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A MESSAGE FROM LISA GOODNER, STATE COURTS ADMINISTRATOR

In this first *Full Court Press* edition of 2007, I want to take the opportunity to thank all of you for your hard work in carrying out the mission of Florida's judicial branch. As the articles over the past year attest, your efforts have made it possible for the branch to experience many remarkable achievements in 2006.

In this issue of the *Full Court Press*, you will find articles that highlight some of the many ways in which you have supported the fulfillment of the branch's mission. This edition focuses on the accomplishments of those of you involved in judicial branch planning, emergency preparedness, justice teaching, dispute resolution, court education, children and families in the court, fairness and diversity, and information technology. But all of you deserve acknowledgement, for, without the determined—and often anonymous and unthanked—work that each of you performs on a daily basis, none of these judicial branch triumphs would be possible....



To maintain such a high level of achievement, however, the court system must be able to hire and also to retain the most qualified individuals possible. As the 2006-2008 Operational Plan for the Florida Judicial Branch states, "To support competence and quality in court operations, the judicial branch must provide competitive compensation and benefits to ensure high levels of employee retention and morale....Competitive compensation and benefits are critical to recruiting and retaining qualified and experienced staff." Therefore, I and the other OSCA staff who work on securing funding for the courts from the legislature are making every effort to ensure Chief Justice Lewis' funding priority is achieved, which is to secure equity in classification and pay for state court system employees. (You can read more about the classification and pay request on page 3.) Judges from both the district courts and the trial courts are also committed to this priority and have already begun working to educate legislators on why this issue is so important to the judicial branch. Be assured that the commitment is clear from the Supreme Court to the county courts: state court system employees must receive salaries and benefits that are competitive with other governmental entities across Florida.

I wish each of you the best, both personally and professionally, in 2007.

Sincerely,

Lisa Goodner

Long-Range Planning

HORIZON 2008: THE JUDICIAL BRANCH PLANS FOR THE FUTURE

As the result of a 1992 voter-driven amendment to Florida's constitution, all facets of state government are required to engage in strategic planning; the amendment mandates that the executive, legislative, and judicial branches construct an architecture for their long-range goals. Judicial leaders recognized that framing a long-range plan would create an opportunity for the court system to address a number of compelling concerns (e.g., ebbing public trust and confidence in government in general; heightened attacks on the judicial branch by the legislature, the media, and the public; the inevitability of rapid growth and of complex social, political, economical, and technological changes and challenges). They also realized that a long-range plan would usefully serve as a performance management tool: by clearly laying out specific issues, goals, and strategies in its long-range plan, the court system would be compelled to create regular opportunities to evaluate and improve itself, thereby enhancing court performance and providing more competent and cost-effective court services.

But long-range planning would have yet another benefit, judicial leaders realized: on a routine basis, it would prompt those who serve in the justice system to address certain elemental questions. What is justice? What does the court system need to do to better achieve it? Since justice is an abstract phenomenon, how might the court system go about measuring justice—and evaluating its progress toward achieving it? In conceptualizing its long-range plans, the court system would have to grapple with these questions—seriously and formally, in a systematic way—and arrive at answers.

The Judicial Management Council (JMC), which was established in 1995 to offer recommendations and guidance to the chief justice and the supreme court on issues affecting the entire judicial system, was charged with producing the judiciary's first comprehensive long-range plan. In 1998, after several years of visioning, prospecting, and outreach among various judicial branch stakeholders (e.g., judges, court staff, attorneys, government officials, and members of the public), the JMC published *Taking Bearings, Setting Course: The Long-Range Strategic Plan of the Florida Judicial Branch* ([read plan online](#)).

A monumental and enterprising undertaking, this document gave voice to the vision and the mission of the judicial

branch; it addressed the kinds of concerns that the courts should expect to encounter over the next 20 years; and it identified five broad, undergirding, long-range issues on which the courts needed to focus, delineating specific goals, strategies for achieving those goals, and desirable outcomes for each goal. Generally speaking, as summarized by then Chief Justice Kogan, this plan “is an assessment of where our courts are as we close the 20th century, an articulation of where they need to go, and a description of how they will get there.”



Chief Judge Joseph P. Farina, Eleventh Judicial Circuit, chairs the recently-reconstituted Judicial Management Council.

PIO, 11th Judicial Circuit

In addition to producing a long-range plan every eight years, the JMC also recommended the development of interim operational plans every two years, coinciding with the cycle of each new chief justice. The operational plans, which address more specific, short-term steps, identify branch priorities and influence major judicial activities, outlining concrete and manageable tasks that should be performed to support the long-range plan and help to make it a reality.

