

November-December 2005

FULL COURT PRESS

THE OFFICIAL NEWSLETTER OF THE STATE COURTS SYSTEM OF FLORIDA



In This Issue

EDUCATION AND
OUTREACH 2

EMERGENCY
PREPAREDNESS 4

CHILDREN &
FAMILIES 6

ALTERNATIVE
DISPUTE
RESOLUTION 10

COURT INTERPRETERS
PROGRAM 12

FAIRNESS &
DIVERSITY 13

PRIVACY & COURT
RECORDS 14

PERSONNEL SPACE 15

TURNING POINTS 16

THE LIBRARY
NOOK 16

ONLINE COURSES &
PUBLICATIONS 17

ON THE HORIZON 18

A MESSAGE FROM LISA GOODNER, STATE COURTS ADMINISTRATOR

It's been almost two years since the last edition of the *Full Court Press*, and I am pleased to announce that the official newsletter of the Florida State Courts System is back!

Much has happened since the last appearance of the *Full Court Press* in April 2004: Revision 7 to Article V was implemented; Barbara J. Pariente became our new chief justice; eight hurricanes tested the mettle of Floridians—among others—and inflicted severe injury and damage; fifty-five judgeships were created; and, thanks to all of you, much important work for the cause of justice was accomplished.



Improving the administration of justice is the charge with which everyone in the State Courts System is entrusted. I hope this newsletter will highlight the achievements of all of you as you work toward fulfilling this pressing charge.

The *Full Court Press*, among other court publications, is now a production of the newly-minted Publications Unit in the Office of the State Courts Administrator. Constituting this new unit are senior attorney Susan Leseman and court publications writer Beth C. Schwartz. Susan and Beth are committed to making sure this newsletter—which is your newsletter—reflects the interests of all of us who work in Florida's judicial branch.

The aim of the *Full Court Press* is to present information, to promote communication, and to create a kind of "meeting place" for all the members of our state courts family, so your opinions are invited. Please contact Beth Schwartzb@flcourts.org if you have any comments, suggestions, or story ideas.

Sincerely,
Lisa Goodner

Education and Outreach

CONSTITUTION DAY AT THE FLORIDA SUPREME COURT

Suddenly, the typically hushed and solemn ambience of the Florida Supreme Courtroom was utterly discomposd: instead of the customary, orderly procession of dark-suited, briefcased men and women, into the hallowed space came a drove of school kids, 100 elementary and 20 high school students, sauntering, ambling, shuffling, or trudging down the aisles with their friends—girls with girls, boys with boys—breaking the silence with an inimitable mix of awe, irreverence, and delightful awkwardness.

Meanwhile, recently back from signing the Constitution in Philadelphia, “Benjamin Franklin” (more commonly known as Lloyd Wheeler, from History Alive Productions), played the room, chatting with the kids and offering his commentary: after much searching, he proclaimed, “I could find and think of no better form of government” than ours, reminding the now-rapt elementary school kids that the founding fathers have “just given you a free country. And it is your duty to keep it free.”

The courtroom doesn’t generally get to witness this particular kind of spectacle. But this year, on September 13, the Florida Supreme Court partnered with some Tallahassee schools to give students an opportunity to learn about and begin to grasp the importance of the Constitution in their lives. Nor were Tallahassee students unique in this endeavor: during the week of September 12, teachers all across the nation were pressed to come up with provocative ways to bring home the significance of the U.S. Constitution, signed on September 17, 1787. This congressionally-mandated commemoration requires that, on or around Constitution Day, all public schools and colleges conduct annual educational programs about the Constitution and that all federal agencies provide their employees with educational materials about the Constitution; this measure, the fruit of West Virginia Senator Robert C. Byrd, was tucked into a federal spending bill last December.

The Florida Supreme Court’s Constitution Day program was rich and varied. The activities began at 9:30, when five elementary school classes and 20 high schoolers from around the city arrived and were escorted into the

courtroom. After the marshal convened the Court, Justice Wells led the audience in the Pledge of Allegiance with the aid of a student selected from each class. Chief Justice Pariente then welcomed everyone—students, teachers, court staff, and honored guests—to the ceremonial session of the Florida Supreme Court and gave opening remarks, reminding listeners that ours is the oldest written constitution in the world, 218 years old, and that we can’t and shouldn’t take it, and our form of government, for granted. She challenged students to think about what they must do to keep this country free.

The program continued with Justice Anstead reading the Proclamation, which declared September 17, 2005, as “Constitution Day in the State Courts and encourage[d] the



Jan Pudlow (The Florida Bar) greets elementary school visitors

courts, the legal profession, and all the people of Florida to commemorate the signing of our nation’s charter during the month of September.” In unison, everyone read the Preamble, which was followed by remarks from the chief justice; a profoundly resonant rendition of “America the Beautiful,” sung by Fred Lee; and concluding statements by the chief justice.

But this was only the beginning of the fun and learning. A reception followed in the Rotunda, the stars of which were several red, white, and blue sheet cakes; as the kids were munching, pocket Constitutions were distributed to everyone; after that, students had the opportunity to experience what it felt like to sign their names on parchment facsimiles of the Constitution—quill pens provided! J

Enveloped in a benign cacophony, students watched videos about the Constitution, admired the Constitution exhibits and historical book displays, and enthusiastically collected autographs from the justices, Ben Franklin, and any other adults who looked like they might be somebody important. Meanwhile, in the Lawyer's Lounge, students got the chance to enfold themselves in long, black judges robes and pose for photos, playfully competing to look as stern and sagacious as they could.

The day's activities culminated in a series of educational sessions. Justices took small groups of elementary school kids through the paces of the "Invaders Activity": an exercise devised to get them thinking about their Constitutional rights. This exercise has the following premise: what if invaders came to our land and said that you could keep only five of the rights guaranteed in the Bill of Rights; which would you choose and why? This activity not only builds critical thinking skills but it also stresses the importance of listening to what others say. (Later in the day, led by Justice Lewis and the Florida Law Related Education Association's Annette Boyd Pitts, OSCA and Supreme Court staff got to play the Invaders Activity as well; no one would deny that this exercise is compelling for "kids" of all ages.)

