrated that 20th anniversary in May, when 265 people from the Panhandle to the Keys became the newest drug court graduates.

Florida was the pioneer in the development of treatment-based drug courts, which provide non-violent drug-related offenders with intensive treatment and judicial supervision in lieu of incarceration. Drug courts demonstrate their effectiveness through significant reductions in recidivism. There are more than 2,300 drug courts across the country, including more than 100 in Florida, where it all began 20 years ago.

Also in this report, you can read about our continuing work to better serve children and families when they find themselves in court. And about our ongoing efforts to find ways to properly address the issues raised when people with mental illness are brought into court. And about how we remain committed to identifying and eliminating any bias based on race, gender, ethnicity, age, disability or financial status from court operations.

As Florida's top judicial officer, I am proud of these initiatives – and of each program detailed in this report. I will highlight just two more that are very serious and very pressing this year: the avalanche of home mortgage foreclosure cases that landed on Florida courts and our preparations for a flu pandemic.

In March, I signed an administrative order creating a task force to propose ways of coping with the dramatic surge of foreclosures without jeopardizing the rights of any party. This group worked extremely hard to come up with recommendations to ease the tremendous strain on courts so that they can effectively address the significant crisis facing Florida's homeowners and communities.

Finally, let me note that Florida's courts have been and will continue to be vigilant and thorough in our preparations for a flu pandemic and, indeed, any emergency of any kind. We know our fundamental duty is to keep the courts open and, whatever adjustments have to be made to protect public health and safety, that is what we will do.

Before I close this message, I want to thank you for taking the time to learn more about the third branch of Florida government. I am confident that what you find in this report will strengthen your trust in and support of the state court system and, by extension, your appreciation for the remarkable form of self-government we all inherited and together will hand on to the generations that follow us.

A handwritten signature in black ink, reading "Perry A. Labarga". The signature is written in a cursive, flowing style with large, connected letters.

# FLORIDA'S SUPREME COURT JUSTICES

## **Peggy A. Quince** *Chief Justice*

Justice Quince was appointed to the Florida Supreme Court in December 1998, and she advanced to chief justice on June 27, 2008. The Court's fifty-third chief justice, she has the distinction of being the first African-American woman on the Court.



Born in Virginia, Justice Quince received her BS from Howard University and her JD from the Catholic University of America. She began her legal career in 1975 in Washington, DC, as a hearing officer with the Rental Accommodations Office administering the city's new rent control law. She

entered private practice in Virginia in 1977, specializing in real estate and domestic relations, and then moved to Bradenton, Florida, in 1978 to open a law office, where she practiced general civil law until 1980. From there, she joined the Attorney General's Office, Criminal Division, serving for nearly 14 years. In 1994, she was appointed to the Second District Court of Appeal, where she served until her appointment to the Supreme Court.

Justice Quince has been active in civic and community organizations, including Alpha Kappa Alpha Sorority, Jack and Jill of America, the Urban League, the NAACP, and the Tampa Organization for Black Affairs. She has also received numerous awards, especially for her work on behalf of girls, women, minorities, civil rights issues, and various school programs.

Justice Quince and her husband Fred L. Buckine, an administrative law judge, have two daughters, Peggy LaVerne and Laura LaVerne.

## **Barbara J. Pariente** *Justice*

Justice Pariente was appointed to the Florida Supreme Court in 1997, and she advanced to chief justice on July 1, 2004. She was the Court's fifty-first chief justice and the second woman to serve in that role.



Born and raised in New York City, Justice Pariente received her BA from Boston University and her JD from George Washington University Law School. But Florida has been her home for more than 30 years. She spent 18 years in private practice in West Palm Beach, specializing in civil trial litigation. Then, in September 1993, she was appointed to the Fourth District Court of Appeal, where she served until her appointment to the Supreme Court.

During her time on the Supreme Court, she has actively supported programs that promote successful alternatives to incarceration, such as Florida's drug courts. She has also worked to improve methods for handling cases involving families and children in the courts. Because of her longstanding commitment to children, Justice Pariente continues to be a mentor to school-age children and encourages Court employees to participate in the Court's mentoring program; the Florida Supreme Court won a national award for these mentoring initiatives.

Justice Pariente is married to The Honorable Frederick A. Hazouri, judge of the Fourth District Court of Appeal, and together they have three grown children and six grandchildren.

## **R. Fred Lewis** *Justice*

Justice Lewis was appointed to the Florida Supreme Court in December 1998, and he advanced to chief justice on June 30, 2006. He was the fifty-second chief justice of the Court.



Born in West Virginia, Justice Lewis made Florida his home in 1965, when he arrived to attend college in Lakeland. He remained in Florida for law school, and, after graduating from the University of Miami School of Law, he attended the United States Army Adjutant General School. After his discharge from the military, he entered private practice in Miami, where he specialized in civil trial and appellate litigation until his appointment to the Florida Supreme Court.

In his professional life, Justice Lewis has been deeply involved in children's issues; while in private practice, he was committed to providing counseling to families with children

# FLORIDA'S SUPREME COURT JUSTICES

with disabilities, and he also offered pro bono legal services to cancer patients seeking proper treatment for multiple conditions. While on the Court, he has been a volunteer in the Florida Law Related Education Association, for which he works with teachers and students throughout the state to promote a better understanding of government institutions and to provide open access to judicial officers. In 2006, while chief justice, he spearheaded the Justice Teaching initiative, which has successfully paired a legal professional with almost every elementary, middle, and high school in Florida.

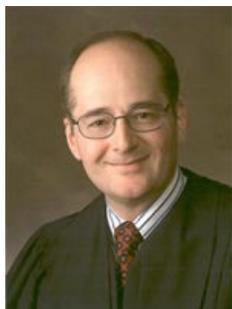
Justice Lewis and his wife Judith have two children, Elle and Lindsay.

## **Charles T. Canady**

### *Justice*

Justice Canady was appointed to the Florida Supreme Court in August 2008.

Born in Lakeland, Florida, Justice Canady has the unusual honor of having served in all three branches of government. Returning to Lakeland after graduating from Yale Law School, he went into private practice, where he was primarily interested in real estate law. Five years later, he successfully ran for a seat in the Florida House, serving for three terms, from 1984 – 1990. A few years later, he was elected to the US House, serving for four terms, from 1993 – 2001. His interest in appellate work was



sparked while he was a member of the House Judiciary Committee, on which he served throughout his tenure in Congress. After leaving Washington, DC, he came to Tallahassee to serve as the governor's general counsel; in 2002, the governor appointed him to the Second District Court of Appeal, where he remained until his appointment to the Florida Supreme Court.

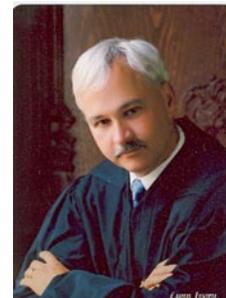
Justice Canady and his wife, Jennifer Houghton, have two children.

## **Ricky Polston**

### *Justice*

Justice Polston was appointed to the Florida Supreme Court in October 2008.

A native of Graceville, Florida, Justice Polston grew up on a farm that raised peanuts, watermelon, and cattle. He began his professional life as a certified public accountant: he received his BS in accounting from Florida State University in 1977 and developed a thriving career (in fact, he is still a licensed CPA). Nine years later, he received his law degree, also from Florida State University. He then went into private practice, where he handled cases in state, federal, and appellate court. He remained in private practice until his appointment to the First District Court of Appeal in 2001, where he served until he was appointed to the Supreme Court.



Justice Polston and his wife, Deborah Ehler Polston, are the parents of ten children: in addition to raising four biological children, they raised a sibling group of six children whom they adopted from the state's foster care system.

## **Jorge Labarga**

### *Justice*

Justice Labarga was appointed to the Florida Supreme Court in January 2009; he is the second Hispanic to sit on the Court.

Born in Havana, Cuba, Justice Labarga was a young boy when he ventured to Pahokee, Florida, with his family. He received his bachelor's degree from the University of Florida in 1976, and, three years later, he earned his law degree, also from the University of Florida. He spent three years as an assistant public defender (from 1979 – 1982), five years as an assistant state attorney (from 1982 – 1987), and nine years in private practice, all in the Fifteenth Judicial Circuit. Then in 1996, he was appointed a circuit



judge in the Fifteenth Judicial Circuit, where he served until he was elevated to the Fourth District Court of Appeal in

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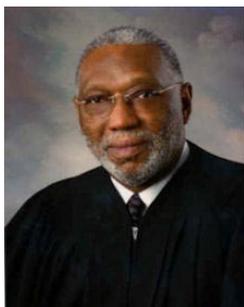
December 2008. However, Justice Labarga was on the appellate bench only one day before the governor selected him to serve on the Florida Supreme Court.

Justice Labarga and his wife Zulma have two children.

## **James E.C. Perry** *Justice*

Justice Perry was appointed to the Florida Supreme Court in March 2009.

Born in New Bern, North Carolina, Justice Perry received his BA in business administration and accounting in 1966 from Saint Augustine's College. Drafted into the Army soon after he graduated, he went to officer candidate school, got a commission, and was eventually promoted to first lieutenant.



The assassination of Martin Luther King prompted his decision to go to law school: he felt that as a lawyer, he could do the most good. After earning his JD from Columbia University School of Law in 1972, he was determined “to go back to the South to fight for justice.” He arrived in Florida in 1973 and has lived here ever since. He was in private practice, specializing in civil and business law, until his 2000 appointment to the circuit bench in the Eighteenth Judicial Circuit—the first African-American appointed to that circuit. For a two-year term (2003 – 05), he was chief judge of the circuit. He served there until his elevation to the Supreme Court.

Involved in many community and civic organizations, Justice Perry is especially committed to those that serve at-risk children, and he has received numerous awards and honors for his work on behalf of children, minorities, and social justice issues.

Justice Perry and his wife, Adrienne M. Perry, Ph.D., have three children.



Florida's Supreme Court Justices. Seated (l-r) are Justice Pariente, Chief Justice Quince, and Justice Lewis; standing (l-r) are Justice Labarga, Justice Canady, Justice Polston, and Justice Perry.

# THE YEAR IN REVIEW

## 2008-2009: The Year in Review

After a three-year process involving extensive public outreach, review, and analysis, the judicial branch recently issued its revised long-range plan, whose purpose is “to articulate a comprehensive plan of action to guide the judicial branch of Florida as it seeks to advance its mission and vision over the next six years.” The plan is shaped around five long-range issues. Defined as “high priority strategic areas presenting significant challenges that must be addressed over the long term in order to move toward fulfilling the vision and mission” of the branch, these issues are *Strengthening Governance and Independence*, *Improving the Administration of Justice*, *Supporting Competence and Quality*, *Enhancing Court Access and Services*, and *Enhancing Public Trust and Confidence*. The plan also spells out goals for each issue area as well as strategies for achieving these goals.

The five long-range issues serve as useful criteria for classifying and considering the branch’s accomplishments in fiscal year 2008 – 2009. By presenting the court system’s achievements in the context of its efforts to strengthen governance and independence, improve the administration of justice, support competence and quality, enhance court access and services, and enhance public trust and confidence, this annual report strives to epitomize the progress that the branch has made toward fulfilling its mission and vision.

### Long-Range Issue #1: Strengthening Governance and Independence

*To fulfill its mission, the judicial branch must strengthen its ability to fully function as a coequal and independent branch of government, to govern itself with coherence and clarity of purpose, to manage and control its internal operations, and to be accountable to the people.*

### Florida State Courts System Makes Significant Progress Toward Stabilized Funding

Addressing the effects of the “unparalleled economic crisis” on Florida’s courts, Chief Justice Peggy Quince remarked, “We live in times of unprecedented challenges for this state and, as a result, for this branch.” While conceding that each branch of government must do its part to help balance the

state budget, she cautioned that “There comes a time when making necessary adjustments in order to sustain budget reductions cascades into crippling the daily operations of an entire branch of government.”

Between fiscal years 2007 – 08 and 2008 – 09, the Florida court system’s budget endured a dramatic plummeting: beginning at \$491 million, it was reduced to \$478 million, then to \$438 million, finally settling at \$433 million—a 12 percent drop. All told, 290.5 positions across the state were eliminated; a hiring freeze and a travel freeze were instituted; education programs were curtailed; and a number of committees and task forces were temporarily suspended. Moreover, for the 2009 – 2010 fiscal year, the legislature imposed a two percent pay cut on all elected officials, disproportionately affecting judges.

Meanwhile, as is common in periods of economic turbulence, demands on the courts have relentlessly increased. From fiscal years 2005 – 06 to 2007 – 08, for



instance, Florida’s mortgage foreclosure filings surged by 396 percent; robbery cases, by 45 percent; small claims cases, by 42 percent; capital murder cases, by 24 percent. Due to the escalation in filings and the simultaneous termination of employees in positions that expedite the movement of cases through the court system (e.g., magistrates, case managers, law clerks), case processing has suffered delays; hearings have been more difficult to schedule; and hearing times have been shortened.

The decreases in and cuts to court services have further imperiled the state economy. According to a study prepared for The Florida Bar by the Washington Economics Group, as of October 2008, Florida’s courts had a backlog of approximately 338,000 civil cases. It goes on to say that “The aggregate of all quantifiable costs associated with court-related delays in civil case adjudication results in direct economic impacts (i.e., costs to the economy) approaching \$10.1 billion annually.” And the study calculates that another \$7.3 billion are lost as a result of indirect and induced economic impacts. Jobs too are negatively affected: “An estimated 120,219 permanent

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jobs for Florida’s residents are adversely impacted by civil case delays resulting from inadequate funding for Florida’s courts.” The study pronounces that this plight will continue to worsen until the court system is adequately funded. ([Follow this link to read the study.](#))



The travel freeze has inspired judges and court personnel to make greater use of videoconferencing for educational programming and for communicating information. In a recent videoconference for Florida court personnel, an OSCA panel, headed by State Courts Administrator Lisa Goodner, presented “A Retrospective on the 2009 Legislative Session and Its Impact on the Courts.”

The judicial branch has responded to this crisis on two fronts. First, it has embraced innovations that enable the courts to do more with less. For instance, with severe restrictions on travel, and therefore face-to-face interaction, judges and court personnel have tapped into alternative strategies for satisfying continuing education needs and conducting business meetings. One strategy that is becoming increasingly popular is regionalized trainings. And, naturally, new technologies have also played a pivotal role in getting people together: judges and court personnel have been taking greater advantage of a panoply of Internet-based, on-demand education programs; in addition, they have been making greater use of teleconferencing, videoconferencing, and various kinds of online meeting software. In short, as State Courts Administrator Lisa Goodner says, “We have all adjusted to the new reality and have learned to deal with the constraints.”

These innovations are a healthy response to some of the symptoms of the court’s fiscal crisis. But branch leaders have also tried to address the crisis at its root. They have long recognized that “When the

adequate funding of the judicial system is compromised, the consequences are tangible and potentially long-lasting.” Therefore, for several years, the current and prior chief justices, the budget commissions, and Ms Goodner have envisioned the need to establish a stable, reliable, dedicated funding source for the courts and thereby insulate the branch from the vagaries of the economy. This winter, Chief Justice Quince articulated, and branch leaders adopted, the *Seven Principles of Court Funding*, which outlines a plan for making this vision a reality; it describes strategies for addressing the current revenue decline and for ensuring justice for all Floridians well into the future.

The *Seven Principles* makes the following points:

1. the state courts system elements, originally codified under Revision 7, should be adequately funded by the state;
2. the fees that citizens pay to access their courts should be dedicated to sustaining the courts;
3. to avoid the impression of “cash register justice,” court-related revenue other than filing fee revenue should not be used to support the courts;
4. the legislature should re-examine all court-related revenue being collected to determine what portion of filing fee revenue should be dedicated to the courts;
5. additional filing fees should be considered, but only after a thorough review of the distribution of the current filing fee revenue;
6. some features of the court system—in particular, judicial salaries—should continue to be funded from the general revenue fund; and
7. the appropriate depositories for court filing fee revenue are state court trust funds. ([This link goes to the complete text of the \*Seven Principles\*.](#))

Armed with a vision and a workable plan, the chief justice, the state courts administrator, and branch leadership—with the invaluable support of The Florida Bar and a coalition of business associations—took the next step: they approached Florida lawmakers with their persuasive case for reliable court funding. During a special legislative session this past January, lawmakers acknowledged the

*“There comes a time when making necessary adjustments in order to sustain budget reductions cascades into crippling the daily operations of an entire branch of government.” --Chief Justice Quince*

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necessity of steadying the court system's operations by providing it with the resources it needs to do its job. Toward that end, they passed legislation increasing fine revenues, a majority of which they directed into a newly-created State Courts Revenue Trust Fund (see principle 7). This legislation, though rudimentary, enabled the courts to avoid additional, significant reductions.

When lawmakers returned to Tallahassee for regular session this spring, they vigorously readdressed this issue. Describing the 2009 legislative session as "one of the most challenging we've ever faced," Ms Goodner emphasized that "We made some significant progress in stabilizing court funding."

Two bills, both of which were signed into law by Governor Crist, are of particular note. First is SB 1718 Relating to State Judicial System, which identifies the funding streams that will feed the trust fund and directs how the money should be spent (see principles 2, 3, and 5). For fiscal year 2009 – 10, the court system budget will be 70 percent trust-funded and 30 percent general revenue-funded (in the previous year, general revenue was responsible for 92 percent of the budget). Being largely trust-funded is good for the branch: for instance, compared with general revenue, trust fund revenue gives the branch greater budget flexibility; it is less subject to budget quirks and cuts; it derives from a variety of sources, which balance one another out over time; and, if unspent, it does not revert to general revenue at the end of the fiscal year.

As a result of the second bill, SB 2108 Relating to State Court Funding, for their court-related functions, the clerks of court will go through the same legislative appropriations process that all other state entities go through. In addition to augmenting the transparency and accountability of the clerks' budget process, this bill ensures that a portion of the revenue rendered from court-related functions will go directly toward sustaining the courts (see principles 4 and 5).

This legislation also authorizes two opportune studies that have the potential to substantially enhance the performance of the courts. Conducted by the chief financial officer, the Office of Program Policy Analysis and Government Accountability, and the auditor general, the first study will scrutinize the functions, efficiency, and budgets of the courts and the clerks. The second, performed by the legislature's Technology Review Workgroup, will develop a plan to foster a more efficient use of technology by both the courts and the clerks.

Despite this progress, much work remains to be done. For example, the trust fund relies, in part, on fines, but as the *Seven Principles* states, to avoid the perception of "cash register justice," the trust fund should rely exclusively on filing fee revenue (see principle 3). Also, the legislation authorizes that a portion of judicial salaries be paid out of the trust fund dollars, but the *Seven Principles* maintains that these salaries are most appropriately paid out of general revenue (see principle 6). Finally, it will take awhile to build the trust fund up, so funding for the first few months will be uncertain.

Nonetheless, branch leaders agree that this legislation represents a significant first step toward funding stabilization. It also represents considerable progress toward enabling the branch "to fully function as a coequal and independent branch, to govern itself with coherence and clarity of purpose," and "to manage and control its internal operations"—all aspirations of Long-Range Issue #1. Judicial leaders look forward to their continued work with the legislature to assure the courts a stable revenue source, which will support the branch in its endeavor to strengthen its governance and independence.

## Long-Range Planning

Embodying an organization's efforts to evaluate where it is, contemplate where it hopes to be, and strategize about how it can get there, a long-range plan is often likened to a roadmap. Simultaneously aspirational (it stretches toward a desired end) and realistic, practical (it outlines concrete steps to help achieve that end), a long-range plan supports organizations in their attempt to anticipate environmental change—and to react rapidly, agilely, and effectively when change does arise; moreover, in times of crisis, a long-range plan enables an organization to keep its ultimate objectives in sight. In short, an organization that is guided by a long-range plan is best positioned to exercise some measure of control over the shape of its future. Hence the judicial branch's recent revision of its long-range plan—the fruits of a comprehensive process of outreach, reflection, and analysis—is integral to the court system's endeavors to address long-range issue #1, strengthening governance and independence.

Since the passage of a 1992 voter-driven amendment to Florida's constitution, all state government entities, including the judicial branch, are required to develop and abide by a strategic plan; Rule of Judicial Administration 2.225 also directs the branch to engage in long-range planning. The court system's first long-range plan, *Taking*

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*Bearings, Setting Course*, was produced in 1998—the culmination of a three-year undertaking that involved considerable outreach to people who work in and around the courts, court-users, and the general public. *Taking Bearings* was designed to help the courts address the challenges and trends that lay 15 to 20 years into the future, but it recognizes that, in order to evolve and respond to changing obstacles and opportunities, long-range plans must be reviewed and updated regularly.



Eleventh Circuit Chief Judge Joseph P. Farina, who chairs the Task Force on Judicial Branch Planning, discusses an early draft of the revised long-range plan with task force members.

The supreme court's Task Force on Judicial Branch Planning launched the process of reassessing and revising the long-range plan at a two-day workshop in May 2006. One hundred justice system stakeholders—among them, judges, government and private attorneys, members of executive agencies and the legislative branch, and

First came a public opinion telephone survey aimed at learning about the public's experiences with and attitudes about Florida's courts. Conducted in English and Spanish by an external survey research firm, the telephone survey successfully completed over 2,000 interviews—considered a healthy sample size—with randomly-selected adult residents of Florida. As task force chair Chief Judge Joseph P. Farina, Eleventh Circuit, pointed out, this was the first time the court system was involved in a statistically valid public opinion research initiative that could be generalized to the state's population—and

it provided the task force with a reliable measure of public perceptions of the courts against which to gauge the court system's progress.

To gather the opinions and understand the experiences of people who use and work in the courts, the task force next coordinated the development of online and hard copy surveys; over a four-month period, more than 8,700 jurors, court users, attorneys, judges, and court personnel completed these surveys. Given the large sample size and the diversity of respondents, the survey results provide useful insights into

*Seeking to design a plan that would be both visionary and functional, members of the Task Force on Judicial Branch Planning, with the support of OSCA's Strategic Planning Unit, began by conducting an extensive outreach initiative. Altogether, in just over a year, the task force elicited feedback from nearly 11,000 people.*

representatives from the education, business, and non-profit advocacy communities—were invited to participate. Based on their consideration of the ways in which social, economic, and political trends might affect the courts over the next decade, participants offered suggestions for revising the plan. Additionally, they reviewed—and generally validated—key aspects of the initial plan, specifically, the mission and vision statements as well as the five long-range issues.

Seeking to design a plan that would be both visionary and functional, task force members, with the support of OSCA's Strategic Planning Unit, began by conducting an extensive outreach initiative. Altogether, in just over a year, the task force elicited feedback from nearly 11,000 people.

these populations' perceptions of the courts. Public forums constituted the next stage of the task force's outreach endeavor. Nine town hall-style meetings were held in diverse communities of varying sizes across the state: Pensacola, Orlando, Miami, Jacksonville, St. Petersburg, Port St. Lucie, Ft. Myers, and Sanford. Approximately 200 people—citizens, educators, treatment providers, community leaders, members of advocacy groups, attorneys, legislators, city and county commissioners, and justice system partners—attended these forums. Altogether, 87 people presented their views of and concerns about Florida's courts, providing over 20 hours of testimony on a broad range of issues.

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Brainstorming about strategies for improving the administration of justice are the following focus group members (clockwise from “1 o’clock”): Judge Alice Blackwell, Ninth Circuit; Chief of Personnel Services Gary Phillips, OSCA; Senior Attorney Dana Dowling, OSCA’s Office of Court Improvement; Marshal Jo Suhr, Second DCA; and Chief of Court Services Greg Youchock, OSCA.