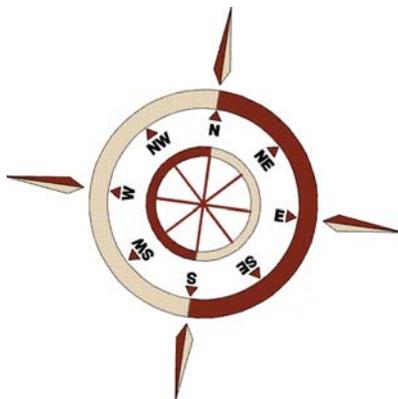
Although the JMC has been inoperative for the past four years, the Task Force on Judicial Branch Planning, chaired by Chief Judge Joseph P. Farina, Eleventh Judicial Circuit, has been coordinating and creating the operational plans since then. With the passing of the gavel to Chief Justice Lewis on June 30 of this year, the task force began to conceptualize the branch's new operational plan. A draft of *Horizon 2008: The 2006-2008 Operational Plan for the Florida Judicial Branch* was recently completed and is now in the process of being reviewed.

Because this operational plan is linked to the 1998 long-range plan, one would expect to find significant continuities between the two of them. However, not surprisingly, the operational plan also contains some different emphases, reflecting the accomplishments of the prior two-year cycle, the inevitability of changes in objectives over time, and the priorities of the new chief justice. One of the most conspicuous additions is the regeneration of the dormant JMC, which appears as the first task of the plan's first issue, “Clarifying the Role of the Judicial Branch”: the JMC “will be reconstituted as a judicial branch advisory council to provide a formal mechanism for effective two-way communication about the justice system between major

citizen constituencies and the courts”; it will also “serve as a forum for judicial officers to collaborate with their justice system partners and members of the public on topical issues and trends affecting the administration of justice in Florida” (the JMC was reconstituted by administrative order on October 30, 2006; [read order online](#)). Throughout *Horizon 2008*, the JMC is called upon to head up many of the tasks that the plan outlines.

The plan contains some other significant modifications. For example, it details tasks connected with the effective case management of complex litigation; the development of local court diversity and sensitivity awareness education programs; the accessibility of all court facilities for persons with disabilities; the access to electronic and information technology for persons with disabilities; the needs of self-represented litigants, including the provision of self-help services; the justice teaching initiative; and the selection and retention of judicial officers by means of a judicial evaluation process.

Now that the 2006-2008 operational plan is close to finished, it is time to refresh the branch’s long-term plan. The Task Force on Judicial Branch Planning and the JMC will co-create the new plan with the input of a range of sources and justice system partners, as was done in the construction of the original plan. And surely the new plan will be different from the first plan. But that’s a good thing, for, as the first long-range plan cogently makes clear, “The plan is not a static, unchanging document. The work of implementing it will occur in an environment of continuous change: new challenges and issues will emerge, new goals and strategies will be developed. Flexibility and responsiveness, guided by a clear long-term vision, will allow the courts to encounter new challenges and move forward.” With the guidance of the long-term and the operational plans, the judicial branch will continue to strive toward fulfilling its vision—that “Justice in Florida will be accessible, fair, effective, responsive, and accountable.”



EQUITY IN CLASSIFICATION & PAY: CHIEF JUSTICE LEWIS’ FUNDING PRIORITY

According to the Operational Plan for the Florida Judicial Branch, “To support competence and quality in court operations, the judicial branch must provide competitive compensation and benefits to ensure high levels of employee retention and morale....Competitive compensation and benefits are critical to recruiting and retaining qualified and experienced staff.” The section concludes by stating, “It is the obligation of the judicial branch to clearly document its personnel needs and to advocate for fulfillment of those needs in its legislative budget requests.”

First, Chief Justice Pariente and now, Chief Justice Lewis have been championing efforts to document and evaluate the court system’s personnel needs due to their growing concern about recruitment, retention, and pay equity issues for court employees. As a result of their concern, the courts contracted with Management Advisory Group, Inc., in 2005 to conduct an independent study of the branch’s classification and pay system—the first systematic, branch-wide classification and pay study undertaken since 1990. Based on its salary survey and analyses of court employees’ job questionnaires, the Management Advisory Group consultants arrived at several troubling conclusions with both short-term and long-range implications.

To begin with, the courts’ pay levels are not competitive with salaries offered by local and state governments, which makes it a challenge to attract qualified applicants (e.g., a recent Florida TaxWatch analysis shows that current state court system salaries for 72.7% of 844 matched positions are, on average, 12.3% lower than their executive branch counterparts). Moreover, in some cases, court benefits are inferior to those provided to other state government employees; for instance, court attorneys are currently the only attorneys in state government who do not receive 100% state-paid health, life, and short-term disability insurance.