In the meantime, the high school students reconvened in the courtroom with the chief justice and Justice Cantero



The chief justice opens the Court's ceremonial session

for an animated roundtable discussion about a wide range of topics, e.g., the purpose of the Constitution, the reason we still need the Florida Constitution, the rights of students versus the rights of adults, and the U.S. Supreme Court's rulings on several First Amendment cases,



Draped in judicial robes, students take turns adopting Solomonic poses for the camera

including the Mary Beth Tinker case. Toward the end of the discussion, Chief Justice Pariente stunned everyone when she announced that, according to studies, 75% of high school students think the First Amendment is "no big deal." Reminding the high schoolers that the Bill of Rights plays a role in issues that touch them intimately—issues like search and seizure, school uniforms, and drug testing—she urged them to take this discussion, these ideas, back to their schools to get their peers thinking about the critical importance of the Constitution in their lives.

Although Constitution Day is not just for kids, the Florida Supreme Court chose to focus on them this year. Chief Justice Pariente wants young people to understand that the Constitution is "the judge's bible"; a living document for all times, it lays out the essential structure of government for our democracy. It is critical that our young people learn about the Constitution and about civics, about how to be a good citizen, she said, because this learning will make them more likely to vote and will enable them to become more engaged, more involved, and more responsible as citizens. As people all through the world witness the great efforts and sacrifices the Iraqis are making as they try to draft their own constitution, she hopes that we will stop taking our Constitution for granted and will come to recognize its vital significance in our daily lives.

EMERGENCY PREPAREDNESS: ANTICIPATING UNPREDICTABILITIES

Ever since Chief Justice Wells' creation of the Workgroup on Emergency Preparedness, which followed on the heels of the 9/11 tragedy, the Florida State Courts System has faithfully sought to satisfy two policy goals: to protect the health and safety of everyone inside the courts and to do whatever is necessary to keep the courts open and functional—even if that means moving operations to the civic center or to the county jail.



The interior of the Broward County Courthouse after Wilma's assault

In recent history, hurricanes have offered the greatest challenges to the Florida court system's emergency preparedness procedures, with last year's quadruple whammy really pushing everyone's readiness to the limit. As a consequence of this severe series of tests, however, the courts learned some valuable lessons—lessons about the need for a reliable communications system, for clear leadership, for a branch-wide plan, and for cooperation among the various stakeholders—leading to dramatic improvements in emergency planning.

Up until the end of October, the 2005 hurricane season was not unkind to Florida's courts. Dennis, which buffeted the Panhandle on July 10, took particular aim at the First Judicial Circuit: the Santa Rosa County Courthouse did suffer some damage to its roof, requiring the activation of the court's Continuity of Operations Plan (COOP). However, fortunately for Florida, the weather was fairly calm for the next three months: Katrina, which saturated Southeast Florida when it came ashore at the end of August, and Rita, which blasted the Florida Keys on September 20, caused only minimal damage to the courts.

But, as all Floridians know, hurricane season lasts through the end of November, meaning that it was a grave mistake to have any illusion of security after Rita—as Wilma brazenly demonstrated on October 24. A category 3 storm, Wilma smashed ashore near Naples at about 6:30 in the morning, generating 125 mile per hour winds, tornadoes, and flooding. Weakening only slightly after it hit land, it battered everything in its path as it crossed the peninsula, causing extensive damage from Key West up to Palm Beach before spinning out into the Atlantic and then bullying its way up the east coast. All the courthouses in and south of Charlotte and Indian River Counties were affected and suffered closures due to wind and/or water damage, lack of power, or both.

By most accounts, the response to Wilma was a great success: for instance, all of Florida's courts were able to reopen within two to seven days after landfall—except for Broward's courthouses, which suffered the most severe damage and did not reopen until November 7. And the lessons learned from Wilma will play an important role in the ways in which the courts deal with future events of this caliber: in this case, the courts were reminded of the need for continued training of the emergency coordinating officers and public information officers (in fact, it looks as if another statewide training session is in the works for these personnel).

Recently, Florida's Unified Supreme Court/Branch Court Emergency Management Group (which, with good reason, should only be referred to by its acronym, CEMG) has begun to extrapolate from the dire catastrophes that Louisiana's and Mississippi's courts recently suffered. What if, for instance, the entire city of Tallahassee had to be evacuated, or all of Miami-Dade County? How would the courts know where everyone is—who is alive, who is stranded, who is in need of help? Would employees be able to contact the courts, and would the courts be able to contact all their employees?



Wilma pummeled trees at the Hendry County Courthouse

One simple solution is to make sure that each court has a readily accessible personnel directory that lists every employee's home and cell phone numbers. Another is to set up a preset answering machine that employees can call in an emergency situation, both to retrieve and to leave messages. Having a reliable phone system is also imperative: the 33 satellite phones purchased by OSCA for the circuits and DCAs were essential during Wilma, which downed cell towers and disabled landlines across South Florida. (Recognizing the indispensability of having a reliable communications system in place, Florida courts lent the Louisiana courts eight satellite phones after Katrina struck.)

But wayward weather is by no means the only crisis for which the courts need to be prepared, as CEMG has recognized. For instance, what would happen if a bird flu pandemic pervaded Florida? CEMG is considering such eventualities and is working assiduously to make sure that the courts are prepared for every conceivable kind of calamity. As it fortifies its emergency preparedness operations, CEMG realizes that it needs to consider all sorts of options, both low and high-tech, if it wants to address usefully the capriciousness of the world climate today.