In its final phase of information-gathering, the task force arranged a meeting with justice system partners; invited to participate were 27 leaders representing an array of state agencies, organizations, and associations whose work connects relevantly with the work of the courts. The primary purpose of this meeting was to garner attendees’ perceptions of the most significant trends and challenges that mutually affect their organizations and the courts, both now and in the future, and to identify the highest priority court-related issues that their organizations face.

Early this spring, all the data that had been collected was analyzed by focus groups comprising professionals (both from within and outside the branch) with a wide range of perspectives and expertise. Participants collaborated to articulate goals and strategies for the plan, and the task force considered their recommendations in drafting the plan. After the draft was distributed to the focus group participants for final feedback, the long-range plan was redrafted, submitted to the supreme court, and approved on July 1 of this year. The next step will involve institutionalizing the plan into the administration of the court system. ([Take this link to the long-range plan](#), which includes an appendix that summarizes the data and information gathered in the outreach initiative.)

## Long-Range Issue #2: Improving the Administration of Justice

*The judicial branch must remain committed to ongoing improvement in the administration of justice, including effective case processing policies and the efficient management of resources.*

Each year, Florida’s state courts dispose of over 3.5 million cases. These cases include everything from simple traffic citations to complex civil disputes involving multiple parties to weighty criminal cases. Meanwhile, increasing caseloads and diminishing resources continue to challenge court operations.

To fulfill its mission effectively and efficiently, the court system continues working vigilantly to improve its management of these large caseloads and its administration of the resources and personnel necessary to handle the different case types. This year, the branch has worked toward enhancing the administration of justice through advances in the following areas: information technology, performance and accountability measures, alternative dispute resolution endeavors, court improvement initiatives, case management practices, and personnel services.

### Technology

Holding out great promise for the court system and for court users, emerging technologies are substantially altering the ways the courts do business. In fiscal year 2008 – 09, the branch focused on four major technology goals: establishing statewide standards for electronic filing in the courts; providing electronic access to non-confidential court records; expanding the Judicial Inquiry System; and developing the Florida Dependency Court Information System.

### Statewide Standards for Electronic Filing

In the most literal sense, electronic filing pertains to the electronic delivery of court records and supporting documentation from lawyers and litigants to the clerks of court. More generally, however, e-filing connotes the more comprehensive goal of electronic access to the courts—of which e-filing is only one, although perhaps the most essential, component. Electronic access comprises the integration of e-filing, electronic records management, automated scheduling, electronic records access, and other automated court processes; necessarily, all of these components must be compatible with one another. Because the branch seeks ultimately to achieve the more

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comprehensive goal of electronic access, any steps toward implementing the electronic delivery of court records must be taken with that larger goal in mind.

Integral to the implementation of e-filing is the development of a statewide e-filing portal: a single, uniform point of access for all state court electronic filings, the portal will assure that different county systems can communicate with one another, regardless of the technologies they use. In November 2007, the supreme court tasked the Florida Courts Technology Commission, chaired by Judge Judith L. Kreeger, Eleventh Circuit, and the Electronic Filing Committee, chaired by Chief Judge Manuel Menendez, Jr., Thirteenth Circuit, to develop a plan for the portal, directing them to propose policies that ensure uniformity as well as standards that secure a comprehensive electronic record. Judge Kreeger submitted the draft of standards to the supreme court in mid-June, and on July 1, 2009, the court approved and adopted the standards.



Judge Judith L. Kreeger, Eleventh Circuit, chairs the Florida Courts Technology Commission.

executed in a thoughtful and responsible manner. Once implemented, electronic access to the courts holds out the promise of a future in which modern technology enables judges, court employees, clerks, lawyers, the public, and anyone else who utilizes the court system to experience greater efficiencies in, reduced costs for, and increased access to, the courts.

## Electronic Access to Court Records

Florida's 1992 Sunshine Amendment, which guarantees access to public records, applies to the records of all public entities, including those of the judicial branch. Therefore, as the branch continues its inevitable evolution toward electronic access to the courts, it has proceeded very deliberately to ensure that the courts do not inadvertently make public the

kinds of information that is meant to be kept confidential (e.g., social security numbers, medical records, financial information, and other intimate details). Acknowledging that current policies and regulations are inadequate to

*The Florida Supreme Court Statewide Standards for Electronic Access to the Courts* covers five areas. It begins by identifying and defining some of the major components of the electronic court. Then it offers a conceptual model of the proposed electronic portal. In the next (and most expansive) segment, the document details the updated standards for electronic filing that must be used by any parties submitting electronic filing plans for the supreme court's consideration (the legislature has instructed the clerks of court to begin implementation of electronic filing using these standards by October 1st of this year). Next comes a section describing a framework for developing a baseline for a court case management system. And the final section concentrates on governance issues associated with the integration of court technology at all levels and with oversight for compliance with established standards. ([Follow this link to the administrative order and the standards.](#))

*Once implemented, electronic access to the courts holds out the promise of a future in which modern technology enables judges, court employees, clerks, lawyers, the public, and anyone else who utilizes the court system to experience greater efficiencies in, reduced costs for, and increased access to, the courts.*

The supreme court recognizes that the transition from paper-based information management to systems that rely primarily on digital records represents a seismic change in the internal operations of the courts. Therefore, all along, it has taken care to ensure that this transformation is

protect the public's privacy, the Committee on Access to Court Records, in two petitions to the supreme court, proposed rules changes that it holds to be necessary preconditions for implementing electronic access to court records.

Chaired by Judge Judith L. Kreeger, Eleventh Circuit, the committee was instructed to amend the scope of Florida Rule of Judicial Administration 2.420, which governs public access to judicial branch records. The committee's goal was to improve the procedures for identifying and protecting information in court records that is confidential by court rule or statute. Rule 2.420 had been deemed unworkable in a digital context because it appears to incorporate all statutory exemptions: since there are over 1,000 exemptions, and since the courts

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receive approximately 19 million documents a year, it would be practically impossible to apply all the exemptions to all court records without significantly inhibiting the implementation of public online access.

To make Rule 2.420 practicable, the committee proposed a process for screening incoming information. For all incoming information, the amendment identifies 19 statutory public records exemptions that the clerks of court must apply automatically. For information that is not clearly exempt but that a party seeks to have determined confidential by the court, the amendment expands an existing motion process through which a person can ask the court to determine the confidentiality of specified records. The committee filed this rules petition with the court in September 2008, and the court scheduled oral argument on the issue in September 2009. If the committee's petition is accepted, the courts, clerks, and court users will be required to participate far more actively in identifying and protecting confidential information filed in court records.

In a second rules petition, the committee, based on the input of the various rules committees, proposed a number of changes across multiple rules of court, all devised to minimize the unnecessary introduction into court records of information that is personal but not confidential. Filed with the court in December, this petition has generated four comments, which were addressed by the committee; no oral argument is scheduled.

If the two rules petitions are approved by the supreme court, the Florida Courts Technology Commission will work with the clerks and The Florida Bar on the challenges of implementing the new rules.

In short, pending are these two rules petitions that will protect—or keep from court records altogether—information that is confidential, or non-confidential but personal; in place now are e-filing standards that the clerks of court are required to begin implementing by October 1st; moreover, as mentioned above in the article on the stabilization of court funding, the legislature has authorized two studies that are designed to foster greater efficiencies between the courts and the clerks—one of which specifically addresses technology efficiencies

associated with the collection and management of court-related information. Since at least 1995, with the court's creation of the Court Technology User's Committee, the supreme court has been painstakingly moving toward electronic access to the courts. Many of the pieces essential to making electronic access a reality are now beginning to come together.



Chief Judge Manuel Menendez, Jr., Thirteenth Circuit, chairs the Electronic Filing Committee.

## Judicial Inquiry System

Gathering data from 13 local, state, and federal agencies, OSCA's Judicial Inquiry System (JIS) provides the branch and its justice system partners with ready access to information about an arrestee's injunctions, risk statuses, warrants, open cases, federal arrests, active concealed weapons permits, immigration violations, and other kinds of pertinent information. User-friendly—the data are accessible through a single point of entry—the JIS enables judges to make informed, time-sensitive decisions swiftly, thus enhancing public safety. Currently, the JIS has over 5,000 users across the state.

One of the striking features of the JIS is its exceptional adaptability. Since 2001, when it went into production, it has undergone numerous expansions, each of which has made it more useful, efficient, and elastic in its capabilities. In response to the 2005 Jessica Lunsford Act, for instance, the JIS was enhanced to include the First Appearance Calendar, which automatically flags anyone whom the Department of Corrections classifies as a high risk sex offender. Two years later, as a result of the Anti Murder Act, the First Appearance Calendar was enhanced to inform JIS users immediately when an arrestee is a violent felony offender of special concern. This year, the JIS was augmented yet again: it now includes the Active Warrant Alert Calendar System; in the planning stage is the Children and Youth Cabinet Agency Information Sharing System.

Originally, the JIS was designed for use at the initial arrest and first appearance. It was not developed to check automatically for illegal activity between first appearance and arraignment; to search for activity within this timeframe, the JIS user had to perform manual record and warrant checks on an individual basis—a labor-intensive and costly procedure. Expanded to include the Active Warrant Alert Calendar System, the JIS now performs an automated query on defendants the night

before they appear on the docket, generating—every day, and for every judge—a calendar that provides a complete criminal history background for all individuals scheduled to appear in court; the calendar also indicates whether they have any outstanding warrants. The pilot was developed by OSCA's Information Systems Services in conjunction with the Twentieth Circuit, the Lee County Sheriff's Department, and the Lee County Clerk of Court. Currently, the warrant calendar is fully operational in Lee and Collier counties, and other counties across the state are investigating the possibility of adopting it.

Funding permitting, the JIS will also be expanded for use by Governor Crist's Children and Youth Cabinet. The governor created this cabinet in 2007 to improve the self-sufficiency, safety, economic stability, health, and quality of life of all Florida's children. Comprising representatives from eight state agencies, the cabinet aims to achieve this goal through encouraging collaboration, creativity, information-sharing, and improved service delivery among the state agencies and organizations that provide services to children. Since the JIS is inherently an information-sharing system—and since it already provides access to the kinds of information the cabinet is seeking—former Chief Justice R. Fred Lewis, an ex officio member, offered to arrange a demonstration of the JIS. Impressed with its abilities, the cabinet is eager to adapt it for its own purposes and will be able to make use of the existing OSCA connections, the contract, and the system already in place, thereby saving the state both time and money. The JIS will provide cabinet members with access to relevant information when they need it, enabling them to offer superior services to Florida's children in a timely manner. At the same time, the court system will have access to the cabinet members' information. Once funding becomes available, implementation is scheduled to begin.

### Florida Dependency Court Information System

With funding from a federal grant, OSCA's Office of Court Improvement is developing a standard dependency case management system. Through a web-based application, the Florida Dependency Court Information System (FDCIS) will provide judges and court personnel with access to dependency-relevant data from various information systems within several executive branch agencies (Department of Children and Families, Department of Juvenile Justice, Department of Education) as well as from the Florida Association of Court Clerks and Comptrollers' Comprehensive Case Information System. FDCIS will also monitor dependency cases for compliance with state and federal timeliness guidelines

and will organize dependency judge and case manager workload. By ensuring that the judiciary has access to critical material prior to dependency hearings, FDCIS will support the branch's efforts to ensure the accuracy and timeliness of court events, thereby improving its management of dependency cases. FDCIS is scheduled to begin rollout this fall.

### Performance and Accountability

To function smoothly and steadily—and to earn the trust of the people—public entities must manage their resources and services responsibly, frugally. In 2002, the supreme court established the Commission on DCA Performance and Accountability and the Commission on Trial Court Performance and Accountability to support the court system's efforts to "utilize public resources effectively, efficiently, and in an accountable manner"—a goal of Long-Range Issue #2. The DCA commission is chaired by Judge William A. Van Nortwick, First DCA; the trial court commission is chaired by Judge Robert B. Bennett, Twelfth Circuit.



Judge William A. Van Nortwick, First DCA, chairs the Commission on DCA Performance and Accountability.

### Needs Assessment

Beginning in the fall of 2008, the Commission on DCA Performance and Accountability spent several months developing funding methodologies for all elements of the district courts (law clerks and central staff attorneys, clerk's staff, judicial administration, security, etc.). This

intensive project was completed in conjunction with principle 1 of the *Seven Principles of Court Funding* and involved a needs assessment that defined what is reasonable and necessary to fund the elements of the court system so as to ensure adequate and equitable funding for all courts in every part of the state. These funding methodologies were subsequently approved by the DCA Budget Commission and the supreme court

### Self-Represented Litigants

In April 2008, the Commission on Trial Court Performance and Accountability submitted the report

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*Ensuring Access to Justice: Serving Florida's Self-Represented Litigants* to the supreme court. This report describes a service framework that meets the access needs of self-represented litigants in civil cases; outlines basic principles and assumptions associated with court-based self-help programs; clarifies the roles and responsibilities of the private bar, legal service providers, trial courts, and clerks of court; and proposes rule language regarding expectations for self-help staff. ([This link takes you to \*Ensuring Access to Justice\*.](#)) Subsequently, in response to the budget crisis, the supreme court initiated a needs assessment to determine what the court system needs to operate effectively and approximately how much it costs to fund those needs. As a component of this needs assessment, the commission prepared a supplemental report recommending a model for court-based self-help services.



Judge Robert B. Bennett, Twelfth Circuit, chairs the Commission on Trial Court Performance and Accountability.

A nation-wide review of self-help programs persuaded the commission to recommend a hybrid model comprising local self-help centers in each circuit and a statewide call-in center located within OSCA; the supreme court approved the inclusion of this model as a part of the branch's needs assessment. Submitted in December 2008, the supplemental report also proposes some adjustments to its earlier recommendations, and some revisions to the Florida Statutes, pertaining to the duties of the clerks of court versus court staff regarding the role of each in providing self-help assistance. Finally, the commission recommends an addition to the Florida Statutes categorizing self-help as an element of the court system or as a sub-element of the case management element already in place (the elements of the state courts system are funded by state revenues appropriated by general law). ([Follow this link to read the supplemental report.](#))

## **Standards of Operation and Best Practices**

With the goals of improving the performance of the trial courts and supporting the unification of trial court operations into a single statewide system, the Commission on Trial Court Performance and Accountability has been charged with developing and implementing standards of operation (i.e., mandatory practices) and best practices (i.e., suggested practices intended to improve operations) for the major elements of the trial courts. In particular, the

court instructed the commission to focus on alternative dispute resolution (ADR) services.

In July 2007, drawing from the membership of the ADR Rules and Policy Committee, the commission created a workgroup to examine the performance and accountability of state-funded, court-connected ADR/mediation programs and to propose recommendations for achieving equity, uniformity, and fair access to mediation services across Florida—while still being respectful of local differences in this large, variegated state. Chaired by Trial Court Administrator Mike Bridenback, Thirteenth Circuit, the workgroup focused on two primary areas—funding and operations.

In the funding recommendations of its August 2008 report, the workgroup endorses revising the manner in which mediation funds are allotted by the Trial Court Budget Commission, defining the length of a mediation session, and outlining methods by which fees are assessed and collected by the clerks of court. Operational recommendations focus on the court's application of ADR, case referrals to court-connected mediation programs, court ADR staffing and responsibilities, service delivery, contract compensation, and county mediation.

After the commission approved the report, *Recommendations for Alternative Dispute Resolution Services in Florida's Trial Courts* was submitted to the supreme court in August 2008. In May 2009, Chief Justice Quince, by administrative order, adopted the standards and best practices recommended in the report, and OSCA is currently working on education and training to help the circuits implement them. ([This link goes to the report.](#))

For the Commission on Trial Court Performance and Accountability, the project on ADR services is significant because it will figure as a template for future projects on the trial court elements: a commission workgroup will develop standards of operation, best practices, and policy recommendations; invite and consider comments from various stakeholder groups; seek supreme court approval of its report; and then assist the circuits in implementing the standards using a variety of education

and training techniques. For a recently-begun project on court interpreting services, for instance, the commission is conforming to this model.

The commission is also using this template for its project on court reporting services. *Recommendations for the Provision of Court Reporting Services in Florida's Trial Courts*, submitted in fall 2007, addresses strategies for improving the uniformity, effectiveness, and efficiency of court reporting services while also allowing for a degree of local operational flexibility. The report covers standards and best practices pertaining to the proper use of digital technology; staffing and service delivery models; transcript production; and the cost-sharing arrangement with the public defenders, state attorneys, and Justice Administrative Commission.

In the last decade or so, technological innovation has advanced at a stunningly rapid pace, exceeding the initial scope of the court rules as originally envisioned and drafted (and driving several appellate cases as well); therefore, the court also tasked the commission with considering the legal and operational issues arising from the use of digital technology in the courts. In keeping with this directive, the report proposes several rule revisions connected with what constitutes the official record, who owns it, and who may prepare a transcript. In April 2009, the court held oral argument on the proposed rule changes; in a July 16 opinion, the court, in keeping with Florida's "government in the sunshine" tradition, unanimously ruled that digital recordings of court proceedings are, in fact, public records and that they should be available to the public.

### **Court Statistics and Workload**

The Court Statistics and Workload Committee, which falls under the auspices of the Commission on Trial Court Performance and Accountability, was established to oversee the collection and analysis of all trial court workload-related data. This fiscal year, the supreme court directed the committee to make recommendations about the inclusion of senior judges as a permanent component in the judicial weighted workload model (this model has been used since 1999 to evaluate judicial workload, estimate caseloads for judges, and determine the need for

new judges). In fiscal year 2008 – 09, Florida had 162 active senior judges. Senior judges are a very important judicial resource, especially in this time of limited resources and spiking case filings, and the information gathered by the committee will enable the branch to better capture and quantify how senior judges are utilized, thereby enabling them to be deployed even more effectively as a judicial resource.

As the committee began its research, its governing question was, when determining the need for new judges, should senior judge resources be counted with the 921 sitting trial court judges in the weighted workload model? To answer that question, the committee first

*For the Commission on Trial Court Performance and Accountability, the project on Alternative Dispute Resolution services is significant because it will figure as a template for future projects on the trial court elements: a commission workgroup will develop standards of operation, best practices, and policy recommendations; invite and consider comments from various stakeholder groups; seek supreme court approval of its report; and then assist the circuits in implementing the standards using a variety of education and training techniques.*

had to examine how senior judges are being used; armed with that information, the committee would be able to determine the appropriateness of adding them to the workload model.

After analyzing an earlier performance and accountability commission report on senior judges (2000) and survey results from the twenty trial court chief judges regarding the utilization of senior judges in their circuits, the committee deduced that, typically, senior judges are called upon to address backlogs and caseload spikes—situations that are generally temporary and that therefore exist outside of the certification process (the committee acknowledges that the experience of individual circuits may vary widely). Funded and allocated year to year, senior judges are considered short term in nature. On the other hand, sitting judges are considered a permanent resource solution. In its analysis of judicial need, the supreme court considers only sustained workload—i.e., consistent need over time. Therefore, the committee concluded that senior judges should not be factored into

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the judgeship need calculus. Senior judges can best be employed to bridge the gap between the quick, short-term flow of cases and the slow, long-term growth inherent in the court system.

In September 2008, through the performance and accountability commission, the committee submitted its report to the supreme court; the report included the following recommendations:

- the supreme court should not include the utilization of senior judges in its certification methodology;
- senior judge resources should be requested during the legislative budget process and allocated to the circuits based on all need above sustained need, including filing spikes, unanticipated vacancies, extended leave, and backlog need;
- the supreme court should extend the judicial weighted workload model to define and calculate sustained need;
- the Court Statistics and Workload Committee should endeavor to improve circuit level reporting on senior judge usage to achieve accountability and transparency. This enhanced reporting is a critical component of the allocation process.

The supreme court adopted the recommendations in its 2008 certification opinion. ([Follow this link to read the opinion.](#)) As a result of this work, the branch will be able to utilize senior judges more effectively and to determine more accurately the need for new judges.

## Court Improvement

To address some of the most complex and sensitive issues that come before the courts, the judicial branch immersed itself in many bold court improvement endeavors in fiscal year 2008 – 09. Through its development of innovative practices and programs associated with family court and drug court—and through its efforts to grapple with the underlying problems leading to the repeated incarceration of people with mental illnesses—the branch underscored its dedication to improving the administration of justice.

## Family Court

In her passing of the gavel address in June 2008, Chief Justice Quince reminded listeners of the branch's unabated commitment to Florida's families and children, stressing that the branch must continue working to ensure that all children in the court system have a voice. Thus many

of the branch's court improvement efforts this year have focused on children in dependency court proceedings.

The branch's most ambitious undertaking was its development of the Court Improvement Plan for Dependency Cases. In a January report from the Children's Bureau (housed in the US Department of Health and Human Services), Florida was informed that, to conform to federal child welfare requirements, the agencies that serve the child welfare system would have to enact a significant number of improvements—or stand to lose millions of federal dollars supporting the state's foster care system. To continue receiving federal



Judge Jeri B. Cohen, Eleventh Circuit, chairs the Dependency Court Improvement Panel.

funding, Florida's Department of Children and Families was required to develop a Quality Improvement Plan to address the problems identified by the bureau. Because the courts play a critical role in the state's ability to help children in foster care achieve safety, permanency, and well-being, branch leaders called for the development of a court-related work plan.

OSCA's Office of Court Improvement (OCI) drafted the Court Improvement Plan for Dependency Cases with the assistance of the National Court and Child Welfare Collaborative. Soon thereafter, the supreme court assembled a statewide, multi-disciplinary Dependency Court Improvement Panel to help finalize and implement the court's work plan. Chaired by Judge Jeri B. Cohen, Eleventh Circuit, the panel includes judges from across the state as well as court partners from a variety of state agencies and organizations connected with child welfare. The panel plans a plethora of projects, among them, the development of safety and risk assessment tools, a shelter

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hearings model, an adoption model, mental health tools, visitation protocols, tools to involve children and families in case planning, and an updated case management system.

The panel's first product was a packet of useful tools for involving children in dependency court proceedings. Prefaced with a memo from Chief Justice Quince explaining the Court Improvement Plan, the duties of the Dependency Panel, and the responsibilities of the courts, the packet was emailed in early May to all judges and magistrates who hear dependency cases. It includes

*Putting the viewer in the seat of a judge presiding at a hearing and making a ruling, the Domestic Violence Virtual Courtroom presents video scenarios and relevant documents to communicate information about temporary injunctions, final injunctions, and motion modifications.*

statutory information about children in the court; guidelines for engaging children in various age groups in court procedures; legal authority; germane articles and a bibliography of other relevant literature; a technical assistance brief; and links to two helpful Internet sites.

In addition, dependency was naturally the principal feature of the statewide 2008 Dependency Summit, which OSCA helped to coordinate and staff. Over 1,500 people participated, among them, 150 judges, magistrates, and court staff, whose attendance was supported by federal dependency court improvement grants. Chief Justice Quince, one of the keynote speakers, also participated in a roundtable discussion at the judicial breakout session. Workshops covered a broad range of topics, including the Interstate Compact for the Placement of Children, the Indian Child Welfare Act, Perspectives of Teens in Care, Interagency Coordination for Delinquent and Dependent Youth, and Coordinating Services for Children and Youth with Developmental Disabilities.