In addition, as a result of a lack of resources and a lack of financial flexibility in hiring decisions, trial court and OSCA managers have been, in most circumstances, constrained to hire at the minimum salary, which means that it is hard to inspire preferred applicants to accept positions with the courts.

Furthermore, despite employee satisfaction with and loyalty to the court system, the lack of advancement



through pay ranges has precipitated a loss of experienced employees to other government entities to perform similar work at higher pay.

Of the problems uncovered by the consultants, the most unsettling and far-reaching consequence is that, if the courts continue to fail to draw and retain high-caliber employees, taxpayer services could suffer, compromising the prospect of meaningful access to justice.

As a result of its study, the consultants recommended that the state court system request funding to raise salaries to more competitive levels and to increase the salaries of current employees—proportionate to their experience—if they fall below the market salary that the consultants identified.

Therefore, the court system is requesting 12.95 million dollars for 2007-2008 to fund a new compensation and classification system for court employees that will make the judicial branch more competitive with counties, municipalities, state attorney and public defender offices statewide, and executive branch agencies and legislative offices in Tallahassee (note: judges' salaries do not come under the aegis of this request). In addition, the courts are seeking 1.9 million dollars to establish equitable benefits for selected court system employees. This request is supported by a September 2006 TaxWatch special report entitled *Implementing State Funding of Florida's Courts System for More Uniform Justice and Protection of Citizen Rights* ([read report online](#)). Because recruitment, retention, and equity problems are major concerns of Chief Justice Lewis, this request is his highest priority for new funding for the judicial branch.

IMPROVING THE MANAGEMENT OF COMPLEX CASES

During Chief Justice Lewis' passing of the gavel speech, one of the issues on which he committed to focus was an improvement in the management of complex cases. In particular, he is concerned about the great stretch of time it can sometimes take to decide these cases. His commitment to attend to this issue is also evident in the court system's 2006-2008 Operational Plan: among the tasks it is setting itself in order to "fairly and timely resolve issues brought before it," the judicial branch will practice "effective and efficient case and case flow management,"

the plan states. To address his concern about the ways in which complex cases are handled, he established the Task Force on Management of Cases Involving Complex Litigation by administrative order ([order is available online](#)).

The administrative order opens with a description of the problem: "The increasing complexity of legal disputes and demands placed upon judicial resources have given rise to operational concerns relating to costs and the efficient and effective processing associated with litigating such disputes, as well as the ability of the state courts to manage this type of litigation." The kinds of complex legal disputes to which the order refers—"mass torts, class actions, product liability cases, intellectual property disputes, cases involving advanced scientific evidence, and cases involving multiple parties," for instance—"are managerially and substantively intricate and may require considerably more resources and effective management techniques than other cases," the order states. Thus the chief justice charged the task force with

scrutinizing and evaluating the efficient and effective management of complex litigation; the task force will also recommend strategies for processing complex litigation more practically and productively and for making the best use of judicial resources (e.g., case managers, law clerks, and magistrates). Judge Thomas H. Bateman, III, Second Judicial Circuit, is chairing the task force, and Justice Pariente is the supreme court liaison.

In advance of their first meeting, in mid-November, Judge Bateman sent out a letter aimed at prompting members to begin thinking about the task force's responsibility. He reminded members that the task force would be operating under two guiding principles: first, "Make complex cases simple, not make simple cases complex," and, second, "Protect litigants' right to jury trial, not create a shadow or alternative court system." He also offered members seven guiding questions to ponder before they met: for instance, they were invited to consider what makes a case "complex"; what the differences are between non-complex and complex cases; whether the current rules of court and procedure are adequate; and how web-based technology might be used to support the management of complex litigation.



Judge Thomas Bateman, III, Second Judicial Circuit, chairs the Task Force on Management of Cases Involving Complex Litigation

photo by Phillip Pollock

Chief Justice Lewis, in his opening remarks at the meeting, emphasized the need to make sure that the court system is addressing complex cases properly, serving its constituents appropriately, and treating Florida's citizens responsively. Task force members then reviewed and discussed their charge, raised issues for consideration based on their own experiences with complex cases, approved a design for a [dedicated webpage](#), and reflected upon the establishment of three subcommittees: one to define "complex litigation," one to review and propose rule changes, if necessary, and one to look at the ways in which technology might help to manage and process complex cases. Before the meeting was adjourned, Justice Pariente urged the task force to work toward generating concrete suggestions and recommendations. The next meeting is scheduled for mid-January.