FLORIDA HAS A VOICE AT THE NINTH COURT TECHNOLOGY CONFERENCE

On September 14, 2005, in Seattle, Washington, Greg Cowan (OSCA Court Operations Consultant), Alan Neubauer (OSCA Information Systems Support Manager), and Craig Waters (Florida Supreme Court Director of Public Information) presented a paper at the Ninth Court Technology Conference coordinated by the National Center for State Courts. Their paper, "The Technology of Disasters: What You Can Learn about Court Emergency Preparedness from Hurricane-Battered Florida," focused on the ways in which the courts, using innovative technology, designed, developed, and implemented emergency preparedness plans and procedures to respond to and recover from the 2004 hurricanes. This presentation, which was videotaped, is [posted online](#).

Children and Families

“UNDERSTANDING FAMILY CONFLICT”: THE 2005 FAMILY COURT CONFERENCE

The electricity in the air was palpable: over 500 people, clearly relishing this opportunity to meet, or re-meet, and network with kindred spirits, gathered for Florida's second annual family court conference, “Understanding Family Conflict.” To this early-October event at Orlando's Orange County Convention Center, OSCA staff welcomed a galvanized throng of judges and various court personnel along with state attorneys, public defenders, and people from the Department of Juvenile Justice, the Department of Children and Families, Legal Aid, Guardian Ad Litem, the Children's Services Council, and other agencies.

Chief Justice Pariente, who welcomed the conferees, began with a poignant anecdote. Her ten-year-old grandson had just won a seat on his school's student council, which, in addition to making her very proud, also made her wonder at the basis for his success. Undeniably, the fact that he has two loving parents, four doting grandparents, and an extensive support network played a critical role, she observed. The chief justice then segued into a story about a young fifth grade girl who was recently charged with domestic battery on family members—and who explained that she hit her family because they hit her. What chance would this young girl have of even dreaming of becoming a student council member? The chief justice's contrast between the two children was chilling. Then, in an inspiring address, the chief justice reminded attendees of the reason for this conference: the greatest impact we can have is on cases dealing with children and families; we need a network of committed community providers—providers who can address these issues from the child's eyes—to deal with prevention and early intervention in order to keep these children out of the court system. She ended by emphasizing that, although we did not create this system, we still have an obligation to try to improve it.

Next, attorney, consultant, and writer Paul Mones gave the opening plenary address, entitled “The Effects of Domestic Violence on Children: Opening a New Window of Understanding on Child Abuse and Teenage Violence.” Discussing the ways in which domestic violence relates to juvenile delinquency and crime, he noted that although everyone has a tendency to feel sorry for children when they are victims, the system has very little sympathy for them when they become victimizers. He eloquently pointed out the wisdom of expending money, resources, and efforts up front, on crime prevention—i.e., when children are victims—rather than down the line, when the children have become victimizers.

Over the next two days, the conference treated participants to three workshop sessions (from a choice of 24 possibilities), two circuit breakouts, a comprehensive series of professional development sessions, and a closing plenary in which the chief justice spoke again.



Participants benefit from the conference's networking opportunities

Staff members of OSCA's Office of Court Improvement (OCI), which organizes this annual conference, deserve special praise because they were able to put together an enormously successful event under particularly challenging circumstances: Pat Badland, OCI chief, left in July (see page 8), and a new chief was not named until two weeks before the conference started. Yet the conference unfolded with enviable smoothness.

On September 21, Rose Patterson was officially declared chief of OCI. For those of you who don't know Rose yet, here is some background. She was a court operations consultant who has been with OSCA for five years now, first with the Dependency Court Improvement Program and most recently

with the Office of Court Improvement. Before coming to OSCA, she was the director of the Seventh Judicial Circuit's Guardian Ad Litem Program for three years, and before that, she was the director of Project Safe Place in Daytona Beach. With her B.A. in sociology and her MBA—and with her comprehensive experience in management, supervision, court operations, and the gamut of issues affecting children and families—Rose is ready to don this new mantle. She is on parental leave at the moment, working part-time, but she will become full time again on December 1.

DEPENDENCY CASE MANAGER TRAINING

Florida's dependency case managers have had opportunities to meet and exchange ideas before—in domestic violence coordinators meetings, for instance, and at unified family court gatherings of various kinds—but never before did they have a chance to gather at a training session designed exclusively for them...until this July, when OSCA coordinated and hosted Florida's first ever dependency case manager training session.

Altogether, 32 dependency case managers alighted upon Tallahassee from all across the state. In a large, yet comfortably-arranged conference room with tables linked into a sizable horseshoe, attendees could readily take part both in the somewhat formal presentations as well as in the very informal roundtable discussions. During this one-and-a-half day event, participants were treated to sessions on changes to Chapter 39, for instance, and on the ways in which mediation principles, drug court principles, and the domestic violence case management system could be implemented in dependency cases. They also got an update on the Judicial Case Management Information System (JCMIS)—a system that, once fully in place, will give them access to the data management tools they need to manage their cases efficiently, which will aid in their ability to place children in safe, secure homes.

During the roundtable discussions, participants worked together in intimate groups to address several issues: their daily routine and responsibilities as dependency case managers; their unmet needs regarding staff, training, and technology; and their relationship with their clerk's office. Their huge diversity of responsibilities—and the enormous disparities in their circuits' work environments—made everyone aware of the need for some sort of guidelines for dependency case management; a useful paradigm, they said, would be the domestic violence coordinator guidelines. They also recognized the need for standardizing dependency case

management—simultaneously acknowledging the need for a flexibility that will accommodate local circumstances.

In some cases, the first goal is simply to get dependency case management started in a circuit: currently, several circuits lack case managers who can dedicate themselves exclusively to dependency cases.

Overall, the atmosphere was palpably warm and congenial, supportive and rich with experience-sharing and idea-exchanging. Everyone agreed that it is important to try to meet regularly in order to swap ideas and exchange best practices. As one participant declared, "This was a great opportunity for getting ideas and feedback, making



OCI's Linda McNeill answers questions from dependency case managers

contacts, and building morale," and the hope was universal that this could become an annual event. In fact, though tentative still, plans are in the works for another meeting in 2006.