The branch's attention to dependency issues was also highlighted in a variety of educational programs conducted across the state. With the travel freeze limiting options for training, OCI developed a circuit training model designed to take advantage of available federal grant funding. To receive funding, circuits submitted proposals for their training events—which had to focus on dependency and/or domestic violence issues. All told, funding was funneled to 14 circuits, and 64 judges, 258 court personnel, and 1,020 stakeholders participated. Program topics

included the Effects of Domestic Violence on the Later Lives of Children, Parenting Plans, Law Enforcement Responses to Domestic Violence and Dependency Cases, Enhancing Judicial Skills in Domestic Violence Cases, and Coordinating a Community Response to Domestic Violence and Children.

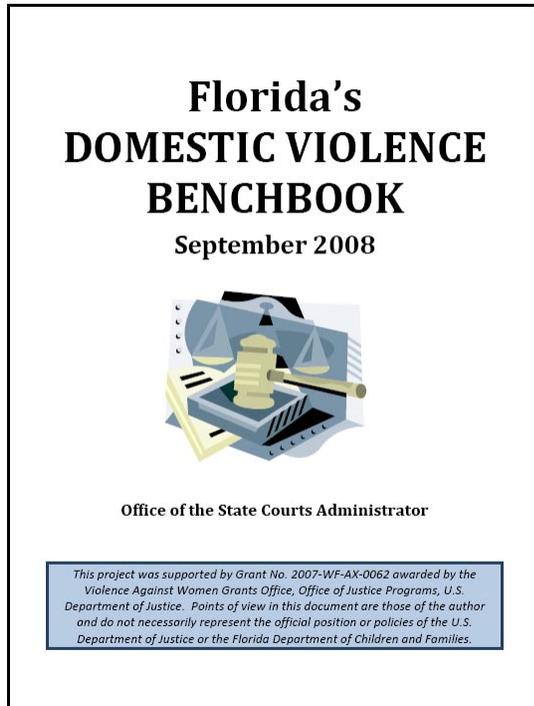
OCI also produced several indispensable, dependency-related publications. For judges and magistrates, it revised the *Dependency Benchbook* to accommodate the many 2008 changes in state law (Florida's dependency law is a complex composite of federal requirements, state regulations, and ever-developing case law). OCI also produced an online 2009 Legislative Wrap Up as well as monthly online Family Case Law Updates. And for older children in dependency court proceedings, along with the

American Bar Association and Florida's Children First, Inc., OCI helped to develop and distribute *Hearing Your Voice: A Guide to Your Dependency Court Case*. This guide includes a place for children to list their court dates and to write down relevant names and numbers (those of the judge, caseworkers, attorney, child protective investigator, guardian ad litem, etc.), Common Questions, and a glossary of Words To Know. OCI is working on a DVD companion to this booklet. OCI also created *A Caregiver's Guide to Dependency Court*, which explains the rights of caregivers, describes each dependency court hearing, provides helpful tips, and gives information about the court process for older children who may be in their care. ([Follow this link to access these publications.](#))

Moreover, the branch has implemented several initiatives to meet the particular needs of older children who are aging out of the foster care system. For example, eight circuits now have independent living courts, which focus on the needs of 16 and 17 year olds who are close to aging out; and several other circuits have developed local practices to address issues related to independent living. These dockets and practices ensure that foster children are receiving services to help them enter society successfully. Furthermore, circuit and appellate judges participated in Justice Through the Eyes of a Child, a workshop that introduced them to the dependency court experience from the perspective of the foster child. The workshop began with comments from a panel of youth in, or formerly in, foster care; a representative from the American Bar Association gave an overview of the

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national movement to include children in dependency court hearings; and Judge John Frusciante, Seventeenth Circuit, and Judge David Gooding, Fourth Circuit, led a discussion of local endeavors that encourage children to participate in court. Finally, through a representative on Governor Crist's Independent Living Services Advisory Council, the judicial branch is able to work closely with its partners to assess the implementation and operation of transition services for children who are getting ready to age out of the foster care system.



In addition to dependency initiatives, the branch, with funding support from the Violence Against Women Grants Office, embarked on a series of domestic violence projects. The project about which OCI is most enthusiastic is the Domestic Violence Virtual Courtroom—an interactive online training program that introduces judges and court staff to issues and challenges that often arise in civil domestic violence cases (e.g., conflicting testimony, lack of counsel, paternity, child support, and allegations of violations). Putting the viewer in the seat of a judge presiding at a hearing and making a ruling, the program presents video scenarios and relevant documents to communicate information about temporary injunctions, final injunctions, and motion modifications. Devised for new judges as well as those newly transferred to the domestic violence docket, the virtual courtroom program is a pilot of sorts; if successful, it will become the model for online training programs on other docket types. ([Go here to learn more about the virtual courtroom.](#))

The training program was created with the support of the Domestic Violence Judicial Advisory Group, which OCI established to assist it with several projects. The advisory group also provided guidance in the creation of two DVDs to help litigants navigate the injunction process. The first DVD is an overview of the petition process; the second covers the hearing process. Mailed to domestic violence coordinators and advocacy groups statewide, the DVDs are being shown to people preparing to go to domestic violence court. ([Take this link to access the DVDs online.](#))

In addition, OCI updated its *Domestic Violence Benchbook*, first developed in 2005. Printed and distributed to more than 400 family law judges across Florida, the benchbook addresses legal issues underpinning domestic violence cases. OCI also developed two informational brochures—one for petitioners and another for respondents—in injunction for protection cases. The *Civil Injunctions for Protection Against Domestic, Dating, Sexual and Repeat Violence* brochures were created at the request of the Domestic Violence Strategic Planning Group and domestic violence coordinators statewide. OCI distributed 1,000 copies of each brochure to every circuit, and the brochures are also available online. Moreover, the office produced two editions of its newsletter, *Domestic Violence Review*. ([Go here to view these publications.](#))

## Drug Court

As illegal drug use began to surge in the late 1980s, crack cocaine usage reached epic proportions in Dade County. Inevitably, the thousands of offenders who had committed drug and drug-related crimes began choking the courts and dangerously overcrowding the jails. To avoid the loss of federal funding—and to disencumber the courts—the county had to find a solution to the burgeoning crisis. The urgency of the threat prompted Florida's supreme court to direct The Honorable Herbert Klein, then a judge with the Eleventh Circuit, to research the problem of drug abuse and to develop a far-reaching plan to tackle it.

Judge Klein understood that the traditional response—hiring more law enforcement officers, appointing more prosecutors, certifying more judges, and building more, and bigger, jails and prisons—had not worked; therefore, continuing to treat the problem as if it were simply a criminal justice issue was bound to fail. Through his investigation, he learned that he could develop an effective response only if he understood and addressed the underlying problem—drug addiction. And treatment for drug addiction is both possible and often successful, he

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soon discovered: it requires a joining of the mechanics of the criminal justice system with the delivery of treatment services. Out of this union, he conceived the paradigm for the treatment-based drug court.

In 1989, Florida became home to the first drug court in the country—and in the world. Since then, drug courts have been established around the globe, expanding well

thousands of Floridians who might otherwise still be entangled in the criminal justice system are, instead, clean, sober, hard-working, forward-looking, and productive family members, neighbors, and citizens.

To commemorate the twentieth anniversary of drug court, Florida fittingly held its tenth annual statewide drug court graduation in Miami-Dade County: on May 15, National

*More than 25,600 Floridians have graduated from drug court in the last five years alone. Thanks to drug court, thousands of Floridians who might otherwise still be entangled in the criminal justice system are, instead, clean, sober, hard-working, forward-looking, and productive family members, neighbors, and citizens.*

Drug Court Commencement Day, webcasting enabled 265 Floridians from 33 drug courts in 14 counties to graduate together. Also tuning in live were drug courts across the county that were hosting their own graduation ceremonies. After an 8:00 a.m. press conference on the steps of the county courthouse, the ceremony began; over 250 people were in the Miami-Dade

beyond adult criminal drug court, the first incarnation: the drug court model now includes juvenile, family dependency, and DUI drug courts, and features of this model, particularly its case management practices, have been adopted by other docket types (e.g., mental health, family-focused, and truancy). According to the National Association of Drug Court Professionals, the country now has over 2,140 operational drug courts. Florida has 107: 47 adult criminal, 28 juvenile, 22 family dependency, five misdemeanor, four DUI, and one juvenile re-entry.

audience—and thousands across Florida were in the virtual audience—as Drug Court Judge Deborah White-Labora and Judge Jeffrey Rosinek (retired) welcomed the graduates, their families, the many distinguished guests, and the drug court pioneers in attendance.

More than 25,600 Floridians have graduated from drug court in the last five years alone. Thanks to drug court,

Among the guest speakers were William Janes, director of the Florida Office of Drug Control; West Huddleston, CEO of the National Association of Drug Court Professionals; General Barry McCaffrey, former director of the Office of National Drug Control Policy; and Chief Justice Quince, who hailed the graduates for their success and extolled the judges who, two decades earlier, had the wisdom and long-sightedness to realize that “We need to make a change...to deal with the underlying problem, which is addiction and mental illness.” She also celebrated drug court for its success in bringing together the three branches in a united goal.



Chief Justice Quince congratulates graduates at the tenth annual statewide drug court graduation ceremony. Commemorating drug court's twentieth anniversary, this year's ceremony was hosted by Miami-Dade County, birthplace of drug court.

Drug court's success is not merely anecdotal. According to *State's Drug Courts Could Expand to Target Prison-Bound Adult Offenders*, a March 2009 report produced by the Florida legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA),

- National research has shown that drug courts can reduce the future criminal activities of offenders.
- Effective drug court programs can help reduce prison admissions and state costs.
- Over a three-year follow-up period, offenders who successfully completed post-adjudicatory drug courts in Florida were 80% less likely to go to prison than the matched comparison group.

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Based in part on this research, the legislature appropriated to the court system, over a two-year period, \$18 million in federal stimulus dollars (Edward Byrne Memorial Justice Assistance Grant Program funds) to expand adult post-adjudicatory drug courts in Florida. Post-adjudicatory drug court is a program in which the defendant has admitted guilt or been found guilty and agrees, along with the prosecution, to enter a drug court program as part of his/her sentence. The purpose of expanding these programs is to divert offenders from prison, thereby saving the state millions of dollars.



Partnered with the Florida Association of Drug Court Professionals, and with input from circuit court personnel and various stakeholders, OSCA developed a plan for implementing the grant resources. The Florida Department of Law Enforcement will administer the funds; OSCA will manage the funds and will monitor and evaluate the program; the drug courts will be responsible for adhering to very strict data-reporting requirements; OPPAGA will evaluate the data.

The plan targets 4,000 prison-bound, non-violent felony offenders who will be sentenced to post-adjudicatory drug courts over the next two years. The nine counties that send the most targeted offenders to prison were selected to participate (these counties represent a good mix of large urban and smaller rural counties). Seven of them already have post-adjudicatory drug courts that they will expand; the other two counties will be implementing a new track. The funding will go toward case management/supervision resources, treatment and drug testing costs, travel costs for program monitoring and administration, and data management information system development.

Based on OPPAGA's research, out of the 4,000 offenders who will participate in this program, 2,000 are expected to successfully complete post-adjudicatory drug court; of those, 1,600 will not enter Florida's prison system. If this projection proves true, Florida could save more than the \$100 million needed to build and operate a new prison. While reducing recidivism and saving public money, this expanded drug court program will also enhance public safety, restore productive citizens, and save lives.

For the role that it continues to play in the evolution of drug court, Florida was saluted by the National Association of Drug Court Professionals: at its annual

training conference in June, the association presented Florida with the National Drug Court Month Award for best embodying the spirit of National Drug Court Month and this year's theme, "Celebrating Twenty Years of Drug Court: Restoring Lives, Reuniting Families and Making Communities Safer." (Florida also won the National Drug Court Month Award in 2006 and 2001.)

## Mental Health Initiatives

According to state law, when a defendant is charged with a felony, has been found incompetent to stand trial, and meets criteria for forensic hospitalization, the Department of Children and Families must take custody of him or her within fifteen days of the incompetency finding. Over the last several years, however, the agency has been so overwhelmed with defendants meeting these criteria that it has been unable, at times, to follow this law. In some instances, inmates have spent months languishing in jails, taxing county resources and, on occasion, hurting themselves, while waiting for a forensic bed. In December 2006, the situation became so dire that the Legislative Budget Commission had to hold an emergency meeting to appropriate millions of extra dollars for additional forensic beds. But that only relieved the immediate



Judge Steven Leifman, Miami-Dade County, is Chief Justice Quince's special advisor on criminal justice and mental health; here, he is pictured talking with Linda McNeill, court operations consultant with OSCA's Office of Court Improvement, before a Mental Health Subcommittee meeting.

pressure: by the end of December 2009, Florida is likely to be out of forensic beds once again, requiring another emergency infusion of state funding—this time, in the midst of a grim budget deficit.

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It is estimated that 600,000 Floridians suffer from mental illnesses, and, each year, approximately 125,000 who need immediate treatment are booked into the state's jails and prisons; in fact, they represent the fastest growing population in Florida's prisons. In the past ten years, there has been a large increase in the number of people with mental illnesses in Florida's prisons (from 8,000 prison inmates to 17,000 prison inmates), and the state projects this number will double over the next decade. Florida will need to build 10 new prisons over the next few years just to house people with mental illnesses.

The state currently spends about \$250 million per year to fund 1,700 forensic beds—numbers that are also projected to more than double within the next decade.

*By supporting the expansion of community-based diversion and re-entry initiatives (e.g., the development of mental health courts, pre-arrest jail diversion programs, law enforcement intervention teams, and support programs to help people with mental illnesses once they return to the community), this measure significantly repositions the state's financial priorities—from the incarceration of nonviolent offenders to their rehabilitation.*

It should be noted that this funding does not go toward rehabilitating people with mental illnesses or reintegrating them into the community; rather, its purpose is to restore competency so that they can stand trial for their charges and, if convicted, be sentenced to jail or prison, where they continue to drain taxpayer dollars. Between 80 and 90 percent of those sent to forensic hospitals return to local jails and receive a plea of credit for time served or probation, often then returning to the community without adequate mental health services.

Branch leaders envision a vastly different strategy for dealing with this impending crisis. Soon after the gavel passed to former Chief Justice R. Fred Lewis, he launched several initiatives in response to the rising prevalence of mental illnesses among inmates cycling through the criminal justice system. In August 2006, he created the Mental Health Subcommittee to study the issue and make recommendations about how the courts can best process and address individuals with mental health issues. Naming Miami-Dade County Judge Steven Leifman as

chair, the chief justice also called upon him to serve as the supreme court's special advisor on criminal justice and mental health. In both capacities, Judge Leifman has worked collaboratively with the secretaries of state agencies that are also affected by the problems resulting from untreated mental illnesses.

In November 2007, the supreme court hosted a Mental Health Summit—a vigorous inter-branch effort at which the subcommittee rolled out and discussed its report, *Constructing a Comprehensive and Competent Criminal Justice/Mental Health/Substance Abuse Treatment System: Strategies for Planning, Leadership, Financing, and Service Development*. The report asserts that people with mental illnesses are often incarcerated for committing relatively

minor offenses that are symptomatic of their mental illnesses—which are untreated due to an inadequate system of community-based services and support. It cogently argues that people with mental illnesses will receive the most effective care if funding is channeled not into deep-end services like forensic beds and prison beds but into a more adequate community-based treatment system. And it offers a detailed plan for accessing federal dollars to subsidize a comprehensive system of community-based care services that will assist people with mental illnesses and keep them from entering the criminal justice system

to begin with. ([Follow this link to read the report online.](#)) The judicial branch sought funding to implement this plan in spring 2008; however, despite legislative commitment, the bill failed, largely due to the budget plight.

After the gavel was passed to Chief Justice Quince, she extended Judge Leifman's term as special advisor and urged him to continue to “identify strategies for addressing the challenges presented when individuals with mental illnesses become involved with the criminal justice system.”

In that capacity, during the 2009 legislative session, Judge Leifman advocated for passage of the Community Mental Health and Substance Abuse Treatment and Crime Reduction Act, introduced by Representative William Snyder, R-Stuart, and Senator Mike Fasano, R-New Port Richey. According to Judge Leifman, by supporting the expansion of community-based diversion and re-entry initiatives (e.g., the development of mental health courts, pre-arrest jail diversion programs, law enforcement

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intervention teams, and support programs to help people with mental illnesses once they return to the community), this measure significantly repositions the state's financial priorities—from the incarceration of nonviolent offenders to their rehabilitation. Had it passed, it would have enabled people with mental illnesses to get the help they need so they would not get in trouble with the law in the first place—and it would have ultimately saved the state a small fortune.

With the support of Judge Leifman and a coalition of business, religious, and social service leaders, legislators intend to reintroduce the measure in 2010. If this legislation passes, everyone will win: citizens will be safer; law enforcement and corrections officers will run less risk of injury; courts will see decreased caseloads; taxpayers will save money; and people with mental illnesses will have the opportunity to receive far superior, and less costly, treatment than they can receive behind bars.

## Alternative Dispute Resolution

In fiscal year 2008 – 09, Florida's courts disposed of over 3.7 million cases through a variety of dispute resolution processes including diversion, plea, adjudication by trial, and mediation. Mediation and other alternative dispute resolution methods are typically speedier and less costly than traditional litigation; in addition, parties who resolve their disputes with the aid of a mediator are generally more satisfied with the terms of the settlement than are those who must submit to the decision of a judge or jury. By supporting the branch's commitment to using public resources responsibly and to processing cases effectively, efficiently, and in a timely manner, alternative dispute resolution (ADR) unequivocally plays an important role in improving the administration of justice.

ADR in Florida was initially driven by grassroots, community-based efforts in the mid-70s (it has its origins in the state's first citizen dispute settlement center, founded in Dade County in 1975). Even in its earliest stages,

ADR had some stalwart supporters who maintained that since the court is the primary dispute resolution vehicle, mediation should play a role in the courts themselves. Thanks to their vision—and the industry of the judiciary and the legislature—ADR was brought under the aegis of the court system in 1988. Since then, the branch has developed one of the most comprehensive court-connected mediation programs in the country.

Housed in the supreme court, the Florida Dispute Resolution Center was established in 1986 by former Chief Justice Joseph Boyd and Dean of the FSU College of Law, Talbot "Sandy" D'Alemberte, as the first statewide center for ADR education, training, and research. The center certifies mediators and mediation training programs in four areas (county, family, circuit, and dependency); sponsors an annual conference for mediators and arbitrators; publishes a newsletter and annual compendium; provides county mediation training to volunteers; assists the local courts throughout the state, as needed; and furnishes staff assistance to four supreme court mediation boards and committees (a committee on ADR rules and policy, a mediator grievance board, a grievance board for certified mediation training programs, and an ethics advisory committee).

Over the years, ADR in Florida has continued to expand and evolve: in 2007 (the most recent year for which numbers can be confirmed), Florida had nine citizen dispute

Join us for Open House  
LET US BUILD BRIDGES OF COMMUNICATION  
MEDIATION WEEK 10-12 through 18-08  
Dade County Courthouse  
73 West Flagler St.  
18th Floor  
THROUGH THE PROCESS OF MEDIATION

Designed by Eleventh Circuit Mediation Division staff, this poster encourages everyone to attend the Mediation Week Open House at the Dade County Courthouse.

settlement programs, 49 county mediation programs (serving all 20 circuits), 45 family mediation programs, 13 circuit civil mediation programs, 40 dependency mediation programs, three arbitration programs, and one appellate mediation program. More than 5,000 supreme court-certified mediators serve the state.

## Mediation Training Standards and Procedures

In 1989, former Chief Justice Raymond Ehrlich signed the first administrative order adopting mediation training standards. Last revisited in 2000, the Training Standards decidedly needed an update to accommodate nine years' worth of changes in ADR rules and statutes. The state

*Between the three plenaries and the 39 more intimate, interactive workshops (the conference offered three sets of 13 workshops), attendees had the opportunity to deepen their knowledge of a wealth of topics while also garnering required hours in mediator ethics, domestic violence education, and diversity/cultural awareness.*

has 25 certified mediation training providers—and about 350 approved mediation trainers—but every person in Florida who seeks to become a certified mediator must undergo certified training, which means that every Florida mediator will feel the impact of the revised Training Standards.

Responsible for monitoring and recommending revisions to the Training Standards, the ADR Rules and Policy Committee determined that the revision should cover four primary areas: address amendments to civil, family, and juvenile rules of court procedure, mediator rules, and Florida Statutes related to mediation; respond to feedback the committee has received from providers and approved trainers; ensure the standards are properly training certified mediators; and include the court's adoption, in November 2007, of point-based mediator qualifications and the impact of that change on the training of certified mediators (of particular import here was the court's removal of the requirement that circuit civil mediators be members of The Florida Bar with five years of practice in Florida).

In addition to numerous edits, the revised *Mediation Training Standards and Procedures* has six substantive revisions; among them, primary trainers will now be required to take three hours of train-the-trainer or adult teaching techniques within their required hours

of continuing mediator education; primary trainers will have greater flexibility in the required mediation training delivery experience; primary and assistant trainers will have to pass an open-book exam on a range of mediation-related issues upon initial approval and for each two-year renewal cycle; and training program certification will extend from three years to five.

In May 2009, the committee unanimously approved the revised Training Standards, and on July 24, Chief Justice Quince adopted them. ([This link goes to the administrative order and revised Training Standards](#)).

While the revised standards became effective upon the chief justice's signing of the administrative order, approved mediation trainers have until the end of January to meet them.

## Dispute Resolution Center Conference

While planning Mediation and Justice for All, the seventeenth annual conference for mediators and arbitrators, Dispute

Resolution Center staff faced some rather unpropitious beginnings. Most palpably, due to the budget cuts and travel freeze, the conference's likelihood of happening was uncertain until only eight weeks before it was scheduled to start; further, due to the time crunch, staff were unable to send out hard copies of the brochure and registration materials, nor did they have time to pre-register attendees for the workshops; finally, the conference was scheduled for a holiday weekend particularly popular for end-of-summer family junkets, so staff were anxious that attendance would be modest at best.

Although the event had many odds against it, Mediation and Justice for All was a resounding success. In the end, 825 people attended the conference, and everyone appreciated the "greenness" and convenience of online access to conference materials and registration information. In addition, both staff and attendees were thrilled with the demise of workshop pre-registration: staff were liberated from juggling room seats and numbers, and all conferees were free to take their first choices.

Full attendance at the conference provided mediators with 12.7 hours of continuing education credits (for each area in which they are certified, mediators are required to take 16 hours of continuing education every two years). Between the three plenaries and the 39 more intimate, interactive workshops (the conference offered three sets

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of 13 workshops), attendees had the opportunity to deepen their knowledge of a wealth of topics while also garnering required hours in mediator ethics, domestic violence education, and diversity/cultural awareness.

## Distance Learning Course for Senior Judges Serving as Mediators

After judges retire, they can apply to become senior judges. Since 2007, if senior judges also want to be mediators, they are required to take a special course that focuses on ethics dilemmas that could arise from their service as both judges and mediators.

The required course was offered twice, at two different education programs, and most of the senior judges serving as mediators took the course at one of those programs. Since that initial rush, however, only one or two judges have tended to need this training at any given time, so it's no longer cost-effective, or sufficient, to offer the course exclusively at live programs. Because the course is required, in June 2009, the Dispute Resolution Center collaborated with OSCA's Court Education Section to produce a version of the course on DVD.

Sharon Press, who was, until recently, the director of the Dispute Resolution Center, along with circuit civil mediator Thomas H. Bateman III, a recently-retired circuit judge from the Second Circuit, designed the two-part education program. The first part has a lecture format: Ms Press and Mr. Bateman present an introduction; some background detailing the development of, and the motivation for, the educational requirement; and information about the rules, statutes, and canons governing senior judges as mediators. The second part involves a series of relevant role plays interwoven with commentary: after "actors" (OSCA staff) dramatize a mediation session gone awry, Mr. Bateman and Ms Press analyze and critique the scenario, offering recommendations to address the concerns raised; then the actors dramatize a more appropriate way of handling the

situation. Because the program is now on DVD, senior judges will be able to satisfy this educational requirement at their convenience.