Emergency Preparedness

TESTING THE SUPREME COURT'S CONTINUITY OF OPERATIONS PLAN

The Work Group on Emergency Preparedness was established by Chief Justice Wells in the wake of the tragedy of 9/11. Charged with "develop[ing] a plan for the State Courts System to better respond to emergency situations," the work group was instructed to keep two fundamental goals in mind as it developed emergency preparedness measures: "deal with crises in a way that protects the health and safety of everyone in the court facilities" and "keep the courts open to ensure justice for the people."

Following the release of the work group's final report in March 2002, Florida's court system has been focusing on emergency readiness for nearly five years now. Both specific supreme court efforts and broader, branch-wide efforts have been led by the Unified Supreme Court/Branch Court Emergency Management Group (CEMG), which has produced a rich and useful collection of materials to aid the courts in their preparation for crises of any kind.

This collection, which is [available online](#), contains reports, articles, video and PowerPoint presentations, conference materials, and a variety of planning templates (including planning templates for pandemic influenza, continuity of operations, mission essential functions, and alternate facilities, as well as a checklist for administrative and emergency procedures, a decision-making guide, an employee directory template, and a family disaster plan).

Undeniably, it's essential for courts to have access to these kinds of policy goals and planning tools and, more important, to read, contemplate, and assimilate them; to fill out the templates; and to design a comprehensive and responsible emergency plan. But how can a court know whether its emergency management team will function effectively—or whether its emergency planning measures, no matter how detailed they look on paper, will really work—if a genuine emergency strikes?

Those are the questions that CEMG has been asking itself, so it put itself and its own Continuity of Operations Plan to the test. On November 14, at the State Emergency Operations Center in Tallahassee, CEMG, with the help of the Division of Emergency Management and the Department of Health, staged a Florida Supreme Court Continuity of Operations Table Top Exercise to make trial of itself and its emergency plan. (Note: the Second Judicial Circuit conducted its own, very successful Pandemic Influenza Table Top Exercise at the end of October.) This packed, half-day exercise had five objectives: to raise awareness about the impact of an influenza pandemic on the supreme court,

OSCA, and the judicial branch; to increase understanding about the responsibilities of leadership and management within the supreme court and OSCA; to determine the extent to which current plans sufficiently address emergency events with and without warning; to assess whether there are any gaps in communication and coordination; and to identify ways to improve the current Continuity of Operations Plan as well as branch-wide administrative and emergency procedures.

The exercise had three sets of participants: the facilitator, OSCA General Services Manager Tom Long, who provided situation updates and moderated the discussion, also offering additional information and answering questions as necessary; the players (CEMG members), who responded to the situations presented based on their expert knowledge of response procedures,

the court's current plans, and their insights drawn from their training and experience; and the observers, who supported the players in developing responses to the situation.



photo by Phillip Pollock

OSCA General Services Manager Tom Long facilitated the Court Emergency Management Group's table top exercise at the State Emergency Operations Center in Tallahassee

To be effective, an exercise of this sort must be able to unfold in a “safe and open, stress-free environment” in which different viewpoints—and even disagreements—are expected and welcomed. Therefore, this table top exercise was guided by a number of “rules” to which everyone adhered. For instance, players were asked to respond based only on their knowledge of current plans and capabilities and on their insights; they were encouraged not to feel pressured to limit their decision-making to the court’s positions or policies—rather, they were urged to make their best decision based on the circumstances presented; since the exercise present-

ed an opportunity to discuss and offer multiple options and solutions, players were advised not to construe decisions as precedent-setting or final; players were counseled to focus on problem-solving efforts, not on issue identification; they were instructed to assume that other responders and agencies would offer cooperation and support; and they were requested to base their discussion exclusively on the situation updates, written material, and resources.

The event began with a safety brief by Mark Fuller, the Division of Emergency Management’s deputy chief of operations, who took participants on a verbal tour of the master control room for the state (the room in which the exercise took place) and detailed the ways in which developing emergencies in every county of the state can be anticipated, responded to, and monitored from that space. Then, Craig Fugate, the director of the Division of Emergency Management, spoke briefly about the essential role of the courts in an emergency, reiterating what court participants surely know: that the courts “can’t postpone justice,” especially in an emergency situation, because “people need to feel the government is protecting their rights” in order to feel safe.

Then began Module 1 of this three-module exercise. Dr. Bill Tynan, of the Florida Department of Health, gave a presentation on avian influenza (what it is; why and how it’s a threat); he also discussed its history; its current status; the national and state strategies for dealing with it; a variety of outbreak control tools; and tips for planning for an outbreak.

The two modules that followed focused on highly specific scenarios to which CEMG participants had to respond.