THE STATEWIDE DOMESTIC VIOLENCE COORDINATORS MEETING

During the six-week period after the dependency case managers came to Tallahassee for training, OSCA staff members were busy preparing for another program at the Florida Supreme Court building: the Statewide Domestic Violence Coordinators Meeting, which was held in early September.

The one-and-a-half day program was extremely full, and it included overviews of the newly-published Domestic Violence Benchbook and of judicial education in domestic violence; it also covered updates on the Dependency Reassessment Project, on unified family court, and on the Judicial Case Management Information System. Another pressing issue was the new edition of the recently-distributed “Fundamentals for Family Division Judges,” a CD-ROM with modules on domestic relations, juvenile delinquency, juvenile dependency, and domestic violence; among its many strengths are the “Quick Reference”



OCI's Joanne Snair details the new edition of “Fundamentals for Family Division Judges”

materials, which include Internet links as well as PDFs of relevant statutes, the Dependency Benchbook, OSCA's Dependency Benchbook, do's and don'ts for judges, and a host of useful checklists and forms. Chief judges and trial court administrators in all of Florida's circuit courts now have a copy of this valuable and easy-to-use training guide/resource.

One of the most riveting sessions was called “An Advocate's Perspective on Domestic Violence,” presented by Julie Ann Rivers-Cochran, statewide projects coordinator for the Florida Coalition Against Domestic Violence. She began with an exercise that not only got everyone's postprandial attention but that also brought painfully home the ways

in which domestic violence victims are often made to feel in our culture. For this exercise, which was a loosely-scripted “play,” volunteers were needed. The woman who volunteered to play the part of the victim was asked to sit on a chair in the front of the room; 13 others volunteered to play the parts of people who had some relationship with the victim: her mother, minister, friend, boss, a police officer, a DCF case manager, etc. Each of the 13 volunteers was given a bed sheet as well as a short script to read when called to the stage.

The play's scenario was not terribly uncommon: Sam and Susan, small-town, age-old sweethearts, marry after they finish high school; soon after, and only subtly at first, the emotional abuse begins; then the physical abuse. Susan appeals to all the people she thinks can help her, but these 13 people can do no more than offer her platitudes, blame, denial, or rejection. After each of the 13 reads his/her short script telling Susan what she should or should not do, he/she weighs Susan down with another bed sheet. The sheets emblemize the ways in which everyone—including the system—has failed her; they are a potent visual metaphor for the ways in which others contribute to the layers of fear, self-doubt, embarrassment, uncertainty, isolation, and disempowerment that gradually bury the victim figuratively and, all too often, literally as well.

Altogether, 22 domestic violence coordinators from 18 circuits attended this statewide meeting. Two statewide meetings are already being planned for next year; the next meeting, which will also be in Tallahassee, is scheduled for this spring.

FAREWELL TO OCI CHIEF PAT BADLAND

In a truly unconventional trajectory, Pat Badland made the uncharted journey from a reader of English literature to the chief of the Office of Court Improvement (OCI) in a mere 22 years. Graduating with a B.A. in English from University of South Florida in 1980, Pat suffered a quandary not unfamiliar to many students who, following their hearts, decide to major in literature: what should she do with that wonderfully enriching and inspiring—but rather impractical—liberal arts education? But Pat was nothing if not resourceful: a few months after graduation, she landed a job that led circuitously, but inevitably, to the very pinnacle of OCI. According to Pat, trial court administrator “Nick Sudzina will always have a fond place in my heart

for hiring me as a part-time OPS secretary for the newly established Tenth Judicial Circuit Guardian Ad Litem (GAL) Program.” That was the humble origin of what became Pat’s long, varied, and dedicated relationship with the judicial branch.

After three years in this position, Pat moved to Tallahassee in 1983 to become the GAL program director in the Second Judicial Circuit. Her initiation into OSCA took place in 1987, when she was hired as the assistant state director of the GAL Program. However, ever hungry to do more for Florida’s children, she couldn’t resist the opportunity to serve as Chief Justice Ben Overton’s staff support in 1990 for the legislatively-created Commission on Family Courts. After completing this yearlong assignment, she



Pat Badland enjoys a whimsical moment with her OCI colleagues

began working under Sharon Press, chief of OSCA’s Dispute Resolution Center, learning everything she could about conflict resolution.

Then in 1995, when OSCA was awarded a dependency court improvement federal grant initiative, Pat had the opportunity to develop the Dependency Court Improvement Program Office. And in 2002, when the Office of Court Improvement was established to oversee children and family court initiatives, Pat was invited to head up that

unit...an achievement that few English majors ever dream of!

Ever since she began working in court improvement ten years ago, Pat has been on the cutting edge of the national movement to improve the ways in which courts address neglect, abuse, foster care, dependency, and adoption cases. Under her leadership, court improvement expanded to include unified family court, child support, dissolution of marriage, domestic violence, juvenile delinquency, and drug court. She truly revolutionized the concept of court improvement.

Of all her many meaningful undertakings, Pat says that dependency court improvement and unified family court were her two most rewarding projects. What she loved about the court improvement project was the “wide margin for creative implementation,” the “collaboration,” and a “work environment [that] fostered innovation.” In addition to accomplishing “significant judicial education and legislative reform agendas,” Pat and her colleagues “were able to devise a systematic approach applicable to other types of court dockets, including child support, delinquency, domestic violence, and dissolution of marriage.” Her other favorite project, the unified family court initiative, offered her “a second opportunity to develop innovative approaches to how the courts best meet the needs of families and children, regardless of the door, or docket-type, that serves as their entry into the judicial setting.”

Sadly for OSCA, on July 21, Pat said good-bye to her position with OCI. She misses working with her OCI colleagues: “We shared a fondness and respect for each other’s strengths, weaknesses, good humor, intelligence, dreams, losses, and the great pride we took in working for the court system.” And she also misses “interacting with judges and the court community who truly do the work of public service.” Not surprisingly, her colleagues miss her as well, especially “her enthusiasm, her energy, and her tireless efforts during the last three years.”