## Certification for and Rules of Procedure for Appellate Mediation

Currently, court-connected appellate mediation is available only in the Fifth DCA. The Appellate Mediation Program began as a pilot program in 2001 for final civil and family appeals with attorney representation of all parties. Concluding that the program was resolving disputes more quickly and less expensively than the appellate process and that it helped to narrow and clarify issues for appeal so that cases could be expedited, the Fifth DCA hailed

it as a success. In 2004, the Appellate Mediation Program was adopted as a permanent program. In October 2004, former Chief Justice Barbara J. Pariente encouraged the other DCAs to consider implementing appellate mediation programs similar to the one developed by the Fifth DCA.

A liaison from each DCA worked with the Appellate Mediation Subcommittee, chaired by Judge William Palmer, Fifth DCA (the subcommittee falls under the ADR Rules and Policy Committee). The ADR Rules and Policy Committee approved the proposed rules and

qualifications, and, in January 2009, it submitted a petition to the supreme court to amend the Florida Rules of Appellate Procedure and the Rules for Certified and Court-Appointed Mediators. The rules do not mandate that appellate mediation be utilized; rather, they provide an infrastructure for the DCAs to follow if they choose to make use of mediation.

The supreme court certifies mediators in four areas: county, family, circuit, and dependency. The proposal of a new area of certification is significant because it's the first one to be recommended in over ten years: the last to be added was dependency.



Circuit civil mediator Thomas H. Bateman III (a recently-retired circuit judge from the Second Circuit) and former Dispute Resolution Center Director Sharon Press review their responses to the role plays being videotaped for a distance learning course for senior judges serving as mediators.

## Case Management

By developing and implementing sound case management practices, the judicial branch strives to ensure that “cases will be processed effectively, efficiently, and in a timely manner”—the first goal of long-range issue #2. In fiscal year 2008 – 09, the judicial branch was particularly focused on improving case management practices for complex civil litigation and for residential mortgage foreclosure cases.

### Complex Civil Litigation

Cases considered “complex” generally share certain features: in addition to the considerable amount of money often at stake, these cases usually engage multiple witnesses and experts and involve complicated legal or case management issues; moreover, they tend to take a long time to settle. As a result, complex cases can exhaust the resources and time of the court system and the parties involved. Committed to ameliorating the handling of complex cases, former Chief Justice R. Fred Lewis, in



Thomas H. Bateman, III, former Second Circuit judge who chaired the Task Force on the Management of Cases Involving Complex Litigation, shakes hands with Justice Lewis, who established the task force, and with Justice Pariente, who was the committee’s supreme court liaison.

a September 2006 administrative order, established the Task Force on the Management of Cases Involving Complex Litigation, naming Judge Thomas H. Bateman, III, Second Circuit, as chair. The chief justice emphasized that “The fair and efficient resolution of complex litigation requires that the court exercise effective supervision and control, and judge and counsel collaborate to develop and implement a comprehensive plan for the conduct of pre-trial and trial proceedings,” and he enjoined the task

force to make recommendations for managing complex litigation more efficiently and effectively.

The task force’s report, submitted in April 2008, makes 23 recommendations for improving the management, administration, and disposition of complex cases. These recommendations fall into three general categories: rule processes and related functions, technology, and administrative issues. The task force’s chief recommendation is the adoption of a new rule of civil procedure for complex cases: in addition to defining a complex case and identifying the criteria that trial courts should consider in determining whether a case is complex, the rule provides specific case management guidelines, delineating the procedural steps that judges should follow, and that attorneys are expected to abide by, once a case is deemed complex. ([To read the report online, follow this link.](#))

The court held oral argument on the proposed rule changes in March 2009, and, in a May opinion, it adopted the rule with minor changes. Because the court’s opinion modifies some of the rules and forms that the task force initially publicized, the court published the changes it made and invited interested parties to comment within 60 days. ([This link goes to the opinion.](#))

If the rule goes into effect, the branch will still have a host of administrative and technological challenges to address. In addition, it will have to develop a series of education and training events to introduce judges to the new procedures (determining whether a case merits handling as complex, scheduling initial case management conferences, setting early trial dates, establishing certain pretrial deadlines, etc.). However, as the opinion states, the court anticipates that “The extra judicial labor required on the front end of the process will be more than made up for by the conservation of judicial labor over the life of the case, resulting in economies of time and money for the courts and the litigants.”

### Residential Mortgage Foreclosures Cases

Precipitous increases in home mortgage defaults and foreclosures have placed an enormous financial burden on borrowers, lenders, mortgage investors, and neighborhoods. The courts too have been encumbered by the strain: from 2006 to 2008, foreclosure filings in Florida’s state courts grew from 70,000 cases to 370,000 cases—an increase of more than 400 percent. Further stressing already-diminished judicial resources, this

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spike has resulted in ponderous backlogs in courts across the state. A number of circuits have devised their own measures to manage and process this influx of cases. However, because the crisis is of statewide proportions, Chief Justice Quince opined that, to the extent possible, the judicial branch's response should be statewide in nature, "with uniform court rules, policies, and procedures to manage cases, to protect the rights of homeowners and lenders, and to ease the burden on the courts."

Thus in a March 2009 administrative order, the chief justice established the Task Force on Residential Mortgage Foreclosure Cases "to recommend to the Supreme Court policies, procedures, strategies, and methods for easing the backlog of pending residential mortgage foreclosure cases while protecting the rights of parties." In its recommendations, she asked the task force to consider case management techniques as well as mediation and other alternative dispute resolution strategies. Naming Judge



Judge Jennifer Bailey, Eleventh Circuit, chaired the Task Force on Residential Mortgage Foreclosure Cases.

cases, the task force publicized its work and encouraged feedback in press releases, articles, and interviews in local newspapers and the *Florida Bar News*. Through the state courts website, the task force also provided several mediums for offering feedback. In addition, the task force developed an online survey for lenders/servicers/holders, attorneys, judges, and borrowers (to be accessible to the broadest possible range of individuals, the survey for borrowers was available in English, Spanish, and Haitian Creole). Altogether, 1,018 individuals participated in the surveys: 510 borrowers, 40 mortgage holders/servicers, 405 attorneys, and 63 judges.

In its final report, the task force recommends the use of mediation and case management strategies to move settlements to the beginning of the case, thereby staunching the unnecessary use of court resources. The task force determined that a uniform, statewide, managed mediation program would be the best mechanism for opening communication and expediting problem-solving between the parties, while conserving limited judicial time. Certified circuit court mediators would mediate the cases, and borrowers would not have to pay a fee to participate. The report maintains that by handling these matters through mediation, the branch "will emphasize the needs and interests of the parties, fairness, procedural flexibility, party self-determination, full disclosure, and confidentiality."

For case management purposes, the task force determined that foreclosure cases fall into three broad categories: borrower-occupied properties that can be referred to mediation and can likely be settled through the managed mediation program; vacant and abandoned properties that can move through the courts quickly through expedited foreclosure processes; and other foreclosure cases, including homes that are occupied—but not by the borrower. Once the cases have been segregated, they can be separated further based on their litigation quality, e.g., those with financial issues, those with substantive legal issues, and those that are "clean." The report recommends that, as early as possible, judges identify cases in the first two categories and schedule case management conferences to assure that the cases move forward in good time.

*Precipitous increases in home mortgage defaults and foreclosures have placed an enormous financial burden on borrowers, lenders, mortgage investors, and neighborhoods. The courts too have been encumbered by the strain: from 2006 to 2008, foreclosure filings in Florida's state courts grew from 70,000 cases to 370,000 cases—an increase of more than 400 percent. Further stressing already-diminished judicial resources, this spike has resulted in ponderous backlogs in courts across the state.*

Jennifer Bailey, Eleventh Circuit, as chair, the chief justice directed the task force to submit its final report and recommendations by mid-August 2009—which gave the task force approximately 20 weeks to complete its charges.

Due to budget, travel, and time constraints, the task force was unable to hold public meetings. Instead, to gather information from the many perspectives in these

In addition, for approval by the supreme court, the task force submitted a rule change designed to facilitate early, fair resolution of residential mortgage foreclosure cases; a proposed amendment to the civil cover sheet that will permit the recommended categorization of foreclosure cases; and two new forms—an Affidavit of Diligent Search Form and a Motion to Cancel and Reschedule Foreclosure Sale Form. The task force also put forward a number of forms as “best practice” standard forms that chief judges might want to consider using. Submitted to the court on August 17, the report is available online. ([Follow this link to access the report.](#))

## Personnel Services

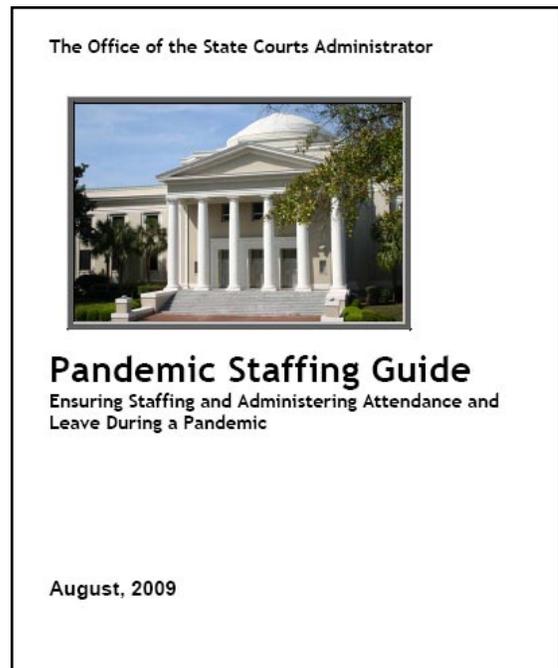
The notion of *judicial branch resources* conjures up several kinds of images: the public funding that maintains the courts, enabling them to fulfill their constitutional duties, for instance; and the various materials that the branch makes available to the public, like court committee reports, information about local and statewide court programs, family law forms and other tools for self-represented litigants, and statistical information related to court operations. But *judicial branch resources* also signifies the court system’s human assets: the many people who work for and in the branch, serving the cause of justice. So when the long-range plan stresses that “well functioning courts use their resources efficiently and effectively,” it is also referring to the court system’s utilization of its judicial officers, administrators, and court staff. OSCA’s Office of Personnel Services supports the branch’s efforts to utilize its judges and court employees capably and productively.

One of the Personnel Office’s most pressing accomplishments in fiscal year 2008 – 09 was its development of the *Pandemic Staffing Guide: Ensuring Staffing and Administering Attendance and Leave During a Pandemic*. If a pandemic influenza strikes Florida, the guide warns, the branch can expect a cumulative absentee rate of up to 40 percent of court-related employees for up to three months, on a rolling basis. Written for court management, with chapters on staffing, attendance strategies, and attendance and leave issues, this document bolsters the court system’s Continuity of Operations Plan by providing methods for ensuring that, in the event of a pandemic, mission essential functions are performed.

The office also worked on several projects with the goal of improving the recruitment and selection processes. In conjunction with managers branch-wide, it revised all job class specifications, simultaneously updating the examples of work performed, the education and training guidelines, and the competencies associated with the work. And, in

anticipation of the eventual lifting of the hiring freeze, staff also produced a field guide for human resources staff: “How To Advertise on People First” provides instruction in generating job announcements on the state’s online site for people seeking careers in public service in Florida. By advertising on this site, the branch will make use of a cost-effective way to reach out to a broad and diverse pool of applicants.

In addition, the office has implemented its Automated Attendance and Leave System in all of Florida’s state courts, and human resources staff have been trained in its use. This system keeps track of employees’ work time,



enables them to make leave requests, and tracks their leave time and mentoring hours. A boon both to Personnel Services and to court employees, this system also expedites the Finance and Accounting Office’s auditing process. Moreover, Personnel Services substantially updated its website and its online forms; more user-friendly, the site is now readily accessible to people with disabilities.

In progress is the development of an employee handbook for new and existing employees; this “plain English” document will provide links to a wide range of materials for people seeking in-depth information about specific personnel-related topics. Additionally, the office is working on a supervisory guide for recruitment and selection that will include sample interview questions, do’s and don’ts, information on screening interns, and equal employment opportunity information; the guide is being designed to help supervisors make good hiring decisions and avoid legal pitfalls.

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## Long-Range Issue #3: Supporting Competence and Quality

*The Florida State Courts System is committed to having a workforce that is highly qualified and dedicated to service.*

### Education for Judges and Court Personnel

Currently, more than 18.3 million people call Florida home. As the population of Florida grows, the law, and the procedures and mechanisms for operating the courts, become increasingly complex; moreover, the social expectations of the branch keep deepening. To accommodate these evolutions, those who serve in the branch must continually cultivate the knowledge, skills, and abilities that qualify them to perform at the highest professional levels. As long-range issue #3 asserts, "The delivery of justice is affected by the competence and quality of the judges, administrators, and court staff...Consequently, advanced levels of training and development are critical to enable those who work within the system to effectively perform the challenging work of the courts and meet the demands placed on them."

To coordinate and oversee the creation and maintenance of a comprehensive educational program for judges and court personnel, and to manage the budget that supports these endeavors, the supreme court created the Florida Court Education Council in 1978. Chaired by Justice Barbara J. Pariente and vice-chaired by Judge Jennifer D. Bailey, Eleventh Circuit, the council administers court education through live educational programs, distance learning formats, and self-learning resources.

#### Educational Programs

The council, with the support of OSCA's Court Education Section, offered an array of live instructional programs for judges and court personnel this fiscal year. Programs included the Conference of County Court Judges Summer and Winter Education Programs; the Florida Conference

of Circuit Judges Annual Business Program; the Court Personnel Faculty Training Program; the Trial Court Administrators Education Program, the DUI Traffic Adjudication Lab; the two phases of the Florida Judicial College (for new judges); the Florida College of Advanced Judicial Studies; and the rarely-convened United Judicial Conference.

Several of these programs introduced some promising innovations this year. For instance, instead of having separate education tracks for the 392 circuit and appellate judges who attended the United Judicial Conference, all sessions were open to all judges, regardless of tier; the conference organizers' goal was to broaden and deepen the exchange of ideas. And the Florida College of Advanced Judicial Studies offered an education track for general magistrates and hearing officers (50 quasi-



Chief Justice Quince welcomes the 392 circuit and appellate judges who attended the United Judicial Conference last December.

judicial officers participated); next year, conference organizers plan to integrate the general magistrates and hearing officers into the regular round of sessions rather than setting them apart in a track of their own. A significant program modification was also in store for the 61 new judges who attended the Florida Judicial College. In the past, for the five days of phase two, judges participated in a smorgasbord of coursework that touched on all the divisions in which they might serve, so they received a broad, general jurisdiction background. This year, however, judges did only two days of general jurisdiction; for the other

three days, they did intensive coursework exclusively in one division (e.g., civil county, criminal, family), which enabled them to develop expertise in the area of their immediate assignment.

In addition to funding statewide educational programs, the Florida Court Education Council also voted to allot some funds for local/regional training events for judges (when the statewide budget situation forced the elimination of the summer 2009 education programs, the council voted to redirect a portion of the unspent funds toward local training opportunities). The council's Universal Planning Committee established clear guidelines for applying for funding; among them, the events must be scheduled for fiscal year 2009 – 10; funds can be utilized

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only for education materials, meeting space, audiovisual equipment, and travel and per diem for the presenters; and the teaching must be done by judges who have participated in a faculty training program or by non-judges paired with faculty-trained judges. Judges have been invited to submit proposals detailing their program ideas.

Court personnel were also able to apply for funding for local educational opportunities. The council's Florida Court Personnel Committee developed a process to make funds available to court personnel groups willing to plan and present educational programs during the fiscal year. This year, the committee allocated funding for diversity training, domestic violence and mediation training, advanced dependency mediation techniques, disability



At the Florida Judicial College in January, Judge Scott Brownell, Twelfth Circuit, leads new judges in a spirited discussion on "The Art of Judging."

etiquette for ADA awareness and sensitivity, effective communication and conflict resolution in the workplace, identifying and preventing sexual harassment in the workplace, and training for civil traffic infraction hearing officers. Through distance learning formats or other media, these training events will be shared with other locations whenever possible.

## Distance Learning

To supplement live programming, the council and Court Education Section staff continue to expand distance learning opportunities for judges and court personnel. For videoconference events, for example, Florida's technology infrastructure can concurrently connect the supreme court building, the five

DCAs, and the 20 circuits. This technology also supports connections between the courts and outside entities (using ISDN and IP). In addition, technology staff are continuing to experiment with streaming one-way video to the circuits and DCAs to reach even more locations and users.

Taking videoconferencing to a new level was an ethics course for appellate law clerks called "Sea Captains and Philosopher Kings: Law and Justice in Melville's *Billy Budd*," led by Professor Rob Atkinson, Florida State University College of Law. For many learners, an interactive learning environment creates the richest educational experience, and this videoconference aimed to promote as much interactivity as possible: to allow for robust interaction, the "class" was limited to a small group; in advance, everyone read a prescribed excerpt of *Billy Budd* and wrestled with four heady study questions; and, after Professor Atkinson coordinated the group discussion, the group broke up into smaller units by site (the videoconference connected seven sites altogether) and talked together for about 20 minutes before returning to report back to the statewide group. In mimicking some of the best features of a face-to-face learning encounter, this videoconference demonstrated that the format can readily create opportunities for a limited number of participants to engage in critical thinking and animated discussion.

The branch is also beginning to make greater use of web-based courses. For instance, webcasts sponsored by the National Judicial College have been made available to groups of judges across the state. And in development is an interactive web-based course called *Fundamentals for Family Court Judges*, a six-hour curriculum for new judges who are assigned to family court or for judges newly transferred to the family division.

*In mimicking some of the best features of a face-to-face learning encounter, this videoconference demonstrated that the format can readily create opportunities for a limited number of participants to engage in critical thinking and animated discussion.*

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The council is also ensuring that judges and court personnel have opportunities to learn how to implement distance learning tools in their teaching. For example, the Florida College of Advanced Judicial Studies offered a faculty training program called “Teaching in the Twenty-First Century: An Introduction to Distance Learning.” In this two-day program, judges were introduced to tools like Live Meeting and WebEx, to best practices for web conferencing and teleconferencing, and to active learning techniques that effectively engage learners.

A faculty training program for court personnel simultaneously made use of, and taught participants about how to employ, both distance learning formats and traditional teaching methodologies. For this “hybrid



Participants in the faculty training program for court personnel learned how to employ both traditional teaching methodologies and distance learning formats in their teaching.

learning model,” course registrants utilized the intranet and the Internet for the pre-training phase; they met in-person for the training phase, both learning and practicing face-to-face teaching skills; and they used a videoconference format for the post-training. This was the branch’s first faculty training program designed specifically for court personnel, and it was conceived as a “train-the-trainer” initiative: each of these newly-minted court personnel faculty is now expected to offer some kind of local training within the next year.

## Self-Learning Resources

Many of the branch’s education endeavors are event-driven, but the council also envisions making an abundance

of instructional materials available all the time. To meet this goal, the council championed the development of the online Court Education Resource Library—a kind of court education clearinghouse from which one can access a panoply of helpful instructional tools: court education publications, selected materials from live programs, online training and CD-ROM information, and useful resources from other state and national organizations. The Resource Library has existed for over a year now, but it is steadily being updated, and new links are added regularly.

The most frequently-retrieved self-learning resources are the branch’s benchguides and other online publications, so the council’s Publications Committee continues to work on updating and preparing new publications for judges and court personnel. It recently updated, and completely reformatted, the *Judicial Administration Benchguide*: now the material is both more uniform in voice and tone and also more efficient (through links, readers can access some of the most current information). In addition, the *Traffic-Related Appellate Opinion Summaries* have continued to be produced quarterly, and the *Topical Index to the Judicial Ethics Advisory Committee Opinions* has also seen quarterly updates.

Currently being prepared are a benchguide on *Handling Cases Involving Self-Represented Litigants* and a *New Employee Handbook*. And still in the process of being updated are the *Judicial Ethics Benchguide*, the *Criminal Benchguide for Circuit Judges*, the *Contempt Benchguide*, and *An Aid to Understanding Canon 7* (this material is being completely reformatted to make it easier to use).

A most exciting project is a subscription service that will enable judges and court personnel to sign up to receive alerts when materials in which they expressed an interest become available. This subscription service will also function as a needs assessment of sorts because it will let the committee know what materials the readers want—and what, therefore, the committee will need to produce if it hasn’t done so already.

Through traditional face-to-face educational methods, distance learning formats, and self-learning resources, the branch underscores its commitment to ensuring that judges and court employees receive comprehensive education and training opportunities that enable them to perform at their best.



## Long-Range Issue #4: Enhancing Court Access and Services

*Florida's judicial branch is committed to improving access to courts, and to providing the highest quality of services to everyone who enters a courthouse.*

“Public access to the courts is a cornerstone of our justice system. Article I, section 21 of the Constitution of the State of Florida requires that ‘the courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay,’” begins the description of long-range issue #4. Through its efforts to ensure that the courts remain open—even in emergencies—and through its active commitment to fostering greater fairness and diversity awareness, to building an adequate pool of qualified court interpreters, and to facilitating architectural and electronic access, the judicial branch strives to provide all people with meaningful access to Florida’s courts and to treat all people fairly and with respect.

### Emergency Management

“Keep the courts open to ensure justice for the people,” declared former Chief Justice Charles Wells when, in response to the 9/11 attacks, he institutionalized policies and procedures for anticipating and managing court emergencies. A precondition for enhancing court access and services is making sure that the courts are physically open and operational, even in crisis situations. The Unified Supreme Court/Branch Court Emergency Management Group (CEMG) is responsible for recommending policy for, preparing for, and responding to emergencies both in the supreme court building and in courts statewide.

Readying for the H1N1 influenza, which the Centers for Disease Control deems “widespread” in Florida, is one of the issues that has been occupying the CEMG since early 2009. Because it has been planning for the possibility of an emergency caused by epidemic or pandemic influenza for nearly four years, the court system is well-prepared for this crisis, should it materialize: already in place are the *Strategy for Pandemic Influenza*; the *Pandemic Influenza Benchguide: Legal Issues Concerning Isolation and Quarantine*; the *Pandemic Staffing Guide: Ensuring Staffing and Administering Attendance and Leave During a Pandemic*; extensive planning materials, including planning templates; a template for emergency administrative

orders; a collection of some of the circuits’ best practices; and other helpful resources. ([Follow this link to visit the branch’s Emergency Preparedness website.](#))

In early May, noting that Florida’s surgeon general declared the virus a public health emergency and calling branch preparations for the possible outbreak a “high priority,” Chief Justice Quince issued an administrative order regarding the Response of the Florida State Courts System to Influenza A(H1N1). (The CEMG’s development, last year, of the “emergency administrative order template” expedited the creation of this order.) Her order instructs all chief judges and the CEMG to review their emergency preparedness plans and personnel policies and to establish a dialogue with local government, health,

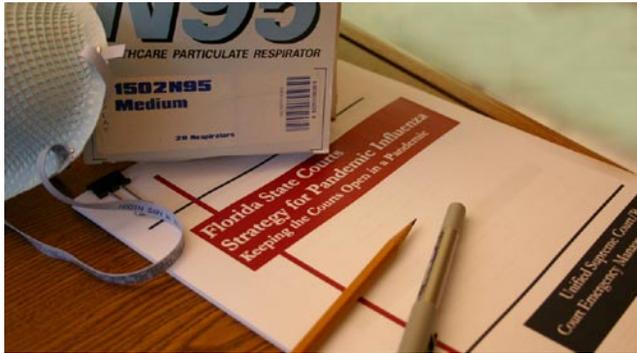


The Court Emergency Management Group prepared an orientation video on the H1N1 Influenza; pictured here (l-r) are panelists Craig Waters, director of public information for the supreme court; Kevin White, acting marshal of the supreme court; Gary Phillips, OSCA chief of personnel services; and Tom Long, OSCA general services manager.

and law enforcement agencies to coordinate planning with them. She also instructs chief judges to inform the CEMG about any ways in which the virus impairs court operations (e.g., through employee absenteeism, decreased juror response, a rise in legal filings as a result of quarantine, etc.). In addition, she authorizes chief judges to expend state funds to purchase emergency preparedness supplies to provide increased protection for court system officials, employees, and the public. “All such planning shall be consistent with the policy of mitigating the impact of Influenza A(H1N1) while keeping the courts open to the fullest extent consistent with public safety,” she stresses. ([This link goes to the administrative order.](#))

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The CEMG also videotaped a staff orientation on H1N1, available online to judges and court personnel. Along with an overview of the virus, the video presents information on how to protect oneself and one's family, what the court system is doing to prepare, and how the virus is expected to impact work, schools, etc. Also online is a Frequently Asked Questions segment as well as a link through which people can email their questions to the CEMG.