Greg Cowan, court operations consultant for OSCA’s Court Services and CEMG member, leads table top participants in a discussion about strategies for improving the Continuity of Operations Plan.

photo by Phillip Pollock

Module 2 began by announcing an outbreak in Southeast Asia of a sustained, human-to-human transmission of a highly virulent strain of influenza containing the H5N1 influenza virus; over the next few days, a number of people in Tallahassee were stricken with symptoms that seemed to signal something more serious than the common flu. Complicating this scenario was the arrival of a suspicious package at the supreme court, precipitating an evacuation of the building and the shutdown of the Capital Complex; the package contained what was soon determined to be anthrax, prompting a decontamination plan that was expected to take 12 to 16 weeks to complete.

In the third module, which began to unfurl five days after the second module ended, severe flu symptoms have overcome 35 Tallahassee residents, and one patient died; a lab analysis confirmed that the deceased had the avian strain H5N1 virus—the first case in this country. Meanwhile, the supreme court resumed court business at its alternate site; after a few weeks, some staff members began showing signs of pandemic influenza, and, soon, all across the state, people were exhibiting symptoms of a highly virulent flu.

After each of these two modules, participants had 45 minutes to consider the issues raised; a series of questions was provided to prompt discussion and to help participants focus on the critical issues of major concern at each stage of the exercise scenario. At the end of the exercise, participants were invited to identify the top three issues/areas that need improvement; the action steps that should be taken to address these issues/areas; the actions steps that should be taken in each CEMG member’s area of responsibility; and the equipment, training, or plans/procedures that should be reviewed, revised, or developed.

The stated goal of this exercise was “to discuss the Continuity of Operations Plan the Florida Supreme Court would use in response to an ‘all-hazards’ event and to solve, as a group, any problems that arise from the discussed activity.” Based on the responses of CEMG members, this exercise did achieve its goal: “It gave us a chance to refine our Continuity of Operations Plan,” affirmed one member. Participants seemed to think that the format is what made the exercise so useful; as one CEMG member put it, “It was founded on concrete situations, making the exercise far more focused and structured than it would have been if it were based on hypotheticals.”

PREPARING FOR PANDEMIC INFLUENZA: THE COURTS DESIGN TACTICAL PLANS

In March 2006, the Unified Supreme Court/Branch Court Emergency Management Group (CEMG) presented to the supreme court its *Florida State Courts Strategy for Pandemic Influenza* ([read the strategy online](#)). Anticipating the potential impact of a flu pandemic—and aiming to help the court system ready itself for an onslaught—this strategy document outlines two tactical objectives: the short-term goal is to “have the capacity to perform mission essential functions and [to address] public health related cases for up to 90 days with possibly limited face-to-face contact and significant impact to key personnel”; the long-term goal is, “within 90 days, [to] have the capacity to perform all criminal matters, including jury trials, all emergency civil matters, and all mission essential functions with possibly limited face-to-face contact and significant impact to key personnel.”

The strategy also specifies seven planning tasks (plus a host of distinct subtasks) that require immediate attention: engage state and local public health and other officials; prepare for legal contingencies; update court technology continuity and disaster recovery plans; educate court personnel and justice system stakeholders about the threats posed by a pandemic; improve communications; strengthen court emergency management teams; and address jury management issues. After the strategy was endorsed by all seven justices, the courts were directed to launch efforts immediately to address all the applicable tasks outlined in the report—and to design their own tactical plans by November 30.

Courts were free to choose from among a variety of options in the construction of their tactical plans: they could make use of the Checklist of Planning Tasks Associated with Preparing for a Pandemic (Appendix B of the strategy); they could opt for the Pandemic Influenza Planning Template prepared by CEMG ([available online](#)); or they could develop their own model. As of mid-December, over 90% of Florida’s trial and appellate courts had submitted documentation on their pandemic preparation efforts—and the other courts are well on their way toward having a plan in place.

Since most of the courts prefaced their tactical strategies with the warning that their plans are still works in progress, the next logical step, according to Greg Cowan, OSCA court operations consultant and CEMG member, is to put together a compilation of best practices for each of the seven planning tasks and then distribute this anthology throughout the branch. This way, courts can contemplate what’s most

promising in the action plans of their fellow courts, maybe get some valuable ideas, and revise and refine their own plans accordingly, if necessary. Greg did emphasize that it’s almost impossible to evaluate plans such as these at the state level because so much of what is “best” is, inevitably, locally driven; what might be appropriate for one area of the state could be disastrous for another, he declared, so it’s critical that each plan consider and reflect local exigencies. His aim is to have this best practices document available for distribution by the end of February.