But, fortunately for Florida’s children and families, Pat accepted an offer from DCF to become its program and policy administrator. The consolation for Pat’s “court family” is that her commitment to some of the state’s most vulnerable residents will continue with her characteristic vision, dexterity, and determination.

“GREAT EXPECTATIONS”: THE ALTERNATIVE DISPUTE RESOLUTION CONFERENCE

“Great Expectations” was the theme of the fourteenth annual alternative dispute resolution conference, which was presented by the Florida Dispute Resolution Center and co-sponsored by Flash Resolution, the Florida Academy of Professional Mediators, and the Florida Coalition Against Domestic Violence. This day-and-a-half event unfolded in Orlando in late August.

Justice Quince was one of this year’s special guests, and, in addition to making welcoming remarks, she presented the Annual Dispute Resolution Center Award of Recognition to the recently-deceased Henry Latimer for his significant contributions in the field of ADR over the last 20 years.

Invited to give the opening plenary address was Louise Phipps Senft, Esquire, who has ten years of mediation

plenary, which concentrated on conflicts of interest and impartiality.

Participants also attended three sets of concurrent sessions, each with twelve different choices; sessions included intriguingly-titled topics such as “The Zen of Mediation,” “Listening with Your Eyes: How Body Language Skills Can Enhance a Mediator’s Success,” “Emotional Intelligence,” and “Strategic Play.”

If the organizers of this year’s “Great Expectations” conference had great expectations about the attendance numbers, then they surely couldn’t have been disappointed: 848 arbitrators and mediators were present, including the 90 who came a day early for pre-conference certified arbitration training. In fact, participation would have been even more voluminous had Katrina not struck South Florida the Thursday before the conference started—a number of registrants had to cancel because of closed airports or severe weather conditions. No one can doubt that these numbers bode well for the ongoing growth of court-connected mediation and arbitration in Florida.



Dispute Resolution Center Chief Sharon Press

training and experience, including specific training in general and domestic mediation, domestic violence, and problem-solving skills for families; the subject of her talk was transformative mediation. DRC Chief Sharon Press led the second plenary, which focused on changes contemplated by the Supreme Court Committee on ADR Rules and Policy. After her talk, participants divided into 12 small groups, each one focusing on a pending or prospective change, to discuss the ramifications of that change and to offer feedback. Mediation ethics was the subject of the third

“LET’S TALK ABOUT IT”: PEER MEDIATORS CELEBRATE MEDIATION DAY

Over 120 third through eighth graders gathered on the Florida State University campus for a Mediation Day Celebration on October 20. This half-day peer mediation training session, subtitled “Let’s Talk About It,” featured peer mediators from nine Leon County elementary and middle schools. The FSU-sponsored event celebrated three important pronouncements: the Florida

Supreme Court’s Proclamation designating October 20, 2005, as Conflict Resolution Day; Governor Bush’s Proclamation naming October 16-22, 2005, as Mediation Week in Florida; and the nationwide recognition of October 20 as National Conflict Resolution Day. Commemorations of various sorts were taking place across the country and the world—but this was one of the only events in the country focusing on the role of peer mediation in elementary and middle schools.

Into a cavernous, light-filled room, the busloads of students poured, infusing the Student Services Building with a kind of exuberant, innocent energy. The middle-schoolers quickly went to the tables toward which their teachers led them, sitting down swiftly and breaking into quiet, expressive conversations amongst themselves. The elementary schoolers were not quite as decorous in their arrival: full of rambunctious spirits and great good fun, they batted balloons at one another and tossed around a stuffed toy

monumental benefits of mediation: hundreds of thousands of cases are filed in the court system each year, she told them, but many are solved through mediation. "Whenever there are two people with a conflict, if you can help them find a resolution themselves, they'll be happier, and the solution will be longer lasting." Quoting John F. Kennedy, she reminded them that "One person can make a difference, and every person must try."



Elementary and middle school peer mediators have fun posing with Chief Justice Pariente

rat (school mascot?) that someone brought, enjoying the squeals of fear and delight it prompted. But as soon as the program began, the good-natured boisterousness was replaced with respectful attention.

The event started with a few words from Sharon Press, chief of the Dispute Resolution Center and one of the organizers of the event. She expressed her appreciation to the kids, reminding them of the value of their commitment: "You are participating in something really, really big, something that is happening not only in Tallahassee but all across the country and even in some foreign countries." Mediation is so important, she stressed, that there are even people who do this as their job.

Then guest speaker Chief Justice Pariente took the stage, beginning with a story about her very first experience in conflict resolution, when, as a child, she tape-recorded an argument that her parents were having, making them laugh when she played the tape back for them and they heard how silly they sounded. She went on to talk about the

Next came an effervescent song and dance presentation by the Florida High Elementary School Peer Mediators; to the tune of the Bee Gees "Stayin' Alive," the mediators, garbed in 70s-style clothes and wigs, rechanneled the words to this old favorite, charming the audience with lines like, "Fightin' gets you nowhere, mediator help me, mediator help me, yeah!" Advisor Wendy Cook then gave a talk about how—and why—to keep a peer mediation program alive: in one year, she announced, student-to-student acts of aggression in her school dropped 26%. Each student then

participated in a training session; elementary schoolers could choose between "Peace Through Art" and "Entering the Time Machine," while middle schoolers had choices like "Diversity in Action," "Anger Management," and "Harmony with Calmness, Peace, and Music."

Although the immediate goal of peer mediation is to teach students how to resolve disputes peacefully in their schools, Chief Justice Pariente also emphasized the far-reaching goal: "The essence of democracy is the ability to resolve differences through peaceful means," she told the kids; "These skills will make you, when you grow up, better citizens." She added, "Learning how to resolve conflict in a respectful way, learning to listen and to care about what other people say—that's what you're learning about here and why it's so important: it's part of a bigger picture....Citizens need to care and to be involved or the essential aspects of democracy are lost." In the long run, she concluded, "You're contributing not only to peaceful schools but also to democracy." And, in some youthful way, these kids already seem to know that.