If this virus, or any future pandemic, becomes severe, face-to-face interaction might have to be minimized. OSCA's Office of Information Systems Services (ISS) has been developing mechanisms that enable judges and court personnel to telecommute if the courts need to implement social distancing (i.e., limiting the number of people concentrated in the workplace). For the supreme court, the DCAs, and OSCA, ISS has several solutions in place (the trial courts have been working with their counties or clerks to devise local remote solutions). The "terminal services gateway server" is the most satisfying because it allows people to connect securely to their office workstation from home. VPN, an older technology that is still available but is slower and requires added resources, is no longer the preferred method of connecting. Also, the legacy dial-up access solution is still in place for a limited number of users who do not have broadband Internet access. Finally, ISS is working on a future solution, the "virtual desktop" initiative, which provides a virtual version of the user's desktop that is synchronized regularly so that the user's tools and applications are available in the event of a workstation failure. ISS is also addressing bandwidth requirements: its goal is to have a big enough "pipe" to accommodate the remote working needs of as many judges and court staff as possible.

Taking a variety of approaches, the branch is working to ensure that the courts remain open, the lives and health of employees and the public are protected, and the essential work of the courts is done, even if a pandemic like H1N1 impels the possible 40 percent absentee rate.

## Fairness and Diversity Awareness

In its first four years, the Standing Committee on Fairness and Diversity, chaired by Eleventh Circuit Judge Gill Freeman, created an online court diversity information resource center; compiled a bibliography of resources on diversity and fairness in the justice system; researched and prepared a report on *Promoting and Ensuring the Diversity of Judicial Staff Attorneys and Law Clerks* and began implementing the report's recommendations; completed a comprehensive outreach project on perceptions of fairness in Florida's courts and submitted a report that was distributed to people in leadership positions in the Florida justice system; supported the creation of local court diversity and sensitivity awareness programs for judges and court staff; and coordinated the development of a courts-specific survey instrument used to evaluate all state court facilities to determine their accessibility to people with disabilities.

Renewing the administrative order in 2008, Chief Justice Quince named as chair Judge Scott M. Bernstein, Eleventh Circuit, and gave the committee several new responsibilities. For its first task, the committee has been working with the Diversity Teams in each trial and appellate court to identify and share information about opportunities for building relationships between



Judges from the Second DCA and from the Sixth, the Tenth, and the Thirteenth Judicial Circuits participated together in a regional diversity training; the event was organized by Judge Claudia Isom, a Diversity Team member in the Thirteenth Circuit.

the courts and the community. Based on responses to a survey sent to each court's Diversity Team, the committee discovered that Florida's trial and appellate courts engage in community outreach activities with a wide range of organizations, among them, public and private

schools, homeschooling co-ops and groups, colleges and universities, public libraries, local governments, community service centers, social services organizations and providers, voluntary bar associations, and chamber of commerce leadership programs. In addition, most of

*Based on responses to a survey sent to each court's Diversity Team, the Standing Committee on Fairness and Diversity discovered that Florida's trial and appellate courts engage in community outreach activities with a wide range of organizations, among them, public and private schools, homeschooling co-ops and groups, colleges and universities, public libraries, local governments, community service centers, social services organizations and providers, voluntary bar associations, and chamber of commerce leadership programs.*

the courts give courthouse tours, prepare citizen guides (informational brochures, pamphlets, etc.), operate speaker's bureaus, distribute public opinion surveys, and organize media outreach efforts. Chief Justice Quince conceived this outreach initiative as a medium for promoting court-community dialogues on fairness and diversity topics, with the goal of increasing public trust and confidence in the courts.

In addition, for judges, court staff, and attorneys, the committee is developing materials that provide practical advice about recognizing and responding to bias in the court environment, identifying the principles of procedural fairness, understanding their role in eradicating bias in the courtroom, and demonstrating respect, neutrality, and fairness. The committee is working with the Florida Court Education Council to establish the best methods for disseminating these materials. The committee is also working with the council to identify resources for, and to begin implementing, permanent fairness and diversity training for judges and court personnel on the local and state levels. Finally, with the goal of promoting a coordinated, statewide approach, the committee is networking with law-related organizations across Florida to discover what they are doing to eliminate racial, ethnic, and socioeconomic bias from the Florida legal profession.

Current economic challenges prevent the committee from being as visible and active statewide as it was in the past. Nonetheless, by using small subcommittees to carry out its tasks, meeting regularly via conference call, and keeping the local diversity teams involved and galvanized, the committee has energetically continued to "help advance the State Courts System's efforts to eliminate from court operations bias that is based on race, gender, ethnicity, age, disability, financial status, or any characteristic that is without legal relevance."

## Court Interpreters Program

"Language is the most powerful tool in the courtroom," begins the chapter on "Perceptions of English Language Bias" in *Perceptions of Fairness in the Florida Court System*, the March 2008 report of the Standing Committee on Fairness and Diversity. "But for those whose native language is not English," the chapter warns, "the experience of being in court can be one of powerlessness." The report reminds readers that English language bias "is a critically important matter for Florida courts since 16.7% of our state's population is foreign born and 23.1% speak a language other than English at home."

The long-range plan is sensitive to the concerns raised in the report: long-range issue #4 recognizes that "Non-English speakers and those not fluent in English generally have significant difficulty understanding the court system and may not be able to fully participate in the court process. Our system of jurisprudence may be unfamiliar to citizens from other nations, and may present a level of complexity that is intimidating and frustrating." To "reduce the effect of communication and language barriers to Florida's courts," Florida's courts are dedicated to building an adequate pool of qualified court interpreters.

To help judges and trial court administrators evaluate the qualifications of court interpreters, the supreme court created the Court Interpreter Certification Board in 2006, directing it "to supervise the certification and conduct of persons engaged in foreign language interpreting in the courts." As of July 1, 2008, for people with limited English proficiency who are involved in criminal, juvenile, and select civil proceedings, judges have been required, whenever possible, to appoint certified or duly qualified court interpreters.

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To be considered duly qualified, interpreters must attend a two-day orientation workshop in Florida, pass the Consortium for Language Access in the Courts Written Examination, be familiar with the Code of Professional Conduct, and understand basic legal terminology in each language pair they wish to interpret. To achieve certification, interpreters are also required to pass the Consortium or the Federal Court Interpreter Oral Proficiency Examination. In addition, they have to fill out an application, undergo a background check, take an oath to uphold the Code of Professional Conduct, pay the certification fee, and agree to obtain 16 credits of continuing education every two years.

Since the July 2008 institution of certification standards, of Florida's 322 staff and freelance court interpreters who have met all the training and testing requirements and are eligible to become certified, 106, or 32.9 percent, have officially applied and been granted certification. These interpreters are certified in Spanish, Haitian Creole, Russian, Portuguese, and/or French. (In Florida, interpreters can also become certified in Vietnamese, Cantonese, Korean, Polish, and Arabic.)

Despite the austere economy—and the cost of the interpreter workshop and exams—interest in becoming a certified court interpreter is thriving: at the training and testing sessions in fiscal year 2008 – 09, 179 people attended the orientation sessions; 209 took the written exam; and 82 took the oral exam—numbers that are up considerably from the prior fiscal year. The bank of qualified court interpreters continues to grow, enhancing the branch's ability to ensure that all parties involved in certain kinds of legal proceedings, regardless of their English language proficiency, can have meaningful access to Florida's courts.

## Architectural and Electronic Access for People with Disabilities

Approximately one in five Americans has some kind of disability, with 12 percent of Americans bearing a severe disability, according to the US Census Bureau. In Florida, disabilities affect over three million people—a number that is expected to balloon as the population of people 65 and older continues to escalate (elders are more than twice as likely to have a disability as those who are under 65). Concerned about the physical impediments that inhibit access to the courts, former Chief Justice Lewis referenced these statistics in his 2006 passing of the gavel address, pronouncing, "These artificial barriers must not be in place for Florida's citizens."

Soon thereafter, the chief justice created the Court Access Subcommittee to coordinate a branch-wide court accessibility initiative. The subcommittee developed a courts-specific survey instrument to identify architectural barriers in public areas of court facilities; worked with the



On behalf of the Florida State Courts System, Chief Justice Quince accepts a plaque honoring Florida's courts for their commitment to the ADA. Presenting the plaque is Jim DeBeaugrine, director of Florida's Agency for Persons with Disabilities.

chief judges to establish a local Court Accessibility Team in each circuit and DCA; and provided regional training sessions for team members, teaching them how to survey and evaluate their court facilities. The subcommittee also provided some guidance to the courts as they prepared their transition plans.

While the courts were drafting their transition plans, the gavel passed to Chief Justice Quince (July 1, 2008), who, in a letter to the chief judges, declared her commitment to "the continued advancement of this long-term, multi-year project throughout my term as chief justice." In order to maintain "this incredible momentum as the project moves into the implementation phase," she urged chief judges "to continue the court's leadership on this project," saying, "An ongoing commitment to the court accessibility initiative will help ensure that the Florida courts comply with federal civil rights laws; may reduce the likelihood of litigation; will assist with the implementation of court-specific changes to the ADA Standards; and, most importantly, will increase access to court facilities for all Floridians regardless of disability." She thanked them for their efforts, reminding them to submit their court transition plans to OSCA by December 31, 2008.

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In their transition plans, the Court Accessibility Teams identified the architectural barriers in their buildings; discussed how the problems could be corrected; and determined who would be responsible for fixing them (maintenance staff can fix certain problems; however, if a remedy requires architectural modification, the counties are responsible for facilities housing the trial courts, and the state is responsible for facilities housing the appellate courts). Teams also presented a timeline for addressing the problems.

Physical barriers generally fell into three categories: those that can be remedied relatively quickly by maintenance staff, involving low or moderate cost; those that can be corrected relatively quickly through changes in policies and procedures, involving low or moderate cost; and those requiring more extensive architectural modifications, involving a moderate to high cost.



Representatives from the Florida Alliance of Assistive Services and Technology (FAAST) came to the supreme court in early May to demonstrate various assistive technology devices used by individuals with disabilities. Here, employees investigate a device used by people who have low-vision concerns.

Despite the funding scarcity at the state and local levels, access has remained a priority for the courts, and many of the transition plans specify actions the courts have already taken to correct the problems. Among them, courts added signs and/or adjusted the elevation of signs providing directions to accessible parking, routes, and restrooms; enlarged accessible parking spaces to make them size-

*“An ongoing commitment to the court accessibility initiative will help ensure that the Florida courts comply with federal civil rights laws; may reduce the likelihood of litigation; will assist with the implementation of court-specific changes to the ADA Standards; and, most importantly, will increase access to court facilities for all Floridians regardless of disability.” --Chief Justice Quince*

compliant and/or created more ADA-compliant parking spaces; made doors accessible to people in wheelchairs; adjusted door pressure; modified ramps and lifts; modified service counters for height and depth; added automatic doors; and made sidewalk repairs around facilities.

To support the teams while they worked on surveying their facilities, court ADA coordinators instituted monthly conference calls with a training component. At first, the calls primarily addressed survey issues and concerns related to the transition plan. But soon the calls began including an ADA-relevant presentation by an expert, covering topics like autism, sign language interpretation in the legal setting, traumatic brain injuries, emergency preparedness and meeting the needs of people with disabilities, the Florida Relay Service, Braille and other alternate formats, and psychiatric disabilities. After a chance to ask questions of the presenter, coordinators appreciate an “open mic” segment at which they can raise ADA-related issues and share strategies, insights, and news. This continuing education tool was also used to familiarize coordinators with the ramifications of the ADA Amendment Act of 2008 and the branch’s updating of its Title I and Title II guidelines. Court ADA coordinators have valued this support mechanism, calling it “very interesting and practical” and “informative and thought-provoking.”

While addressing architectural barriers, the branch has also been taking measures to ensure that its electronic information and information technologies are accessible to people with disabilities. Indeed, as the budget crisis has impelled the branch to rely more vigorously on communicating information electronically, Florida’s courts have heightened efforts to make all their electronic-based communications accessible. For example, the Florida Courts Technology Commission actively works to incorporate the principles of accessibility

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into all court technology projects; all electronic filing initiatives submitted to the supreme court must be in compliance with ADA and Section 508 guidelines; and, at the supreme court's request, The Florida Bar's Rules of Judicial Administration Committee is developing a rule requiring lawyers to submit documents and files to the state courts in an accessible format. In addition, in-house accessibility training has been offered in courts across the state, and the court system's Intranet features a host of helpful teaching tools on topics like creating accessible documents and email, video captioning, accessible web design, and planning accessible meetings.

The judicial branch's attention to providing both architectural and electronic access to people with disabilities has not gone unnoticed. For instance, at a July 2008 ceremony at the Capitol celebrating the eighteenth anniversary of the ADA, the Agency for Persons with Disabilities honored the Florida State Courts System for its commitment to the ADA. And in its July 2008 report, the Governor's Commission on Persons with Disabilities recommended that executive agencies conduct an accessibility survey of their buildings, using the court system's initiative as their model. Information about the branch's accessibility initiative has also been requested by court systems from other states, and the Florida courts were invited to give a presentation on the initiative at the World Congress and Expo on Disabilities held last November in Jacksonville. Moreover, because the court system has developed a reputation for understanding what needs to be done to make electronic information accessible as required by the ADA, representatives from State of Florida agencies and other governmental entities have attended the supreme court/OSCA in-house trainings on creating accessible documents.

Through its various accessibility initiatives, the branch underlines its commitment to ensuring that the courts are meaningfully open to people with disabilities.

## Long-Range Issue #5: Enhancing Public Trust and Confidence

*The State Courts System should inform the public [about its role, purposes, and function], demonstrate transparency, and ultimately maintain and build the public's trust and confidence by regularly and accurately reporting on its use of resources and its accomplishments.*

The ability of the courts to fulfill their constitutional mandate and to ensure that their decisions are respected—even when people do not agree with those decisions—is built on a long-established foundation of public trust. Courts are able to fulfill their mission only because people have confidence in the institution. Fostering public trust and confidence is therefore integral to all the policies, programs, and actions of Florida's judicial branch.

The five issues around which the long-range plan is composed are equal in weight and richly interrelated. However, Enhancing Public Trust and Confidence is last because it represents the culmination of the earlier issues—the bounty that the branch reaps from diligently applying itself to the tasks of Strengthening Governance and Independence, Improving the Administration of Justice, Supporting Competence and Quality, and Enhancing Court Access and Services.

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The court system also endeavors to build public trust and confidence by attending to the five fundamental values that constitute the vision of the branch: the aspiration to be “accessible, fair, effective, responsive, and accountable.”

The branch has sought to be accessible through its emergency management plans; through its efforts to reduce physical, communication, and language barriers; and through its adoption of emerging technologies that

facilitate access, like electronic filing and electronic access to court records (see long-range issues #2 and 4).

Through its endeavors to equip judges and court personnel with the knowledge, skills, and attitudes that enable them to administer the justice system impartially and through its commitment to fairness and diversity awareness, the branch has striven to be fair (see long-range issues #3 and 4).

The branch has worked to be effective through its perseverance to establish a stable funding source and through its comprehensive measures to manage its resources efficiently (see long-range issues #1 and 2).

The branch's responsiveness has been evident in the extensive outreach inherent in its long-range planning initiatives and in its strategies to ensure a highly qualified and fair judiciary (see long-range issues #1, 3, and 4).

And through its dedication to developing standards that measure court performance and support ongoing improvement efforts, the branch has demonstrated its accountability (see long-range issue #2).

## Education and Outreach

Studies have shown that when the public is well-informed about the courts, it tends to have a deeper appreciation of them and their role as the guardian of the Constitution. Therefore, to fortify public trust and confidence, the branch has also worked to educate people of all ages about the role, purposes, function, and accomplishments of the courts as well as about constitutional and legal principles. This section highlights some of the branch's undertakings to nurture public trust and confidence through initiatives to educate and inform the populace about the justice system.

### The Justice Teaching Initiative

Recent state and national surveys reveal that most Americans know little about the way the justice system functions and do not grasp the basic principles underlying constitutional institutions and structures. In response, in 2006, former Chief Justice Lewis established Justice Teaching to help invigorate law-related education in Florida. The aim of this initiative is to partner a legal professional with every elementary, middle, and high school in the state in order to promote an understanding of Florida's justice system and laws, develop critical thinking and problem-solving skills, and demonstrate the effective interaction of Florida's

courts within the constitutional structure. Through Justice Teaching, Justice Lewis has aimed "to form the most comprehensive approach to support civic education that's ever been attempted."

Currently, 3,597 lawyers and judges across the state have been trained to serve as resources for Justice Teaching. And, so far, over 99 percent of Florida's public schools—3,111 schools—have at least one Justice Teaching volunteer. The Justice Teaching website has recently been redesigned, and a host of new lesson plans has been added. These lesson plans provide Justice Teaching volunteers with tested, interactive strategies for engaging students in animated exchanges about the justice system and how it affects their lives. ([Follow this link to visit the Justice Teaching website.](#))

Because legal professionals in other states have been seeking information about how to establish Justice Teaching, Justice Lewis gave a presentation on the initiative to the American Bar Association's Appellate Judges Education Institute in Arizona and to the American Board of Trial Advocates' Jury Summit in San Francisco. In early 2010, he will be making a presentation to the International Society of Barristers with the goal of replicating Justice Teaching internationally.

### The Justice Teaching Institute

First offered in 1997, when former Chief Justice Gerald Kogan conceptualized it as part of the Florida Supreme Court's Sesquicentennial Celebration, the yearly Justice Teaching Institute offers 25 secondary school teachers from across the state an opportunity to explore, over a



Justice James E.C. Perry circulates among the groups of Justice Teaching Institute fellows, answering their questions as they prepare for a "Florida Constitution Scavenger Hunt."

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five-day period, the inner workings of the judicial branch. Sponsored by the supreme court, underwritten by The Florida Bar Foundation, and coordinated by the Florida

Teachers acclaimed this year's program, calling it "by far the best seminar I ever attended" and "one of the most amazing weeks of my life." Before the program ended,

*Currently, 3,597 lawyers and judges across the state have been trained to serve as resources for Justice Teaching. And, so far, over 99 percent of Florida's public schools—3,111 schools—have at least one Justice Teaching volunteer.*

they were already discussing strategies for incorporating what they had learned into their teaching. After returning to their schools, most of the educators develop a courts unit for classroom use and/or facilitate training programs for other teachers in their school. Although only 25 teachers get to take advantage of this opportunity annually, each educator touches about 150 students per year. Therefore, over

Law Related Education Association, the institute is a highly concentrated, interactive program for which teachers must undergo a rigorous selection process to be chosen. Teachers are taught by some of the best judicial faculty in the state: this year, faculty included all seven justices; Judge Leandra Johnson, Third Circuit; Judge Cynthia Cox, Nineteenth Circuit; and Ms Annette Boyd Pitts, executive director of the Florida Law Related Education Association.

time, through the efforts of these devoted and motivating teachers, thousands of students have a chance to develop an understanding of and an appreciation for the role and functions of the judicial branch.

## The Florida Supreme Court Tours Program

Visitors to Tallahassee who are eager to learn about the history and function of the state's highest court can choose from among three supreme court tours. With the assistance of a pamphlet, drop-in visitors can do a self-guided tour of the public areas of the building (the courtroom, library, rare book room, upper and lower rotunda, portrait gallery, and lawyer's lounge). If their timing is right, they can also watch an oral argument. ([This link goes to the oral argument schedule.](#))

Teachers learn about the structure and function of the state



Half the Justice Teaching Institute fellows held their mock oral argument in the courtroom of the First DCA. Teachers playing the part of justices in this courtroom (l-r) are Troy Keefe, Bradley Lehman, Helene Burd, Daniel Vinat, Corey Alvaro, Karen Coss, and William Finch.

In addition, student groups (fourth through twelfth graders) can take advantage of two educational tours, both of which are led by volunteers who have undergone a comprehensive training process. In the Educational Tour Experience, students are taught about the judicial branch, the Florida court system, the differences between trial and appellate courts, the history of the supreme court, and the role, appointment, and retention of the justices. And in the Mock Oral Argument Experience—historically, one of the favorite activities of student groups

visiting the court—students act out an oral argument using a hypothetical, age-appropriate case (the court has 15 possible cases from which to choose). This educational program begins with a detailed lesson on the judicial branch and on the ceremony of the oral argument; then, students prepare for and engage in a simulated oral argument, role-playing the parts of the lawyers and justices in arguing and deciding the case.

court system, the criminal court process, the significance of an independent judiciary, the Florida Constitution, the case study method, alternative dispute resolution methods, accessing legal resources from the library and the Internet, the modus operandi of the oral argument, and the constitutional issues underpinning an actual case that is about to be argued before the court. This training prepares the teachers for the crowning experience: their own mock oral argument on the very case for which the justices themselves are preparing.

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The Supreme Court Tour Program has been in existence since 1994, when Mrs. Irene Kogan, wife of former Chief Justice Kogan (on the bench from 1987 – 1998) founded it as a way to help student visitors learn more about the workings of Florida’s judicial branch.

## The Florida Supreme Court Library

The oldest of Florida’s state-supported libraries, the Florida Supreme Court Library was established in 1845 and was originally designed for use by the supreme court and the attorneys who practice before it. Designated a federal depository library, it houses legal materials published by the US Government Printing Office. The library has over 117,000 volumes and more than 210,000 pieces of microfiche. Its collections include most of the reported decisions of American courts; it maintains an extensive collection of historical statute law of Canada and the United Kingdom; and it also maintains a complete collection of historic Florida legal resources, many of which are unavailable elsewhere. Moreover, through its two Westlaw workstations, the library provides free electronic access to visitors. In addition to assisting the supreme court and the general

public, the library answers calls for assistance from law firms and other law libraries in Florida and around the country.