And what is next for CEMG? “We’ve spent all of 2006 on this very specific issue,” Greg said, “working narrowly and deeply on pandemic preparation—because it was such a high profile issue, such a unique threat, and one that the courts weren’t as prepared for as they needed to be.” Therefore, understandably, pandemic influenza had to be an all-encompassing concern for CEMG this past year. But, as Greg reminded, this particular threat is really just an “appendix” to the Continuity of Operations Plan. Now that the pandemic is clearly on the court system’s radar screen, it will soon be helpful to step back and broaden the perspective once again. He predicts that in the near future, CEMG will be turning its focus toward reviewing, testing, and updating its all-hazards approach to emergency preparedness. Not that the pandemic will be forgotten, but

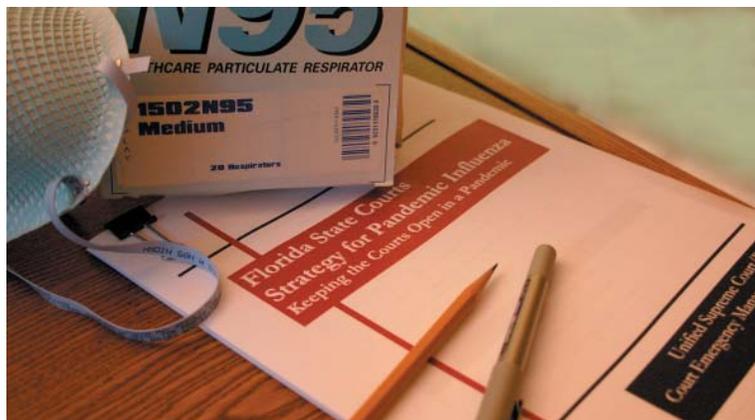


photo by Phillip Pollock

CEMG is ready to return its attention to the broader range of crises—such as other natural disasters (e.g., hurricanes, tropical storms, tornados, floods), accidents, technological emergencies, and military or terrorist attack-related incidents.

In his passing of the gavel speech, Chief Justice Lewis emphasized that, among his priorities, “First and foremost is an open and operational courts system in the face of no matter what may occur....We must prepare, prepare, prepare. We must continue to do so.” For the courts to be “open and operational,” they must be equipped for any crisis that might befall them. The CEMG is committed to working directly and usefully toward that end.

Education and Outreach

CHIEF JUSTICE LEWIS' JUSTICE TEACHING INITIATIVE: REACHING OUT TO EVERY SCHOOL IN FLORIDA

Sadly, it has become a truth universally acknowledged that an astonishingly high percentage of Americans—adults and kids alike—cannot identify the three branches of government, fail to grasp the importance of the separation of powers, do not understand the role of the judicial branch in the federal government, are unfamiliar with the five freedoms guaranteed by the First Amendment....

Many in the judiciary are emphatically alarmed. How can Americans become informed and responsible citizens if they cannot identify and comprehend the fundamental principles of democracy? More specifically, since studies and surveys have shown that people's appreciation of and support for a strong judiciary are fostered by their knowledge of the court system, what does this woeful lack of knowledge portend?

All of this has prompted Chief Justice Lewis, who is passionately committed to turning around this foreboding state of affairs, to cultivate a plan—an extensive mechanism for transforming civics education in Florida—and it is called Justice Teaching (JT).

On June 30, at his passing of the gavel ceremony, Chief Justice Lewis vowed that “The cornerstone of the next two years will be justice teaching,” and he pledged to create “a permanent, statewide structure for reaching out to every school in Florida”: “We’re going to form the most comprehensive approach to support civic education that’s ever been attempted,” he declared. And on July 24, by administrative order, the Select Committee on Justice Teaching was established.

Chaired by the chief justice himself, this 33-member committee is directed to coordinate with a broad spectrum of legal and educational professionals—“attorneys, court managers, superintendents, school districts, boards of education, teachers, school administrators, the Florida Law-Related Education Association, and other appropriate organizations”—in order to advise the supreme court about how best to support educational programs about our legal system and to oversee the creation of fertile collaborations on the local level among the courts, law-related specialists, and the schools. The paramount goal of JT is to “promote an understanding of Florida’s justice system and our laws,

develop critical thinking abilities and problem solving skills, and demonstrate to students the effective interaction of our courts within the constitutional structure,” and, to accomplish this objective, the committee is charged with performing seven carefully-defined tasks. One of the committee’s tasks is to make sure that every elementary, middle, and high school in Florida’s public school system is partnered with a legal professional who will be available as that school’s resource person for civics education and who will be ready to work with the teachers hand-in-hand ([read the order online](#)).