COURT INTERPRETERS: PROVIDING EQUAL ACCESS TO JUSTICE

According to the January 2005 Population Statistics of RAND Florida, 24% of people (over the age of five) in Florida speak a language other than English at home. In hard numbers, that means that 4,008,839 people out of Florida's total population of 17,788,023 do not speak English at home. According to the county breakdown, 28 of Florida's 67 counties (i.e., 42%) report that their non-English speaking population constitutes 10% or more of their general population (in the case of Miami-Dade, for example, that number rises to 69.4%). In the context of the US population, Florida ranks fourth in terms of population of non-English speakers and those who speak English "not well."

The Florida State Courts System is obligated to provide all Floridians—whatever their linguistic background—with equal access to justice. What these numbers reveal is that, in order to dispense justice fairly throughout the state, the courts must do what is necessary to guarantee the due process rights of those who are disadvantaged by a language barrier. Thus the need for an effective court interpreters program cannot be overstressed.

Since 1991, Florida's court system has been committed to the development of a statewide training and certification program. Although a certification system has not yet been established, the courts have been constant in their endeavor to create a strong court interpreters program.

The paramount goal of this court interpreters program is to assist trial court administrators in assessing the qualifications of court interpreters by providing the most reliable and consistent level of interpretation services available. In order to assess language competency, the program uses qualifications examinations, which OSCA administers.

Because Florida realized that it needed a strategy for improving court interpreter services—and because test development costs are prohibitive—in 1997, Florida decided to join the State Court Interpreter Certification Consortium, a 35-state partnership founded in 1995 and coordinated by the National Center for State Courts. The benefits of membership in the Consortium have been invaluable: access to approved tests, savings in test development costs, standards for test administration, training and educational

programs, and forums that engender useful interchanges among members from other states.

In descending order, Florida's top ten language needs are Spanish, Sign Language, Haitian Creole, Portuguese, Russian, Vietnamese, French, Arabic, Bosnian, and Laotian, and, so far, thanks to Florida's Consortium membership, OSCA now offers qualifications examinations in Spanish, Haitian Creole, Russian, Vietnamese, Arabic, Laotian, Hmong, Cantonese, Mandarin, Korean, and Somali. Because the Consortium has an ongoing goal of developing tests in as many different languages as possible, Florida will continue to derive great benefits from this relationship.

At the Consortium's eleventh annual business meeting this October in Seattle, Florida was given an important honor: Lisa Bell, OSCA's statewide coordinator of the court



Lisa Bell, coordinator of OSCA's court interpreters program, at work with assistant Tammy Galey

interpreters program and the official Florida representative to the Consortium, became a member of the Consortium's seven-member Executive Committee, its governing body. Now, at least through the next year, Florida can look forward to having a powerful voice in the decisions that the Consortium makes.

PORTUGUESE:

THE LATEST ADDITION TO THE COURT INTERPRETERS PROGRAM

Even though Portuguese is the third largest language demand in this state, to date, Florida's courts have had no formal testing mechanism for evaluating the language skills of their appointed Portuguese-speaking interpreters.

The good news is that, for the first time in this state, OSCA will be able to administer written and oral qualifications examinations in Portuguese. So far, three candidates, having satisfied the eligibility requirements, are scheduled to take the exams this November.

Given the intense demand for Portuguese-speaking interpreters, this is no doubt just the beginning of what will soon become one of the more frequently-administered language qualifications exams that OSCA offers.

FAIRNESS AND DIVERSITY: ELIMINATING INAPPROPRIATE BIAS FROM FLORIDA'S COURTS

"Justice in Florida will be accessible, fair, effective, responsive, and accountable": most everyone who works for the Florida State Courts System is well-acquainted with this declaration—the judicial branch's vision statement—for it is written on so many of the materials issued by the Supreme Court and OSCA as well as being readily available from the Florida State Courts homepage.

Visions, by nature, tend to gesture toward goals rather than current realities. Accordingly, a vision statement, always forward-looking, is what "helps an organization develop a picture of how it wants to operate or what it desires to become in the future" (the Steering Committee on Long-Range/Strategic Planning); it is an ideal state toward which to strive, a preferred future. Thus Chief Justice Pariente's creation of the Standing Committee on Fairness and Diversity can be seen as an effort to bring the goal and the reality closer together.

Established by Administrative Order in November 2004, the Standing Committee aims to "advanc[e] the State Courts System's efforts to eliminate from court operations inappropriate bias based on race, gender, ethnicity, age, disability, or socioeconomic class." The rationale is that "bias or other barriers to meaningful access can result in unequal treatment which can give rise to injustice," as the AO states.

One of the charges of the committee is to conduct research and gather information from five different court-related "audiences"—judges, attorneys, court staff, litigants, and jurors—about their perceptions of unequal treatment in Florida's courts, and the committee is tackling this charge on two fronts. First, it has compiled a different survey for each of the five audiences named above; the surveys will be available in mid-November (primarily through online means), and the committee anticipates a one-month time frame for data collection; the committee aims to survey these five groups in every county and every circuit.

Second, the committee has scheduled a two-day public meeting in order to receive testimony and information about perceptions of unequal treatment in Florida courts. The public meeting, held in conjunction with The Florida Bar Midyear Meeting, will take place on January 19-20, 2006, 10:00 am to 3:00 pm, at the Hyatt Regency in Downtown Miami.

Individuals and organizations can submit written comments to the committee or can sign up to address the committee; they will be given up to 10 minutes to speak (though organizations may request additional time). The committee invites people to address several categories of information: their perceptions of any unequal treatment in the court system, whether based on their own experiences, witnessed incidents, or other factors; their awareness of any systemic or structural aspects of the court system that adversely affect one class or group of persons; their assessment of the most important fairness and diversity issues in the court system that press for further research or study; and their thoughts about what could be done to



eliminate inappropriate bias from the court system. Those who are interested in speaking at the public meeting can email committee staff at osca@flcourts.org or can send a letter to the Standing Committee on Fairness and Diversity, c/o Debbie Howells, 500 S. Duval Street, Tallahassee, FL, 32399-1900.