The library’s Archives and Rare Books Collection continues to be a popular destination for school groups and tourists. This year, the archival collections were significantly expanded by the donation of the chamber papers of recently retired Justices Harry Lee

*On July 5, 1977, the Florida Supreme Court authorized an experiment allowing cameras to return to state courtrooms. At the end of the experiment, after soliciting feedback from judges, attorneys, parties, jurors, and witnesses, the court concluded that not only did cameras cause no harm, but they conferred a great benefit by making the judicial process transparent to the public.*

Anstead and Charles Talley Wells (both on the bench from 1994 – 2009). Moreover, retired Justice Ben F. Overton (on the bench from 1974 – 1999) donated additional papers from his supreme court career, and retired Justice Major B. Harding (on the bench from 1991 – 2002) donated nine scrapbooks related to his personal and professional life.



Housed in the library’s archives collection, this photo was taken to commemorate the supreme court’s induction of new attorneys into The Florida Bar in 1962.

The archives collection is also home to over 7,000 photos and negatives documenting an ample stretch of supreme court history. The earliest photo dates back to 1899, but most were shot between 1950 and 2000. In addition to portraits of individual justices and en banc portraits, the collection includes photos of various supreme court-centered events and people: ceremonial functions, court educational programs, cultural and artistic events, the Election 2000 cases and connected matters, supreme court and OSCA staff members, and *Florida Bar News* photos. The photos have now been inventoried and are available to researchers.

# THE YEAR IN REVIEW

The library also prepared three new rotunda exhibits this year as part of its *Evolution of Justice in Florida* project. Featuring original books, documents, and artifacts of relevance to the supreme court and the justice system, these exhibits covered the Civil War and Reconstruction Period of Florida History (1861 to 1876); the Bourbon Era of Florida history (1867 to 1902); and the Progressive Era (1901 – 1926). Conceived in 2002 by former Chief Justice Harry Lee Anstead, the *Evolution of Justice* project is an opportunity to “educate the public about the history of our state’s judiciary and to strengthen confidence in Florida’s Courts System.”

In addition, the library created a special exhibit to celebrate the thirtieth anniversary of Cameras in the Courtroom. After the “media frenzy” on show at the 1935 trial of Bruno Hauptmann for kidnapping and murdering the infant son of Charles and Ann Morrow Lindbergh in New Jersey, most states banned cameras, radio, and, later, TV, from the courtrooms. As technology became smaller and less intrusive, however, interest in broadcasting from courtrooms began resurging. On July 5, 1977, the Florida Supreme Court authorized an experiment allowing cameras to return to state courtrooms. At the end of the experiment, after soliciting feedback from judges, attorneys, parties, jurors, and witnesses, the court concluded that not only did cameras cause no harm, but they conferred a great benefit by making the judicial process transparent to the public. This conclusion was permanently written into the rules of court in an April 12, 1979, opinion of former Justice Alan Sundberg. With this opinion, Florida inaugurated a national movement that eventually brought cameras into most state court systems in the US—and even some federal courts, with the conspicuous exception of the US Supreme Court. In honor of the thirtieth anniversary, the library designed a display of books, photographs, and historical documents associated with this historic juncture; it also showcased one of the four robotic cameras used to make the worldwide Election 2000 broadcasts.

## Behind the Camera in the TV Trial: Can Viewer Judge Courtroom Drama?

FROM PAGE 1A

Florida program allows the news organizations, not the courts, to decide what will be photographed.

Television came to the Zamora case not only to broadcast the trial but also, because of the curious “TV intoxication” defense, to cover itself.

There was no testimony last week on the issue of “TV intoxication.” That issue will be developed this week.

BUT THE TV violence issue aside, the broadcast alone — which came from a single “pool” camera — made the fourth floor courtroom of Judge Paul Baker unique.

In the courtroom throughout the first week, the participants seemed largely oblivious to the hubbaloob outside or the presence of microphones and cameras inside.

As the trial got under way, Judge Baker asked the prospective jurors if there was “anything about the cameras that will upset anyone of you.” No objections were raised.

The single TV camera in the courtroom was operated by the area’s public television station, WPBT (Ch. 2). Under a pre-trial agreement, other local stations and the networks were given access to Ch. 2’s coverage. Other cameramen could only photograph the side-panels of the case outside the courtroom.

THE “POOL” camera used by Ch. 2 — small, compact and completely noiseless — had its very own unobtrusive seat in the last row, specially marked “Reserved for TV Camera.”

Judge Baker, distinguished in his black robe and looking every bit like a TV judge, showed little regard for the mike placed in front of him, turning away when he felt like it to address the jurors.

Both lawyers, Tom Headley for the prosecution and Ellis Rubin for the defense, occasionally wandered in front of the TV camera, blocking the view.

Meanwhile, the home viewer could observe the legal process in action. Under the courtroom arrangement, Ch. 2 has been videotaping the proceedings daily and rebroadcasting a condensed version of from one to three hours each night.



Focus Is on the Camera in Dade Courtroom  
... if conflicts arise, media gets a wedge

while he (Rubin) was talking. Later, Headley objected to the “sighs” uttered by his rival.

Viewers Friday night saw the trial’s most dramatic testimony to date, a police sergeant’s account of an oral confession by Zamora.

Sgt. Paul Rantanen testified that for an hour and a half, Mrs. Haggart sipped whiskey and water, fixed by Zamora, while he begged her not to have him arrested for burglarizing her home. Then, when she said, “I’ve got to call the police,” Zamora, who had brought along a 14-year-old friend, shot her to death with her own pistol. Ratan-

SIMILARLY, viewers at home heard twenty minutes of graphic testimony from Deputy Chief Medical Examiner Dr. Ronald Wright concerning the victim’s body, but never did the camera focus on Zamora, who bit his lip, gulped and fidgeted his hands along his face.

Explaining WPBT’s cautious coverage of the trial so far, Tom Donaldson, a producer-director in charge of the production, said inside the station’s mobile unit truck, “We are conscious of our tenuous position. We don’t want to upset the judge or court.”

Ch. 2’s restraint however creat-

ed to shoot through a small window in the door. According to Steve Tello — a Ch. 10 news representative who has been designated “pool coordinator” by Judge Baker to mediate disputes — “We asked him to leave and he did.”

TELO ALSO confirmed another incident in which an unidentified network staffer chased the jurors down the hall, causing a commotion.

By Wednesday, Donaldson was voicing concern that a “circus-like atmosphere” was beginning to develop.

Judge Baker — attempting to preserve what he had earlier described as the delicate “marriage between a free press and ‘fair trial’” — clamped down, issuing a seven-point list of restrictions on the media.

A previous waiver on the number of still photographers assigned to the courtroom was also rescinded, eliminating freelance color photographers from Time magazine. The judge also ordered still photographers to use Leica cameras, determined by the state Supreme Court to be the least noisy available.

BY FRIDAY Judge Baker said he was satisfied with the over-all coverage for the first week.

“Things are fine,” he said. “The only thing we had was camera people running around the hall and we’ve stopped that.”

The first week of coverage was filled with lighter moments.

One technician swore that defense attorney Ellis Rubin wore pancake makeup, while a director was positive he used a sun lamp. Rubin said he used neither. He said he jogs around Flamingo Park each morning “just as the sun is coming up.”

Another technician noted that for most of the week, prosecutor Tom Headley wore traditional blue suits such as those television personalities wear because they photograph well. Asked about it, Headley smiled and said, “Blue’s my trial uniform.”

A CAMERAMAN felt that “Judge Baker takes a damn good picture, but I wonder if he uses hairspray.”

Connie Clement Baker, the judge’s wife, was on hand to shed some

From September 27 to October 7, 1977, a local television crew broadcast the first-degree murder trial of the State of Florida v. Ronnie Zamora in Judge Paul Baker’s Eleventh Circuit courtroom in the Metro Justice Building in downtown Miami. This photo, taken by a *Miami Herald* photographer, shows the single TV camera, stationed at the back of the courtroom, in operation during the trial. It marks the first time a trial was ever broadcast in Florida—or the nation.

Since that experiment over three decades ago, the Florida Supreme Court has continued instituting measures to ensure the openness of its court proceedings, thereby fostering public trust and confidence. Under former Chief Justice Gerald Kogan, for instance, cameras were mounted in the supreme court courtroom so that oral arguments could be broadcast live, giving the public a window into the inner workings of the state’s high court; since 1997, with the help of WFSU-TV (Florida State University), oral arguments have been broadcast on local cable, by satellite, and online. And with its recent migration to Flash technology, the supreme court is now able to produce a sharper and more reliable video image on the web. From cameras in the courtroom to the latest technology for webcasting, the Florida Supreme Court has been a pioneer in providing easy and inexpensive access to its judicial processes to people all across the globe.

## Transitions

### Farewells and Welcomes at the Florida Supreme Court



Justice Raoul G. Cantero, III, resigned in September 2008.

Customary audiences of oral argument, whether in person, on TV, or via webcast, couldn't have failed to notice: between September 2008 and March 2009, the configuration of faces on the supreme court bench—and the seating arrangement of the justices (which is based upon seniority)—underwent some remarkable, and frequent, transformations.



Justice Kenneth B. Bell resigned in September 2008.



Justice Harry Lee Anstead retired in January 2009.

In early September, Justice Raoul G. Cantero resigned to return to private practice in Miami. And toward the end of that month, Justice Kenneth B. Bell resigned to return to private practice in Pensacola. Within a few days of Justice Cantero's departure, Judge Charles T. Canady, Second DCA, joined the supreme court, and several days after Justice Bell's leave-taking, Judge Ricky Polston, First DCA, assumed the supreme court bench.



Justice Charles Talley Wells retired in March 2009.

Then came a second wave of changes. Because Florida law requires judges to retire at age 70, two other members—the court's most senior jurists—left the bench: in early January, Justice Harry Lee Anstead retired, and Judge Jorge Labarga, Fifteenth Judicial Circuit (and, briefly, the Fourth DCA), assumed the supreme court bench; and in early March, Justice Charles Talley Wells retired, and Judge James E.C. Perry, Eighteenth Judicial Circuit, joined the court.

# THE YEAR IN REVIEW

Although it is rare for four new justices to be introduced to the Florida Supreme Court within a short period of time, it is not unprecedented. For instance, in a 17-month period in 1974 – 75, and in a five-month period in 1968 – 69, four new justices joined the bench. However, neither Governor Reubin Askew (who governed from 1971 – 1979) nor Governor Claude Kirk (who governed from 1967 – 71) appointed all four justices. But in this most recent series of changes, Governor Charlie Crist did select all the new justices—making it the first time in Florida history that a governor appointed a majority of the court in under a year.

The Florida State Courts System wishes a warm farewell to the justices who have recently left the court and thanks them deeply for their innumerable contributions to the cause of justice. And a hearty welcome to the new justices, all seasoned jurists who are bringing a wealth of legal and judicial and life experience to their new horizon.



Justice Charles T. Canady joined the supreme court in September 2008.



Justice Jorge Labarga joined the supreme court in January 2009.



Justice Ricky Polston joined the supreme court in October 2008.



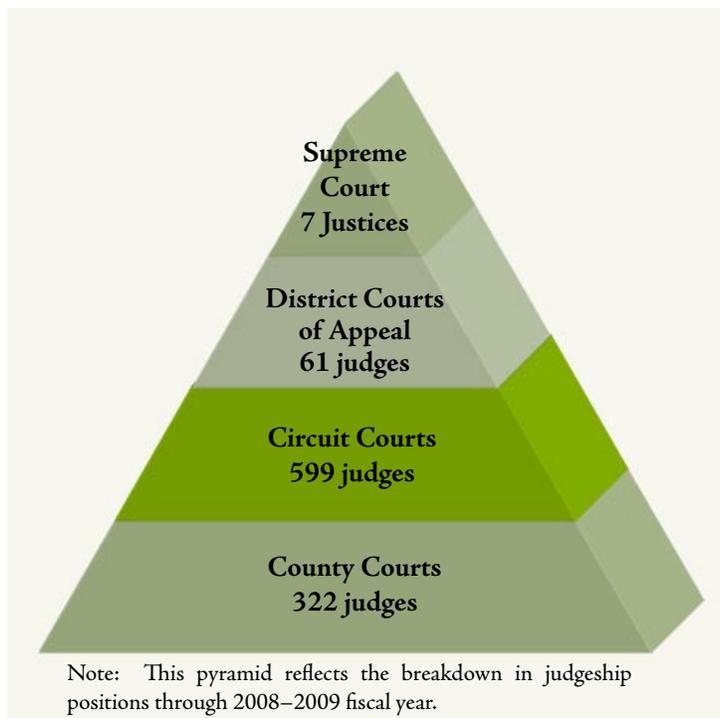
Justice James E.C. Perry joined the supreme court in March 2009.

# FLORIDA'S COURT STRUCTURE

## Florida's Court Structure

Florida's court system consists of the following entities: two appellate level courts (the Supreme Court and five district courts of appeal) and two trial level courts (20 circuit courts and 67 county courts). The chief justice presides as the chief administrative officer of the judicial branch.

On July 1, 1972, the Office of the State Courts Administrator (OSCA) was created with initial emphasis on developing a uniform case reporting system in order to provide information about activities of the judiciary. Additional responsibilities include preparing the operating budget for the judicial branch, projecting the need for new judges, and serving as the liaison among the court system and the legislative branch, the executive branch, the auxiliary agencies of the court, and national court research and planning agencies.



## Appellate Courts

### Supreme Court

- Seven justices, six-year terms
- Sits in Tallahassee
- Five justices constitute a quorum

### District Courts of Appeal

- 61 judges, six-year terms
- Five districts:
  - 1st District: Tallahassee, 15 judges
  - 2nd District: Lakeland, 14 judges
  - 3rd District: Miami, 10 judges
  - 4th District: West Palm Beach, 12 judges
  - 5th District: Daytona Beach, 10 judges
- Cases generally reviewed by three-judge panels

## Trial Courts

### Circuit Courts

- 599 judges, six-year terms
- 20 judicial circuits
- Number of judges in each circuit based on caseload
- Judges preside individually, not on panels

### County Courts

- 322 judges, six-year terms
- At least one judge in each of the 67 counties
- Judges preside individually, not on panels

# FLORIDA'S COURT STRUCTURE

## Supreme Court of Florida

The Supreme Court is the highest court in Florida. To constitute a quorum to conduct business, five of the seven justices must be present, and four justices must agree on a decision in each case.

Mandatory jurisdiction includes death penalty cases, district court decisions declaring a state statute or provision of the state constitution invalid, bond validations, rules of court procedure, and statewide agency actions relating to public utilities. The court also has exclusive authority to regulate the admission and discipline of lawyers in Florida as well as the authority to discipline and remove judges.

## District Courts of Appeal

The bulk of trial court decisions that are appealed are reviewed by three-judge panels of the district courts of appeal (DCAs). In each district court, a chief judge, who is selected by the body of district court judges, is responsible for the administrative duties of the court.

The district courts decide most appeals from circuit court cases and many administrative law appeals from actions by the executive branch. In addition, the district courts of appeal must review county court decisions invalidating a provision of Florida's constitution or statutes, and they may review an order or judgment of a county court that is certified by the county court to be of great public importance.

## Circuit Courts

The majority of jury trials in Florida take place before circuit court judges. The circuit courts are referred to as the courts of general jurisdiction. Circuit courts hear all criminal and civil matters not within the jurisdiction of county courts, including family law, juvenile delinquency and dependency, mental health, probate, guardianship, and civil matters over \$15,000. They also hear some appeals from county court rulings and from administrative action if provided by general law. Finally, they have the power to issue extraordinary writs necessary to the complete exercise of their jurisdiction.

## County Courts

Each county has at least one county court judge. The number of judges in each county court varies with the population and caseload of the county. County courts are courts of limited jurisdiction, which is established by statute. The county courts are sometimes referred to as "the people's courts" because a large part of their work

involves citizen disputes such as violations of municipal and county ordinances, traffic offenses, landlord-tenant disputes, misdemeanor criminal matters, and monetary disputes up to \$15,000. In addition, county court judges may hear simplified dissolution of marriage cases.

## DCA Circuits

1st District:	1, 2, 3, 4, 8, 14
2nd District:	6, 10, 12, 13, 20
3rd District:	11, 16
4th District:	15, 17, 19
5th District:	5, 7, 9, 18

## Circuit Counties

- 1 Escambia, Okaloosa, Santa Rosa, Walton
- 2 Franklin, Gadsden, Jefferson, Leon, Liberty, Wakulla
- 3 Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, Taylor
- 4 Clay, Duval, Nassau
- 5 Citrus, Hernando, Lake, Marion, Sumter
- 6 Pasco, Pinellas
- 7 Flagler, Putnam, St. Johns, Volusia
- 8 Alachua, Baker, Bradford, Gilchrist, Levy, Union
- 9 Orange, Osceola
- 10 Hardee, Highlands, Polk
- 11 Miami-Dade
- 12 DeSoto, Manatee, Sarasota
- 13 Hillsborough
- 14 Bay, Calhoun, Gulf, Holmes, Jackson, Washington
- 15 Palm Beach
- 16 Monroe
- 17 Broward
- 18 Brevard, Seminole
- 19 Indian River, Martin, Okeechobee, St. Lucie
- 20 Charlotte, Collier, Glades, Hendry, Lee

# COURT ADMINISTRATION

## Office of the State Courts Administrator

The Office of the State Courts Administrator (OSCA) was created in 1972 to serve the chief justice in carrying out his or her responsibilities as the chief administrative officer of the judicial branch. OSCA's purpose is to provide professional court management and administration of the state's judicial system—basically, the non-adjudicatory services and functions necessary for the smooth operation of the judicial branch, which includes the Supreme Court of Florida, the five district courts of appeal, the 20 circuit courts, and the 67 county courts.

OSCA has manifold duties: it prepares the judicial branch's budget requests to the legislature; it monitors legislation; and it serves as a point of contact for legislators and their staff regarding issues related to the state court system. OSCA also provides a wide spectrum of educational programs for judges; these programs, which enable judges to meet mandatory continuing education requirements, are designed to increase judicial knowledge and skills, thereby improving the administration of justice.

In addition, OSCA performs a broad range of other functions to assist the state court system, including implementing administrative and legislative initiatives for family, dependency, and delinquency court cases; collecting and analyzing statistical information relevant to court operations; developing long-range and operational plans; offering statewide mediation training and certification through the Dispute Resolution Center; coordinating, writing, and editing administrative and

judicial publications; and providing technical support for trial and appellate courts, including support for the state-funded computer infrastructure of Florida's court system. For more information about OSCA, visit the Florida State Courts website at <http://www.flcourts.org>

## Trial Court Administrators

The trial court administrator supports the chief judge in his or her constitutional role as the administrative supervisor of the circuit and county courts; each of the 20 circuits in Florida has a trial court administrator. The office of the trial court administrator provides professional staff support to ensure effective and efficient court operations.

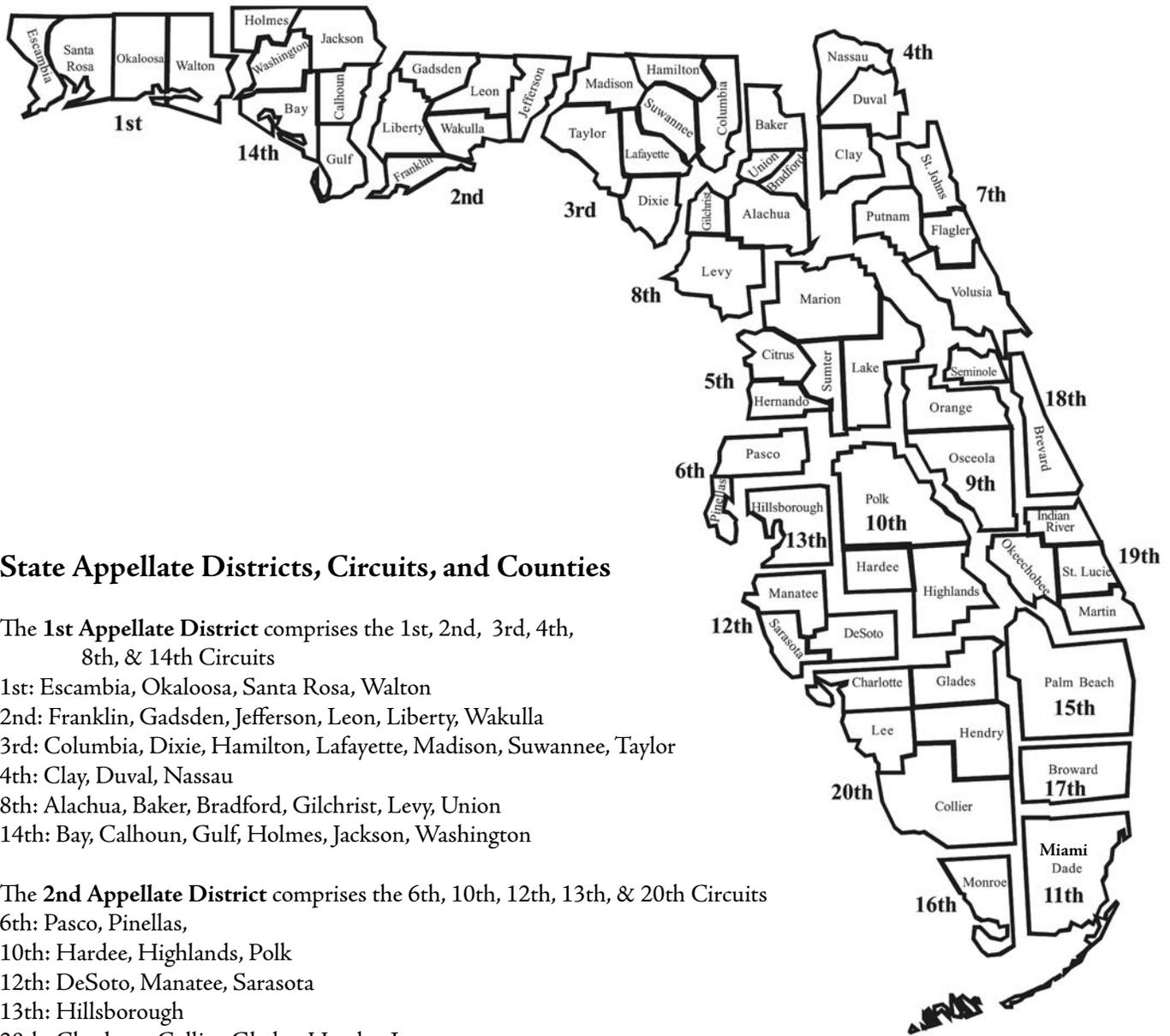
Trial court administrators have multiple responsibilities. They manage judicial operations such as courtroom scheduling, facilities management, caseflow policy, ADA policy, statistical analysis, inter-branch and intergovernmental relations, technology planning, jury oversight, public information, and emergency planning. They also oversee court business operations including personnel, planning and budgeting, finance and accounting, purchasing, property and records, and staff training.

In addition, the trial court administrators manage and provide support for essential court resources including court reporting, court interpreters, expert witnesses, staff attorneys, magistrates and hearing officers, mediation, and case management. For links to the homepages of Florida's circuit courts, go to <http://www.flcourts.org/courts/circuit/circuit.shtml>



State Courts Administrator Elisabeth H. Goodner.