Many articles have been written lately about JT and about the chief justice’s dedication to taking civics into the schools (for a sampling, see the “[Justice Teaching News Articles](#)”). But few have discussed how the chief justice, with the help of the Florida Law Related Education Association’s Annette Boyd Pitts, can help a legal professional metamorphose from a judge or attorney into a spellbinding teacher for an average of an hour each month. In the chief justice’s words, “We make it as easy as possible so the judges and lawyers can just have fun!”

So what’s involved in the process? Volunteers begin by attending an informal, three-hour training session; these sessions, which are led by the chief justice and Ms Pitts, will

be held throughout 2007 and will be available all across the state (check the [JT website](#) for the training schedule). The primary purpose of these training sessions is to teach the volunteers how to teach.

The lesson begins with some background: what the chief justice’s concerns are; why he has created JT; and what JT’s goals are. Volunteers also learn that, if they have any kind of agenda, they should leave it outside the class: “This is not an attempt to tell students what to think,” the chief stresses; “The goal is to give the kids facts and help them learn how to think for themselves.”

The chief and Ms Pitts also give tips on how to break the ice with the kids, and they share some of the lessons they’ve learned—“what’s been positive, productive, easy to do”—in their many years of working with students (the chief justice has been going into three or four schools a month now for eight years). For instance, the chief said that he begins by teaching the volunteers how to teach the kids listening skills, “the building block to civil discourse—and necessary in a representational democracy”—and he describes exercises that effectively teach these skills.



The chief and Ms Pitts also introduce the volunteers to the rich body of material on the JT website. Most compelling—and sublimely anxiety-soothing, no doubt, to the volunteers—is the website’s “virtual library,” soon to be online, which will eventually include more lesson plans than anyone could ever hope to utilize. And all of these curricula have been tested, so they can be counted on to work. Volunteers can choose from among any of these plans and can tailor it to their interests. Each lesson plan involves an actual

court case; volunteers will begin by addressing the relevant constitutional clause, breaking it down and explaining it, giving the pertinent facts, and then leading a discussion about how it relates to the case. The chief admitted that, in his experience, the best lessons involve court cases that took place in Florida, involved kids, reflected incidents that could conceivably happen to the students in the class, and touched every aspect of the judicial branch, going from the trial court through the appeals process all the way, perhaps, to the U.S. Supreme Court.

The important point is that the volunteers are not expected—nor are they encouraged—to go into the schools to give some sort of “auditorium speech”; rather, their job will be to go into individual classes and create an experience that is “highly personal and highly interactive.” But they’re not there to replace the teacher; they are there as a resource, to enhance the students’ knowledge of civics. He also underscores that JT is decidedly a “proactive model”; volunteers are expected to maintain contact with the liaison at the school with which they are paired.

The best part of JT is that everyone benefits from this experience: the volunteers (once they get over their initial, and totally normal, nervousness) enjoy the prospect of going into the schools and “reconnecting with their community,” and the kids end up thinking about far more than they think they’re thinking—and they have fun too. In the process, volunteers help to demystify everything associated with the judicial branch—the law, lawyers, judges, the trial process—which breeds greater understanding of the branch and, ultimately, builds greater faith and trust in all the branches of Florida government, the chief justice believes.



Chief Justice Lewis chairs the Select Committee on Justice Teaching.

As of the end of December, 2,200 attorneys and judges had signed up to volunteer for JT. The chief justice’s goal is to have 3,000 so that every public school in the state will have its own personal, legal resource. The chief calls this “our gift to children.” And his hope is that, one lesson at a time, JT will help to build a better future.

photo by Phillip Pollock

PEER MEDIATION: IT’S NEVER TOO EARLY TO LEARN DISPUTE RESOLUTION SKILLS

Over 200 Leon County peer mediators—from three elementary schools, seven middle schools, and one high school—participated in this year’s Mediation Day Celebration Conference, entitled “Let’s Talk About It,” on October 19 at Florida State University. Commemorating Conflict Resolution Day, which falls on the third Thursday of October, students “warmed up” for the conference by engaging in cooperative games; were welcomed by Sharon Press, Director of the Florida Dispute Resolution Center and one of the celebration’s organizers; attended to opening remarks by Chief Justice Lewis; split into small groups for participation in age-appropriate, educational workshops; and then re-joined to eat lunch, pose for school photos, engage in more cooperative games, and receive certificates of attendance.

In welcoming the peer mediators, Sharon Press applauded them for their commitment to resolving disputes peacefully and for their eagerness to take part in this significant international celebration, and she encouraged them to gather close together to recite the Mediation Pledge, copies of which were prominently displayed on easels on the stage: “I pledge to support mediation because it encourages people to solve conflict peacefully. This can make people happier, our neighborhoods safer and create a more peaceful world for all of us to live in,” they intoned in unison.