Ultimately, the data from the surveys and the comments from the public meeting will become the basis of a report to the Supreme Court documenting the perceptions of Florida's court system. In the report, which is due June 30, 2006, the committee also plans to include recommendations to the Court.

PRIVACY, ACCESS, AND COURT RECORDS: THE FINAL REPORT

On August 15, 2005, after over four years of effort by three different judicial and legislative bodies, *Privacy, Access, and Court Records*, the final report of the Committee on Privacy and Court Records was released. The report, [available online](#), was sent to the Florida Supreme Court for review and consideration.

Established by Chief Justice Anstead in November 2003, the Committee on Privacy and Court Records was created to study and make recommendations to the Florida Supreme Court regarding the electronic release of court records. Chaired by Jon Mills, dean emeritus of the University of



Florida law school and former speaker of the house, the 15-member committee reflected a rich miscellany of backgrounds and perspectives: judges, court officials, lawyers, clerks of court, academics, first amendment

interests, and technologists.

On May 6 of this year, the committee submitted a draft report (which was available online) and accepted public comments through June 3; approximately fifty individuals and organizations did respond, and these responses were taken into account in the final report.

The final report is divided into five sections: an Introduction, Recommendations, Member Comments, and two appendices: one that documents the legal research that became the basis for the committee's decisions and one that presents a draft of Rule 2.051 incorporating many of the committee's recommendations. The Recommendations section, which is the heart of the report, consists of 24 recommendations, which are divided into three groups: Group One consists of six primary recommendations for which the committee urges rapid implementation; Group Two, subtitled "Minimization," contains four recommendations devised to minimize the unnecessary introduction into court records of personal information; and Group Three, with its 14 recommendations, provides scaffolding for a system of electronic access.

Not surprisingly, however, the report, and of course the issue itself, continue to prompt strong reactions and vigorously-held positions; as the Introduction forewarns,

The breadth and complexity of the subject under study is such that intelligent, reasonable people can and do reach different conclusions about law and policy. Indeed, public input to the Committee includes passionate, articulate arguments on a number of sub-issues. It should therefore not be surprising that the Committee could not reach consensus on several major issues; indeed it would be remarkable if it did.

Because it includes a "Member Comments" section comprising two sets of minority views as well as one rebuttal of these minority views, the final report can be seen as a candid mirror of the inherent difficulty in coming to conclusions about such a far-reaching and controversial issue.

Also making it fascinating reading is its inclusion, along with each recommendation, of the votes of each member as well as a narrative that aims to describe the rationale of the majority. The goal here was to document and represent as fully as possible the diversity of opinions within the 15-member group.

Ultimately, the committee recognized that “The privacy crisis extends far beyond court records, so that even if the courts were to close all of their records tomorrow, the larger problem would remain.” This “larger problem” exists, in part, because “The Sunshine State has the most transparent government in the world, and in that transparency, Floridians are the most exposed people on Earth.” Recognizing that it’s well beyond the courts’ purview to try to staunch the general leak of information in the Digital Age, the report urges the continuation of a national and a statewide discussion of these matters. In the end, it implores the Florida legislature to “undertake a comprehensive review of all of these issues and to formulate a statutory scheme that defines the rights that Floridians should have regarding their personal information.”

In the meanwhile, however, most of the committee members agree that if the courts implement these recommendations, the judiciary will go a long way toward fostering a deliberate balance between the competing interests of privacy rights and the electronic access to court records.

Personnel Space

THE PERSONNEL PROFESSIONAL CONFERENCE

Usually an annual gathering, the Personnel Professional Conference had to be forsaken last year—one of the many side effects of the laborious implementation of Revision 7 and of the painstakingly-detailed payroll switch to People First. So, this September, after a two-year gap, personnel professionals from across the State Courts System finally had an opportunity to convene again. And, given the group’s overall buoyancy and congeniality, there could be no doubt about their pleasure in being back together.

The conference drew approximately 43 state court personnel representatives to Tallahassee for a day and a half-long event that covered topics of relevance to all state court employees. Among a wide range of subjects, OSCA staff addressed the Classification and Pay Study, the Family Medical Leave Act, New FRS Legislation and FRS Updates, the New SCS Attendance and Leave System, Revised Travel Forms, and Open Enrollment 2005, including information about the new medical plans and the new health spending account.

Because personnel reps had to relinquish last year’s conference, not too far from their minds were the challenges of navigating the implementation of Revision 7 and People First. However, according to OSCA Human Resources Manager Delcynth Schloss, it was because of the “great staff and the teamwork” that the courts got through this “grueling experience” so successfully. By “absorbing the brunt” of the difficulties, personnel reps



Personnel Services Chief David Pepper

were able to “shield employees from the direct impact” of these changes, minimizing the stress to court staff. And now, at last, personnel reps had a chance to get down to normal business again—and to meet with old friends and put together the names and faces of new ones. So, for many, the opportunity to get together again was as important as the information they had come to absorb.

As Ms Schloss emphasized, this annual event is clearly a good learning experience for the new folks and a useful refresher for the seasoned ones. And if the exceptionally high scores on the Survey and Evaluation Forms are any indication, it’s obvious that the 43 participants felt the same. They described the conference as “excellent,” “well-organized,” with “lots of useful info” and a “good choice of topics.” “Let’s meet more often!” several exclaimed. Kudos to OSCA personnel staff for putting together such a rewarding conference.