# MAP OF FLORIDA'S COURT JURISDICTIONS



## State Appellate Districts, Circuits, and Counties

The **1st Appellate District** comprises the 1st, 2nd, 3rd, 4th, 8th, & 14th Circuits

- 1st: Escambia, Okaloosa, Santa Rosa, Walton
- 2nd: Franklin, Gadsden, Jefferson, Leon, Liberty, Wakulla
- 3rd: Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, Taylor
- 4th: Clay, Duval, Nassau
- 8th: Alachua, Baker, Bradford, Gilchrist, Levy, Union
- 14th: Bay, Calhoun, Gulf, Holmes, Jackson, Washington

The **2nd Appellate District** comprises the 6th, 10th, 12th, 13th, & 20th Circuits

- 6th: Pasco, Pinellas,
- 10th: Hardee, Highlands, Polk
- 12th: DeSoto, Manatee, Sarasota
- 13th: Hillsborough
- 20th: Charlotte, Collier, Glades, Hendry, Lee

The **3rd Appellate District** comprises the 11th & 16th Circuits

- 11th: Miami-Dade
- 16th: Monroe

The **4th Appellate District** comprises the 15th, 17th, & 19th Circuits

- 15th: Palm Beach
- 17th: Broward
- 19th: Indian River, Okeechobee, St. Lucie, Martin

The **5th Appellate District** comprises the 5th, 7th, 9th, & 18th Circuits

- 5th: Citrus, Hernando, Lake, Marion, Sumter
- 7th: Flagler, Putnam, St. Johns, Volusia
- 9th: Orange, Osceola
- 18th: Brevard, Seminole

# JUDICIAL CERTIFICATION TABLE

## District Court of Appeal

Session Year	Requested	Certified	Authorized	% Authorized (of those certified)	Total
1999	1	1	1	100%	62
2000	0	0	0	n/a	62
2001	0	0	0	n/a	62
2002	2	2	0	0%	62
2003	3	2	0	0%	62
2004	4	4	0	0%	62
2005	2	2	0	0%	62
2006	2	2	0	0%	62
2007	2	2	0	0%	62
2008	-1	-1	-1	n/a	61
2009	0	0	0	n/a	61

## Circuit

Session Year	Requested	Certified	Authorized	% Authorized (of those certified)	Total
1999	27	25	25	100%	493
2000	34	30	0	0%	493
2001	40	30	16	53.3%	509
2002	35	34	18	52.9%	527
2003	35	33	0	0%	527
2004	54	51	0	0%	527
2005	69	67	37	55.2%	564
2006	41	40	35	87.5%	599
2007	24	22	0	0%	599
2008	44	19	0	0%	599
2009	45	29	0	0%	599

## County

Session Year	Requested	Certified	Authorized	% Authorized (of those certified)	Total
1999	17	6	6	100%	269
2000	17	13	0	0%	269
2001	23	14	11	78.6%	280
2002	16	13	0	0%	280
2003	23	21	0	0%	280
2004	38	33	0	0%	280
2005	44	41	22	53.7%	302
2006	26	24	20	83.3%	322
2007	15	13	0	0%	322
2008	46	42	0	0%	322
2009	68	39	0	0%	322

## Judicial Certification

Since 1999, the supreme court has used a weighted caseload system to evaluate the need for new trial court judgeships. The weighted caseload system analyzes Florida's trial court caseload statistics according to complexity. Cases that are generally complex, such as capital murder cases, receive a higher weight, while cases that are typically less complex, such as civil traffic cases, receive a lower weight. These weights are then applied to case filing statistics to determine the need for additional judgeships.

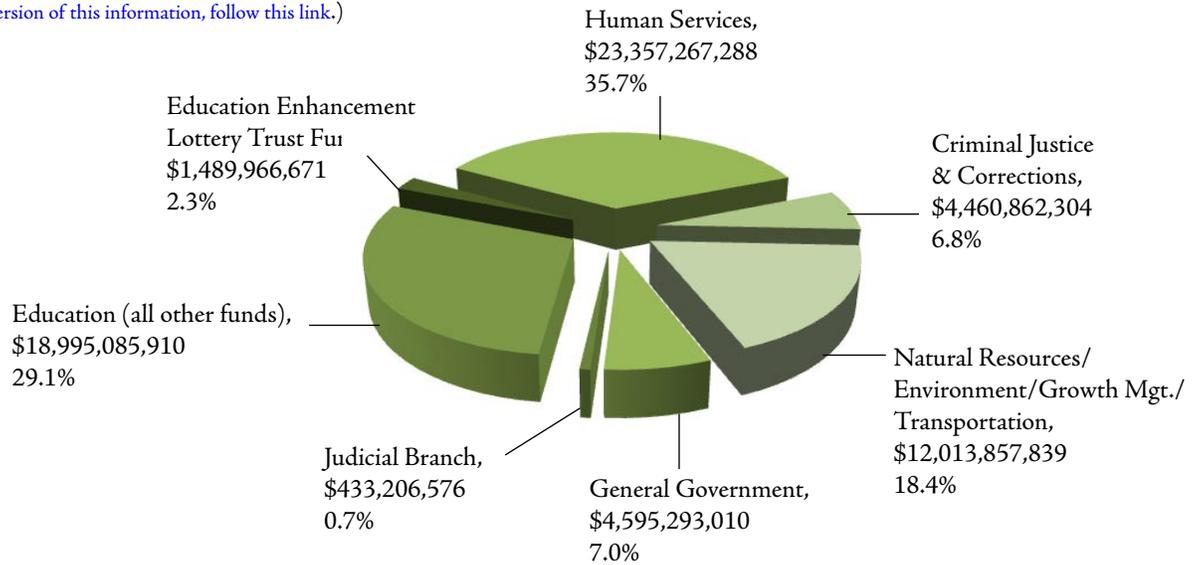
Having an adequate number of judgeships is essential: if judicial workload exceeds capacity and a judicial need deficit is not addressed, likely consequences may be case processing delays, less time devoted to dispositions, and potentially diminished access to the courts.

In March 2009, the Florida Supreme Court certified the need for 29 additional circuit judges and 39 additional county court judges. However, the Florida Legislature did not approve funding for any new judgeships this year.

# FLORIDA'S BUDGET

## 2008-2009 Fiscal Year Appropriations

(For an accessible version of this information, follow [this link](#).)



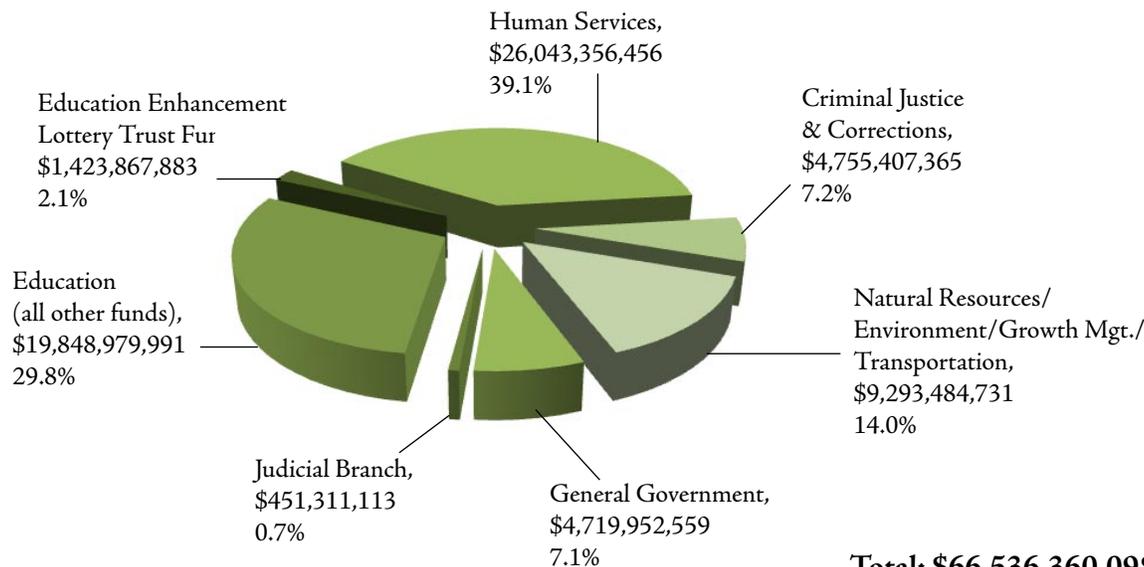
**Total: \$65,345,539,598**

Note: This total includes those issues that were funded in the General Appropriations Act, HB 5001, in addition to 2009 Special Legislative Session A Reductions.

Florida's courts get less than 1% of the state's total budget

## 2009-2010 Fiscal Year Appropriations

(For an accessible version of this information, follow [this link](#).)



**Total: \$66,536,360,098**

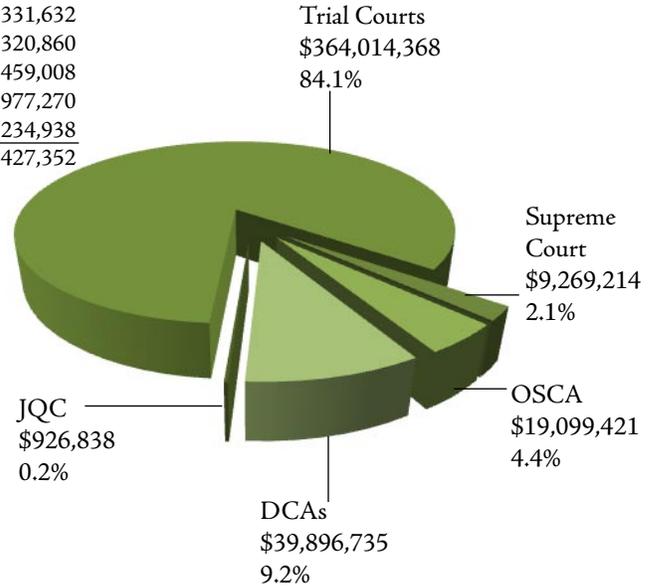
This total includes only those issues that were funded in the General Appropriations Act, SB 2600.

# STATE COURTS SYSTEM APPROPRIATIONS

## Final Justice System Appropriations 2008-2009 Fiscal Year

(For an accessible version of this information, follow this link.)

State Courts System	\$433,206,596
Justice Administration Executive Direction	\$82,686,538
Statewide Guardian Ad Litem Program	\$33,210,530
State Attorneys	\$377,331,632
Public Defenders Judicial Circuit	\$188,320,860
Public Defenders Appellate	\$13,459,008
Capital Collateral Regional Counsel	\$6,977,270
Criminal Conflict and Civil Regional Counsels	\$35,234,938
<b>Total</b>	<b>\$1,170,427,352</b>



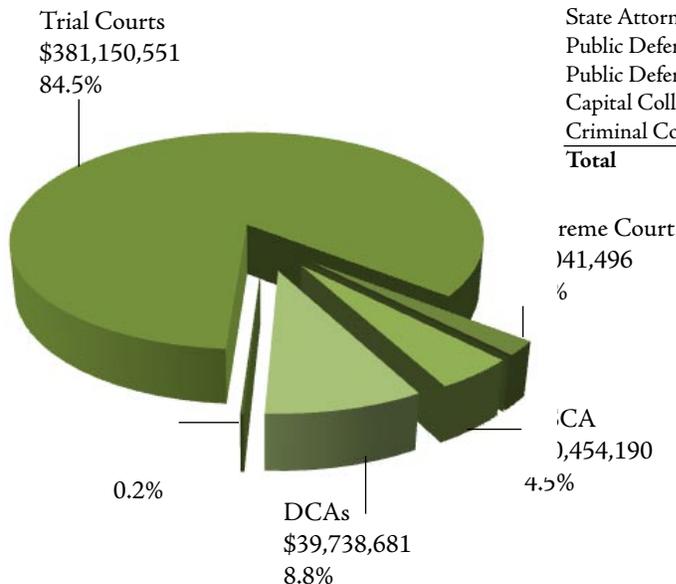
### State Courts System Total: \$433,206,576

Note: This total includes those issues that were funded in the General Appropriations Act, HB 5001, in addition to 2009 Special Legislative Session A Reductions.

## Justice System Appropriations 2009-2010 Fiscal Year

(For an accessible version of this information, follow this link.)

State Courts System	\$451,311,113
Justice Administration Executive Direction	\$80,864,887
Statewide Guardian Ad Litem Program	\$30,747,537
Clerks of Court	\$451,380,312
Clerks of Court Operations Corporation	1,730,586
State Attorneys	\$379,570,149
Public Defenders Judicial Circuit	\$186,263,491
Public Defenders Appellate	\$13,418,632
Capital Collateral Regional Counsel	\$6,968,728
Criminal Conflict and Civil Regional Counsels	\$35,470,937
<b>Total</b>	<b>\$1,637,726,372</b>



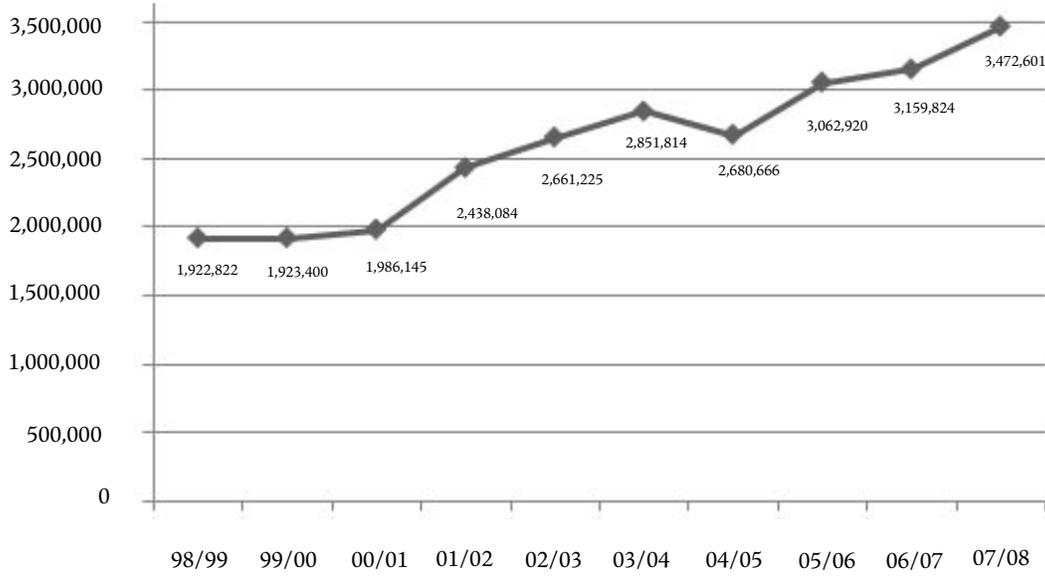
### State Courts System Total: \$451,311,113

Note: This total reflects those issues that were funded in the General Appropriations Act, SB 2600.

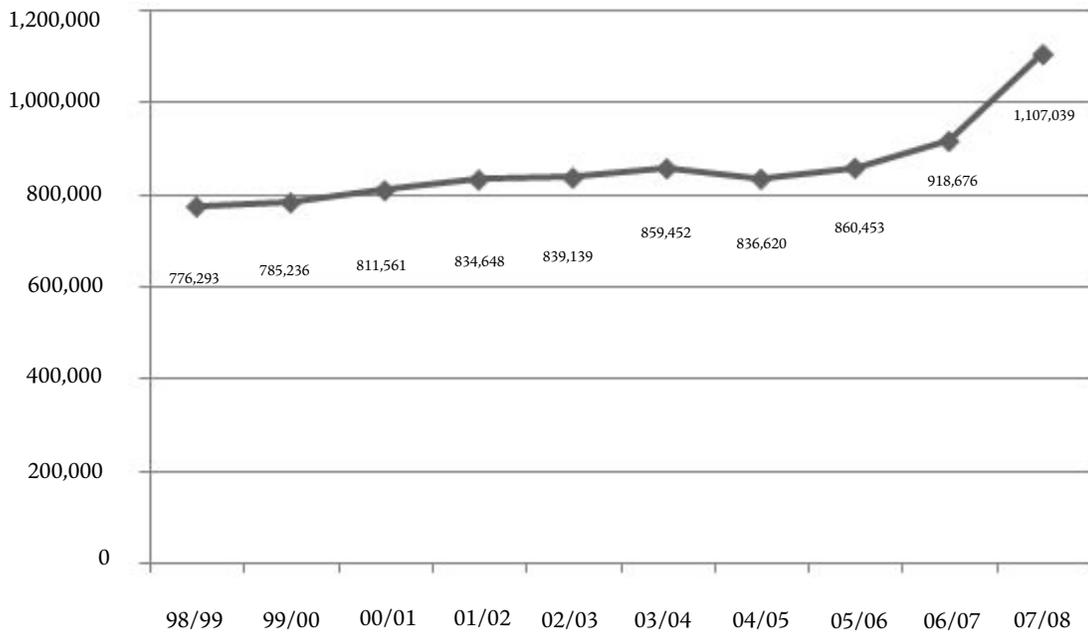
# FILINGS

## Filings, Florida's Trial Courts FY 1998-99 to 2007-08

### County Courts



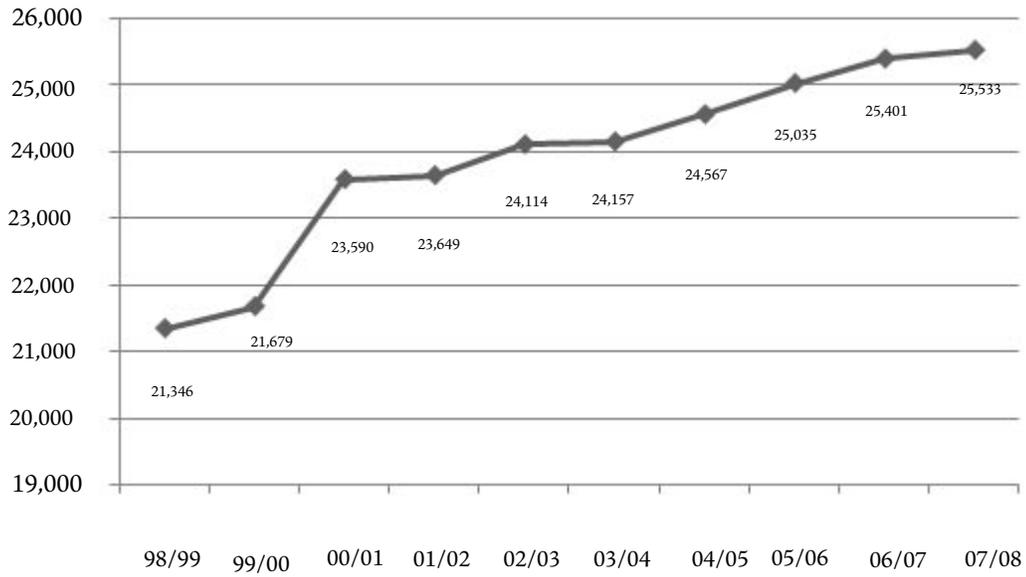
### Circuit Courts



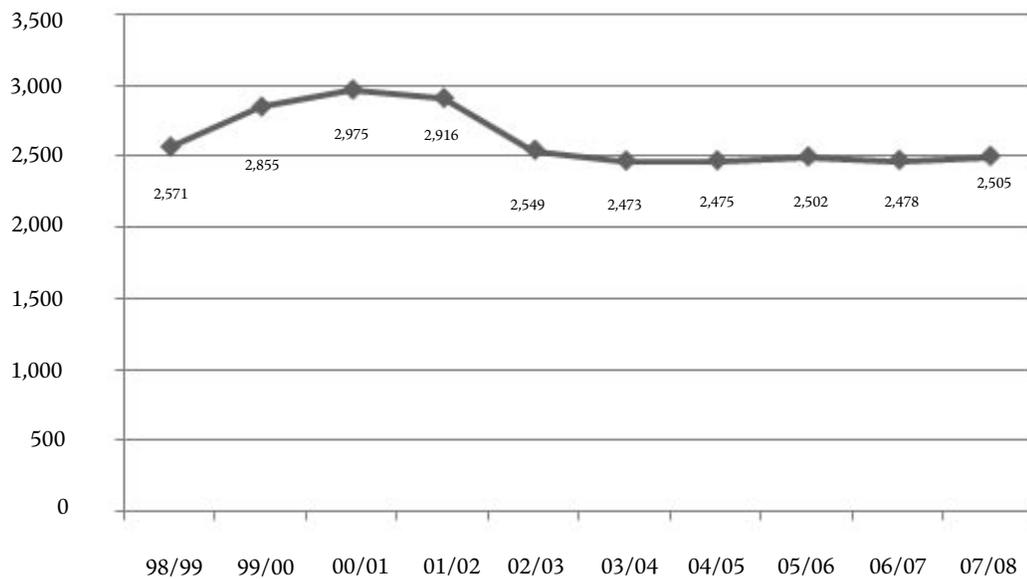
# FILINGS

## Filings, Florida's Appellate Courts FY 1998-99 to 2007-08

### District Courts



### Supreme Court



# DCA FILINGS BY CASE CATEGORY

## Notice of Appeal and Petition FY 2007-08

\* Criminal post conviction filings include notice of appeal only.

(For an accessible version of these filings, follow [this link](#).)

DCA	Case Category	Total Filings
All	Administrative	1,234
All	Civil	4,983
All	Criminal	10,214
All	Criminal Post Conviction*	6,104
All	Family	1,128
All	Juvenile	1,180
All	Probate/Guardianship	218
All	Workers' Compensation	472
		<b>25,533</b>

DCA	Case Category	Total Filings	DCA	Case Category	Total Filings	DCA	Case Category	Total Filings
1	Administrative	695	3	Administrative	131	5	Administrative	122
	Civil	1,284		Civil	821		Civil	645
	Criminal	2,182		Criminal	1,135		Criminal	2,037
	Criminal Post Conviction*	1,270		Criminal Post Conviction*	876		Criminal Post Conviction*	1,111
	Family	214		Family	170		Family	231
	Juvenile	228		Juvenile	170		Juvenile	241
	Probate/Guardianship	21		Probate/Guardianship	42		Probate/Guardianship	28
	Workers' Compensation	472			3,345			4,415
		<b>6,366</b>						<b>25,533</b>
						<b>Total</b>		
2	Administrative	121	4	Administrative	165			
	Civil	1,056		Civil	1,177			
	Criminal	2,749		Criminal	2,111			
	Criminal Post Conviction*	1,654		Criminal Post Conviction*	1,193			
	Family	228		Family	285			
	Juvenile	352		Juvenile	189			
	Probate/Guardianship	53		Probate/Guardianship	74			
		<b>6,213</b>			<b>5,194</b>			

## TRIAL COURT FILINGS BY CIRCUIT AND DIVISION

### FY 2007-08 (drawn from frozen database on 6/2/09)

(For an accessible version of these filings, follow [this link](#).)

\* Family court filings include domestic relations, juvenile delinquency, juvenile dependency, and termination of parental rights.

\*\* These data do not include all civil traffic infractions reported to the Department of Highway Safety and Motor Vehicles. They represent only those civil traffic infraction filings involving a judge or hearing officer.

Circuit	County	Division	Total Filings
All	All	Adult Criminal	235,451
All	All	Civil	418,579
All	All	Family Court*	350,477
All	All	Probate	102,532
All	All	County Adult Criminal	1,134,058
All	All	County Civil**	2,338,543
			<b>4,579,640</b>

# COURT FILINGS BY CIRCUIT AND DIVISION

\* Family court filings include domestic relations, juvenile delinquency, juvenile dependency, and termination of parental rights.

\*\* These data do not include all civil traffic infractions reported to the Department of Highway Safety and Motor Vehicles. They only represent those civil traffic infraction filings involving a judge or hearing officer.

Circuit	Division	Total Filings	Circuit	Division	Total Filings	Circuit	Division	Total Filings
1	Adult Criminal	10,466	8	Adult Criminal	4,882	15	Adult Criminal	12,775
	Civil	9,756		Civil	3,582		Civil	33,650
	Family Court*	15,863		Family Court*	7,394		Family Court*	17,903
	Probate	4,331		Probate	2,398		Probate	7,921
	County Adult Criminal	37,858		County Adult Criminal	23,931		County Adult Criminal	92,571
	County Civil**	47,884		County Civil**	35,129		County Civil**	247,445
	<b>126,158</b>		<b>77,316</b>		<b>412,265</b>			
2	Adult Criminal	5,539	9	Adult Criminal	22,859	16	Adult Criminal	1,432
	Civil	5,561		Civil	35,904		Civil	1,770
	Family Court*	7,227		Family Court*	29,450		Family Court*	1,657
	Probate	3,030		Probate	5,004		Probate	536
	County Adult Criminal	17,633		County Adult Criminal	69,832		County Adult Criminal	3,825
	County Civil**	29,502		County Civil**	143,689		County Civil**	8,795
	<b>68,492</b>		<b>306,738</b>		<b>18,015</b>			
3	Adult Criminal	2,228	10	Adult Criminal	9,182	17	Adult Criminal	18,810
	Civil	1,838		Civil	12,734		Civil	51,295
	Family Court*	5,193		Family Court*	17,757		Family Court*	31,447
	Probate	1,220		Probate	4,390		Probate	8,200
	County Adult Criminal	10,248		County Adult Criminal	44,063		County Adult Criminal	98,711
	County Civil**	16,215		County Civil**	51,415		County Civil**	335,459
	<b>36,942</b>		<b>139,541</b>		<b>543,922</b>			
4	Adult Criminal	12,309	11	Adult Criminal	29,720	18	Adult Criminal	10,485
	Civil	17,862		Civil	64,917		Civil	17,131
	Family Court*	24,445		Family Court*	36,764		Family Court*	17,042
	Probate	4,745		Probate	10,196		Probate	5,180
	County Adult Criminal	90,585		County Adult Criminal	165,925		County Adult Criminal	53,730
	County Civil**	115,720		County Civil**	670,266		County Civil**	71,365
	<b>265,666</b>		<b>977,788</b>		<b>174,933</b>			
5	Adult Criminal	12,402	12	Adult Criminal	8,309	19	Adult Criminal	7,299
	Civil	17,824		Civil	15,879		Civil	15,093
	Family Court*	19,421		Family Court*	13,693		Family Court*	11,645
	Probate	6,457		Probate	5,376		Probate	3,890
	County Adult Criminal	40,994		County Adult Criminal	36,540		County Adult Criminal	34,351
	County Civil**	66,380		County Civil**	44,216		County Civil**	44,845
	<b>163,478</b>		<b>124,013</b>		<b>117,123</b>			
6	Adult Criminal	19,474	13	Adult Criminal	19,948	20	Adult Criminal	12,531
	Civil	26,370		Civil	25,365		Civil	42,885
	Family Court*	23,458		Family Court*	26,172		Family Court*	19,490
	Probate	9,034		Probate	5,802		Probate	7,304
	County Adult Criminal	76,337		County Adult Criminal	79,413		County Adult Criminal	75,651
	County Civil**	83,639		County Civil**	157,930		County Civil**	81,348
	<b>238,312</b>		<b>314,630</b>		<b>239,209</b>			
7	Adult Criminal	9,452	14	Adult Criminal	5,349	<b>Total</b>		<b>4,579,640</b>
	Civil	15,122		Civil	4,041			
	Family Court*	17,501		Family Court*	6,955			
	Probate	5,649		Probate	1,869			
	County Adult Criminal	59,720		County Adult Criminal	22,140			
	County Civil**	63,030		County Civil**	24,271			
	<b>170,474</b>		<b>64,625</b>					

# COURT FILINGS BY CIRCUIT, COUNTY, & DIVISION

**FY 2007-08** (drawn from frozen database on 6/2/09)

(For an accessible version of these filings, follow [this link](#).)

\* Family court filings include domestic relations, juvenile delinquency, juvenile dependency, and termination of parental rights.

\*\* These data do not include all civil traffic infractions reported to the Department of Highway Safety and Motor Vehicles. They represent only those civil traffic infraction filings involving a judge or hearing officer.

Circuit & County	Division	Total Filings	Circuit & County	Division	Total Filings	Circuit & County	Division	Total Filings	
1	Escambia	Adult Criminal	5,362	Leon	Adult Criminal	3,687	Madison	Adult Criminal	280
		Civil	3,728		Civil	4,054		Civil	222
		Family Court*	7,146		Family Court*	4,423		Family Court*	477
		Probate	2,272		Probate	2,061		Probate	136
		County Adult Criminal	15,537		County Adult Criminal	10,989		County Adult Criminal	1,137
		County Civil**	19,049		County Civil**	17,727		County Civil**	3,054
		<b>53,094</b>		<b>42,941</b>		<b>5,306</b>			
	Okaloosa	Adult Criminal	2,655	Liberty	Adult Criminal	128	Suwannee	Adult Criminal	411
		Civil	2,539		Civil	49		Civil	348
		Family Court*	4,660		Family Court*	182		Family Court*	1,290
		Probate	1,209		Probate	71		Probate	257
		County Adult Criminal	11,057		County Adult Criminal	351		County Adult Criminal	2,057
		County Civil**	13,661		County Civil**	753		County Civil**	2,681
		<b>35,781</b>		<b>1,534</b>		<b>7,044</b>			
	Santa Rosa	Adult Criminal	1,763	Wakulla	Adult Criminal	388	Taylor	Adult Criminal	295
		Civil	1,784		Civil	377		Civil	204
		Family Court*	2,942		Family Court*	602		Family Court*	712
		Probate	567		Probate	163		Probate	173
County Adult Criminal		7,216	County Adult Criminal		1,121	County Adult Criminal		1,578	
County Civil**		10,314	County Civil**		2,590	County Civil**		1,600	
	<b>24,586</b>		<b>5,241</b>		<b>4,562</b>				
Walton	Adult Criminal	686	3 Columbia	Adult Criminal	802	4 Clay	Adult Criminal	1,298	
	Civil	1,705		Civil	710		Civil	2,397	
	Family Court*	1,115		Family Court*	1,697		Family Court*	3,314	
	Probate	283		Probate	415		Probate	534	
	County Adult Criminal	4,048		County Adult Criminal	3,939		County Adult Criminal	7,586	
	County Civil**	4,860		County Civil**	5,887		County Civil**	15,527	
	<b>12,697</b>		<b>13,450</b>		<b>30,656</b>				
2	Franklin	Adult Criminal	341	Dixie	Adult Criminal	174	Duval	Adult Criminal	10,171
		Civil	341		Civil	128		Civil	14,734
		Family Court*	312		Family Court*	543		Family Court*	19,719
		Probate	70		Probate	90		Probate	3,913
		County Adult Criminal	1,321		County Adult Criminal	527		County Adult Criminal	79,687
		County Civil**	810		County Civil**	1,377		County Civil**	95,895
		<b>3,195</b>		<b>2,839</b>		<b>224,119</b>			
	Gadsden	Adult Criminal	811	Hamilton	Adult Criminal	196	Nassau	Adult Criminal	840
		Civil	573		Civil	153		Civil	731
		Family Court*	1,492		Family Court*	350		Family Court*	1,412
		Probate	588		Probate	108		Probate	298
		County Adult Criminal	3,296		County Adult Criminal	770		County Adult Criminal	3,312
County Civil**		6,017	County Civil**		1,189	County Civil**		4,298	
	<b>12,777</b>		<b>2,766</b>		<b>10,891</b>				
Jefferson	Adult Criminal	184	Lafayette	Adult Criminal	70	5 Citrus	Adult Criminal	1,156	
	Civil	167		Civil	73		Civil	1,911	
	Family Court*	216		Family Court*	124		Family Court*	2,623	
	Probate	77		Probate	41		Probate	981	
	County Adult Criminal	555		County Adult Criminal	240		County Adult Criminal	5,310	
	County Civil**	1,605		County Civil**	427		County Civil**	8,422	
	<b>2,804</b>		<b>975</b>		<b>20,403</b>				

# COURT FILINGS BY CIRCUIT, COUNTY, & DIVISION

Circuit & County	Division	Total Filings	Circuit & County	Division	Total Filings	Circuit & County	Division	Total Filings		
Hernando	Adult Criminal	2,358	St. Johns	Adult Criminal	1,662	9	Orange	Adult Criminal	18,827	
	Civil	3,689		Civil	2,398			Civil	26,660	
	Family Court*	3,770		Family Court*	2,945			Family Court*	22,937	
	Probate	1,559		Probate	769			Probate	4,049	
	County Adult Criminal	5,770		County Adult Criminal	8,600			County Adult Criminal	55,712	
County Civil**	14,792	County Civil**	13,607	County Civil**	116,782					
		<b>31,938</b>			<b>29,981</b>			<b>244,967</b>		
Lake	Adult Criminal	3,873	Volusia	Adult Criminal	5,973	Osceola	Adult Criminal	4,032		
	Civil	4,928		Civil	9,226		Civil	9,244		
	Family Court*	4,914		Family Court*	10,396		Family Court*	6,513		
	Probate	1,737		Probate	3,884		Probate	955		
	County Adult Criminal	13,024		County Adult Criminal	43,099		County Adult Criminal	14,120		
County Civil**	18,055	County Civil**	36,762	County Civil**	26,907					
		<b>46,531</b>		<b>109,340</b>			<b>61,771</b>			
Marion	Adult Criminal	4,286	8	Alachua	Adult Criminal	3,168	10	Hardee	Adult Criminal	414
	Civil	5,643			Civil	2,394			Civil	234
	Family Court*	7,121			Family Court*	4,524			Family Court*	734
	Probate	1,834			Probate	1,607			Probate	130
	County Adult Criminal	14,377			County Adult Criminal	16,792			County Adult Criminal	2,664
County Civil**	19,117	County Civil**	23,014	County Civil**	2,623					
		<b>52,378</b>		<b>51,499</b>			<b>6,799</b>			
Sumter	Adult Criminal	729	Baker	Adult Criminal	332	Highlands	Adult Criminal	1,205		
	Civil	1,653		Civil	201		Civil	1,565		
	Family Court*	993		Family Court*	626		Family Court*	2,279		
	Probate	346		Probate	254		Probate	937		
	County Adult Criminal	2,513		County Adult Criminal	1,411		County Adult Criminal	3,772		
County Civil**	5,994	County Civil**	2,307	County Civil**	6,869					
		<b>12,228</b>		<b>5,131</b>			<b>16,627</b>			
6	Pasco	Adult Criminal	4,100	Bradford	Adult Criminal	456	Polk	Adult Criminal	7,563	
		Civil	9,197		Civil	258		Civil	10,935	
		Family Court*	7,362		Family Court*	527		Family Court*	14,744	
		Probate	3,041		Probate	144		Probate	3,323	
		County Adult Criminal	17,669		County Adult Criminal	1,566		County Adult Criminal	37,627	
County Civil**	23,630	County Civil**	4,762	County Civil**	41,923					
		<b>64,999</b>		<b>7,713</b>			<b>116,115</b>			
Pinellas	Adult Criminal	15,374	Gilchrist	Adult Criminal	153	11	Miami-Dade	Adult Criminal	29,720	
	Civil	17,173		Civil	132			Civil	64,917	
	Family Court*	16,096		Family Court*	394			Family Court*	36,764	
	Probate	5,993		Probate	67			Probate	10,196	
	County Adult Criminal	58,668		County Adult Criminal	1,090			County Adult Criminal	165,925	
County Civil**	60,009	County Civil**	1,168	County Civil**	670,266					
		<b>173,313</b>		<b>3,004</b>			<b>977,788</b>			
7	Flagler	Adult Criminal	620	Levy	Adult Criminal	599	12	Desoto	Adult Criminal	546
		Civil	2,635		Civil	470			Civil	476
		Family Court*	2,052		Family Court*	1,072			Family Court*	736
		Probate	520		Probate	245			Probate	92
		County Adult Criminal	3,409		County Adult Criminal	2,649			County Adult Criminal	2,148
County Civil**	6,745	County Civil**	3,203	County Civil**	2,298					
		<b>15,981</b>		<b>8,238</b>			<b>6,296</b>			
Putnam	Adult Criminal	1,197	Union	Adult Criminal	174	Manatee	Adult Criminal	3,388		
	Civil	863		Civil	127		Civil	5,852		
	Family Court*	2,108		Family Court*	251		Family Court*	6,458		
	Probate	476		Probate	81		Probate	1,821		
	County Adult Criminal	4,612		County Adult Criminal	423		County Adult Criminal	14,942		
County Civil**	5,916	County Civil**	675	County Civil**	16,481					
		<b>15,172</b>		<b>1,731</b>			<b>48,942</b>			

# COURT FILINGS BY CIRCUIT, COUNTY, & DIVISION

Circuit & County	Division	Total Filings	Circuit & County	Division	Total Filings	Circuit & County	Division	Total Filings		
Sarasota	Adult Criminal	4,375	15	Palm Beach	Adult Criminal	12,775	Okeechobee	Adult Criminal	823	
	Civil	9,551			Civil	33,650		Civil	653	
	Family Court*	6,499			Family Court*	17,903		Family Court*	1,378	
	Probate	3,463			Probate	7,921		Probate	211	
	County Adult Criminal	19,450			County Adult Criminal	92,571		County Adult Criminal	2,402	
County Civil**	25,437	County Civil**	247,445	County Civil**	3,189					
		<b>68,775</b>			<b>412,265</b>			<b>8,656</b>		
13 Hillsborough	Adult Criminal	19,948	16	Monroe	Adult Criminal	1,432	St. Lucie	Adult Criminal	3,616	
	Civil	25,365			Civil	1,770		Civil	9,292	
	Family Court*	26,172			Family Court*	1,657		Family Court*	5,527	
	Probate	5,802			Probate	536		Probate	1,784	
	County Adult Criminal	79,413			County Adult Criminal	3,825		County Adult Criminal	16,597	
County Civil**	157,930	County Civil**	8,795	County Civil**	21,498					
		<b>314,630</b>			<b>18,015</b>			<b>58,314</b>		
14 Bay	Adult Criminal	3,402	17	Broward	Adult Criminal	18,810	20	Charlotte	Adult Criminal	2,124
	Civil	2,805			Civil	51,295			Civil	4,951
	Family Court*	4,304			Family Court*	31,447			Family Court*	3,565
	Probate	1,002			Probate	8,200			Probate	1,863
	County Adult Criminal	15,861			County Adult Criminal	98,711			County Adult Criminal	5,472
County Civil**	13,147	County Civil**	335,459	County Civil**	10,050					
		<b>40,521</b>			<b>543,922</b>			<b>28,025</b>		
Calhoun	Adult Criminal	249	18	Brevard	Adult Criminal	6,237	Collier	Adult Criminal	2,532	
	Civil	127			Civil	10,537		Civil	8,220	
	Family Court*	270			Family Court*	10,297		Family Court*	4,377	
	Probate	71			Probate	3,277		Probate	1,744	
	County Adult Criminal	745			County Adult Criminal	34,742		County Adult Criminal	22,312	
County Civil**	1,155	County Civil**	37,929	County Civil**	23,745					
		<b>2,617</b>			<b>103,019</b>			<b>62,930</b>		
Gulf	Adult Criminal	292		Seminole	Adult Criminal	4,248	Glades	Adult Criminal	213	
	Civil	325			Civil	6,594		Civil	156	
	Family Court*	343			Family Court*	6,745		Family Court*	255	
	Probate	92			Probate	1,903		Probate	58	
	County Adult Criminal	814			County Adult Criminal	18,988		County Adult Criminal	960	
County Civil**	849	County Civil**	33,436	County Civil**	2,382					
		<b>2,715</b>			<b>71,914</b>			<b>4,024</b>		
Holmes	Adult Criminal	304	19	Indian River	Adult Criminal	1,455	Hendry	Adult Criminal	842	
	Civil	138			Civil	2,574		Civil	665	
	Family Court*	468			Family Court*	2,497		Family Court*	909	
	Probate	120			Probate	979		Probate	183	
	County Adult Criminal	1,163			County Adult Criminal	6,062		County Adult Criminal	3,704	
County Civil**	1,561	County Civil**	9,258	County Civil**	2,474					
		<b>3,754</b>			<b>22,825</b>			<b>8,777</b>		
Jackson	Adult Criminal	709		Martin	Adult Criminal	1,405	Lee	Adult Criminal	6,820	
	Civil	372			Civil	2,574		Civil	28,893	
	Family Court*	1,046			Family Court*	2,243		Family Court*	10,384	
	Probate	338			Probate	916		Probate	3,456	
	County Adult Criminal	2,385			County Adult Criminal	9,290		County Adult Criminal	43,203	
County Civil**	4,873	County Civil**	10,900	County Civil**	42,697					
		<b>9,723</b>			<b>27,328</b>			<b>135,453</b>		
Washington	Adult Criminal	393								
	Civil	274								
	Family Court*	524								
	Probate	246								
	County Adult Criminal	1,172								
County Civil**	2,686									
		<b>5,295</b>								

# COURT CONTACTS FOR 2009-2010

## FLORIDA SUPREME COURT

**Chief Justice PEGGY A. QUINCE** (850) 922-5624  
Clerk Thomas D. Hall (850) 488-0125  
Act. Marshal Kevin White (850) 488-8845  
Director of Public Info. Craig Waters (850) 414-7641  
Website <http://www.floridasupremecourt.org>

## DISTRICT COURTS OF APPEAL

### 1st DCA

**Chief Judge PAUL HAWKES** (850) 487-1000  
Clerk Jon S. Wheeler (850) 488-6151  
Marshal Stephen M. Nevels (850) 488-8136  
Website <http://www.1dca.org>

### 2nd DCA

**Chief Judge DARRYL C. CASANUEVA** (813) 272-3430  
Clerk James R. Birkhold (863) 499-2290  
Marshal Jo Haynes Suhr (863) 499-2290  
Website <http://www.2dca.org>

### 3rd DCA

**Chief Judge JUAN RAMIREZ, JR.** (305) 229-3200  
Clerk Mary Cay Blanks (305) 229-3200  
Marshal Dottie Munro (305) 229-3200  
Website <http://www.3dca.flcourts.org>

### 4th DCA

**Chief Judge ROBERT M. GROSS** (561) 242-2068  
Clerk Marilyn Beuttenmuller (561) 242-2000  
Marshal Glen Rubin (561) 242-2000  
Website <http://www.4dca.org>

### 5th DCA

**Chief Judge DAVID M. MONACO** (386) 947-1514  
Clerk Susan Wright (386) 255-8600  
Marshal Ty W. Berdeaux (386) 947-1500  
Website <http://www.5dca.org>

## CIRCUIT COURTS

### 1st Judicial Circuit

Escambia, Okaloosa, Santa Rosa, and Walton counties  
**Chief Judge TERRY T. TERRELL** (850) 595-4464  
Court Administrator Robin Wright (850) 595-4400  
Website <http://www.firstjudicialcircuit.org>

### 2nd Judicial Circuit

Franklin, Gadsden, Jefferson, Leon, Liberty, and Wakulla counties  
**Chief Judge CHARLES A. FRANCIS** (850) 577-4306  
Court Administrator Grant Slayden (850) 577-4420  
Website <http://www.2ndcircuit.leon.fl.us>

### 3rd Judicial Circuit

Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, and Taylor counties  
**Chief Judge DAVID W. FINA** (386) 362-6353  
Court Administrator Sondra Williams (386) 758-2163  
Website <http://www.jud3.flcourts.org>

### 4th Judicial Circuit

Clay, Duval, and Nassau counties  
**Chief Judge DONALD R. MORAN, JR.** (904) 630-2295  
Court Administrator Joe Stelma (904) 630-1655  
Website <http://www.coj.net/Departments/Fourth+Judicial+Circuit+Court/default.htm>

### 5th Judicial Circuit

Hernando, Lake, Marion, Citrus, and Sumter counties  
**Chief Judge DANIEL MERRITT, SR.** (352) 754-4221  
Court Administrator David M. Trammell (352) 401-6701  
Website <http://www.circuit5.org>

### 6th Judicial Circuit

Pasco and Pinellas counties  
**Chief Judge J. THOMAS MCGRADY** (727) 464-7457  
Court Administrator Gay Inskeep (727) 582-7477  
Website <http://www.jud6.org>

### 7th Judicial Circuit

Flagler, Putnam, St. Johns, and Volusia counties  
**Chief Judge J. DAVID WALSH** (386) 239-7790  
Court Administrator Mark Weinberg (386) 257-6097  
Website <http://www.circuit7.org>

### 8th Judicial Circuit

Alachua, Baker, Bradford, Gilchrist, Levy, and Union counties  
**Chief Judge MARTHA ANN LOTT** (352) 374-3646  
Court Administrator Ted McFetridge (352) 374-3648  
Website <http://www.circuit8.org>

### 9th Judicial Circuit

Orange and Osceola counties  
**Chief Judge BELVIN PERRY, JR.** (407) 836-2008  
Court Administrator Matthew Benefiel (407) 836-2051  
Website <http://www.ninthcircuit.org/>

### 10th Judicial Circuit

Hardee, Highlands, and Polk counties  
**Chief Judge J. DAVID LANGFORD** (863) 534-4650  
Court Administrator Nick Sudzina (863) 534-4686  
Website <http://www.jud10.org>

### 11th Judicial Circuit

Miami-Dade County  
**Chief Judge JOEL H. BROWN** (305) 349-5720  
Court Administrator Ruben Carrerou (305) 349-7001  
Website <http://www.jud11.flcourts.org>

# COURT CONTACTS FOR 2009-2010

## 12th Judicial Circuit

DeSoto, Manatee, and Sarasota counties

**Chief Judge LEE E. HAWORTH** (941) 861-7950  
Court Administrator Walt Smith (941) 861-7800  
Website <http://12circuit.state.fl.us>

## 13th Judicial Circuit

Hillsborough County

**Chief Judge MANUEL MENENDEZ, JR.** (813) 272-5022  
Court Administrator Mike Bridenback (813) 272-5894  
Website <http://fjud13.org>

## 14th Judicial Circuit

Bay, Calhoun, Gulf, Holmes, Jackson, and Washington counties

**Chief Judge HENTZ MCCLELLAN** (850) 674-5442  
Court Administrator Jan Shadburn (850) 747-5327  
Website <http://www.jud14.flcourts.org>

## 15th Judicial Circuit

Palm Beach County

**Chief Judge PETER D. BLANC** (561) 355-1721  
Court Administrator Barbara L. Dawicke (561) 355-1872  
Website <http://15thcircuit.co.palm-beach.fl.us/web/guest/cadmin>

## 16th Judicial Circuit

Monroe County

**Chief Judge LUIS M. GARCIA** (305) 852-7165  
Court Administrator Holly Elomina (305) 295-3644  
Website <http://www.keyscourts.net>

## 17th Judicial Circuit

Broward County

**Chief Judge VICTOR TOBIN** (954) 831-6332  
Court Administrator Carol Ortman (954) 831-7740  
Website <http://www.17th.flcourts.org>

## 18th Judicial Circuit

Brevard and Seminole counties

**Chief Judge J. PRESTON SILVERNAIL** (321) 617-7262  
Court Administrator Mark Van Bever (321) 633-2171  
Website <http://www.flcourts18.org>

## 19th Judicial Circuit

Indian River, Martin, Okeechobee, and St. Lucie counties

**Chief Judge STEVEN J. LEVIN** (772) 223-4827  
Court Administrator Tom Genung (772) 807-4370  
Website <http://www.circuit19.org>

## 20th Judicial Circuit

Charlotte, Collier, Glades, Hendry, and Lee counties

**Chief Judge G. KEITH CARY** (239) 533-9140  
Court Administrator Richard Callanan (239) 533-1712  
Website <http://www.ca.cjis20.org>

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