Turning Points

AWARDS AND HONORS

- **Judge George W. Greer**, of the Sixth Judicial Circuit, was presented with the President's Award of Merit by The Florida Bar; he was also named as one of two Jurists of the Year by the Florida Chapters of the American Board of Trial Advocates
- **Judge Stanford Blake**, of the Eleventh Judicial Circuit, was elected Chair of the Florida Conference of Circuit Judges
- Manatee County **Judge K. Douglas Henderson** was elected President of the Florida Conference of County Court Judges
- **Judge Thomas Sawaya**, of the Fifth DCA, was elected President of the Florida Conference of District Court of Appeal Judges

IN MEMORIAM

- **John "Jack" Byers**, former trial court administrator for the Twelfth Judicial Circuit and conference manager for the Florida Conference of Circuit Judges
- **Justice Raymond Ehrlich** (1918-2005), sixty-ninth justice—and forty-third chief justice—of the Florida Supreme Court
- **Judge Robert L. Shevin** (1934-2005), member of the Florida House, attorney general, and judge for the Third District Court of Appeal
- **William "Doug" Wilkinson**, former trial court administrator for the Twentieth Judicial Circuit and conference manager for the Florida Conference of Circuit Judges

[More Turning Points](#)

The Library Nook: Recommended Reading

Follow these links to some judicial favorites.

Chief Justice Pariente and Justice Anstead recommend Judge Kevin S. Burke's article, "A Court and a Judiciary That Is as Good as Its Promise." Judge Burke writes about some of the problems that fuel dissatisfaction with the administration of justice, and he also discusses what the court system can do to become "as good as its promise." The author is the chief judge of the Hennepin County District Court in Minneapolis, and you can [view his article online](#).

Also, Chief Justice Pariente recommends Justice Shirley S. Abrahamson's article, "National Center for State Courts Simplifies Court Performance Measures," which is about the NCSC's release of its "CourTools"—a set of ten trial court performance measures whose aim is to "enhance the judiciary's ability to manage the court system." The author is the chief justice of the Wisconsin Supreme Court, and you can find her article in the Fall 2004 edition of *The Third Branch*, the quarterly publication of the Wisconsin Judiciary (the article begins on page 3).

If you have read any interesting or thought-provoking articles about the court system, please send us your suggestions for this column (along with the articles' URLs).

ONLINE COURSES AND PUBLICATIONS

Continuing Judicial Education credit (1 CJE hour) is available for judges who view the online curriculum, “Referrals to Supervised Visitation: A Manual for Florida’s Judges.” The online curriculum can be found on the Institute for [Family Violence Studies website](#). Click on “Judge’s Manual,” read it, take the quiz, and then mail the certificate of completion to the attention of Martha Martin, chief of court education, at the OSCA address provided. There is no charge for this course. For more information about the curriculum, email Karen Oehme, program director for the Clearinghouse on Supervised Visitation, at fsuvisit@aol.com

Also, please note that the following court education publications are now available on the [Florida State Courts Internet site](#), under “Judiciary Education” (References and Resources):

- Domestic Violence Case Law Summary—Civil
- Domestic Violence Case Law Summary—Criminal
- Florida Traffic-Related Appellate Opinions Summaries
- An Aid to Understanding Canon 7 (November 2005)

In addition, you can find the following publications and court education program materials on the Florida State Courts Intranet site.

For the Judicial Ethics Benchguide (October 2005), go to “Judicial Education” from the Intranet homepage, and follow the link on the blue side panel.

For the 2005 Florida College of Advanced Judicial Studies and the 2005 Annual Business Program of the Conference of County Court Judges of Florida, go to “Judicial Education” from the Intranet homepage, and follow the link on the blue side panel to “Educational Materials.”



December 2005

- 1-2 Supreme Court Oral Arguments
- 2 Task Force on Treatment-Based Drug Courts, Tallahassee
- 2 Mediator Qualifications Board Annual Meeting, Orlando
- 4 Steering Committee on Families and Children, Marco Island
- 5-7 United Judicial Conference, Marco Island
- 9 Standing Committee on Fairness and Diversity Meeting, Miami
- 9 Standard Jury Instructions in Criminal Cases Meeting, Tampa

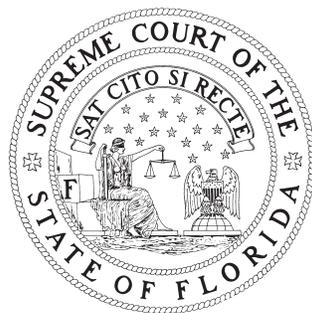
January 2006

- 4-6 Annual Education Program of the Conference of County Court Judges of Florida, Amelia Island
- 5-6 Supreme Court Oral Arguments
- 8-13 Florida Judicial College, Phase One, Tallahassee
- 9-11 Supreme Court Oral Arguments
- 17-18 Court Interpreter Orientation Workshop, Naples
- 17-21 The Florida Bar Midyear Meeting, Miami
- 19 Court Interpreter Written Examination, Naples
- 19-20 Public Meetings/Hearings, Standing Committee on Fairness and Diversity, Miami
- 25 Commission on Trial Court Performance and Accountability Meeting, Orlando
- 27 Supreme Court Committee on ADR Rules and Policy Meeting, Orlando
- 29-31 National Association for Court Management (NACM) Midyear Conference, Colorado Springs

February 2006

- 6-10 Supreme Court Oral Arguments
- 8-13 American Bar Association Midyear Meeting, Chicago
- 16 Pro Bono Awards Program at the Supreme Court, Tallahassee

ON
THE
HORIZON



Under the direction of
 Supreme Court Chief Justice Barbara J. Pariente
 State Courts Administrator Elisabeth H. Goodner
 Deputy State Courts Administrator Blan L. Teagle
 Senior Attorney Susan Leseman

Written and edited by Beth C. Schwartz, Court Publications Writer, schwartzb@flocourts.org
 Photographs by Phillip Pollock, Web Administrator
 Layout and design by Charity Wood, charity@thecharitycase.com

The Office of the State Courts Administrator
 500 South Duval Street
 Tallahassee, Florida 32399-1900
 (850) 922-5081