Passing up the podium microphone, Chief Justice Lewis opted for a hand-held mic, which freed him to ambulate and establish more direct contact with the kids as he spoke. Opening with a sobering note, he remarked that he had been in a three-way conversation the night before with the governor’s office and Death Row: since he’s been at the Supreme Court, he revealed, the darkest moments in his life have been the result of violence. However, mediation can help to prevent violence because it addresses problems before they get out of hand and lead to hatred

and bloodshed. Another advantage of alternative dispute resolution, he declared, is that it “places decision-making in the hands of those involved”; it is “much better to permit the individuals involved to resolve disputes rather than have strangers decide” because, then, “everybody wins: you win as the mediator, and the parties also win.” In closing, Chief Justice Lewis offered some clear, useful suggestions to help the peer mediators in their important work: “First, identify the problem; second, focus on the problem; third, keep an open, open mind; fourth, treat one another with respect; and fifth, be responsible for your own actions.”

After his remarks, all the kids were invited up to the stage, where they jovially rallied around the chief justice for a group photo. Following that, they were separated into small groups to participate in one of the eight educational workshops offered; elementary schoolers chose from “Mediation Skills Through Puppetry” and “Conflicts in Art,” while middle and high schoolers selected from among topics such as “Anger Management,” “Diversity in Action,” and “Listening Respectfully.” All professionally staffed, the workshops were conducted by Florida Dispute Resolution Center employees, certified mediators, teachers, and professors.

By the end of the conference, these students, young as some of them were, could have no doubt about the larger ramifications of their commitment to peer mediation. As Chief Justice Lewis affirmed, they themselves benefit from being peer mediators because they learn personal responsibility and become positive role models; moreover, because peer mediators help solve their fellow students’ problems, their schools also benefit, suffering fewer suspensions and expulsions and less violence. “It is good for you, for your schools, for this community, and for the nation that we be able to resolve any conflicts that arise in a peaceable fashion....The starting place is with each and every one of you,” he reminded them. Despite the seriousness of this responsibility, they clearly seemed to embrace it with exuberance.

FLORIDA JUDICIAL COLLEGE: TRAINING A RECORD NUMBER OF NEW JUDGES

When new judges are elected or appointed in Florida, they aren’t simply handed a black robe, a gavel, and a stentorian voice and instructed to go forth and judge; they are required to participate in a comprehensive and exacting court education program during their first year on the bench. The training process involves two five-day terms of the Florida Judicial College: the first phase, which is in January and is expressly for trial court judges, includes a series of orientation sessions as well as a trial skills workshop, and the second phase, which takes place in March, focuses on substantive legal issues for both trial court and appellate judges. In addition, for the entirety of their first year on the bench, new trial court judges are obliged to participate in the Judicial Mentor Program, for which they get paired with a veteran judge within 48 hours of their election or appointment (see following article).

This year, the Florida Judicial College—often endearingly referred to as “New Judges College”—is preparing for its largest class ever: staff members of OSCA’s Court Education Section anticipate a student body of between 105 and 110

new trial court judges at Phase One, which is scheduled to take place in Orlando (for the sake of comparison, 56 new judges attended last year’s Phase One—and that was one of Florida’s largest classes).

The reason for such a high number? Altogether, 85 new judges were elected to the bench in November—a number that includes the 55 new judgeships for which the legislature recently approved funding

as well as the judgeships for which there was a turnover due to retirement, death, or a contested election. Right now, Florida has an exceptionally hefty number of judges—over 150—who are at some stage of their first year on the bench.



Leon County’s peer mediators gather around Chief Justice Lewis at the October Mediation Day Celebration Conference, held at Florida State University.

photo by B. C. Schwartz

Continuing judicial education has been mandatory in Florida since 1988, and, each year, approximately 900 hours of instruction are offered through live, interactive presentations and distance learning formats. As indicated above, new judges are required to avail themselves of educational opportunities specifically designed for them—but seasoned judges must participate in continuing education programs as well. According to the Judiciary Education webpage, “This education helps judges and staff to enhance their legal knowledge, administrative skills and ethical standards, with the resulting public benefit of competent and fair administration of justice.” And, no doubt, most would agree that this purpose is indeed laudable.

FLORIDA’S JUDICIAL MENTOR PROGRAM: A MODEL FOR OTHER COURT SYSTEMS

Before the dizzying whirl of the election season has slowed, before the tension and suspense of the appointment process has eased—and certainly before they have a chance to digest the fact of their new occupational status—new judges are assigned a mentor judge. This assignment is made within 48 hours of the new judge’s election or appointment; within a week, the mentor judge is expected to make contact with his or her protégé—and to schedule their first meeting.

In addition to attending the two phases of the Florida Judicial College within their first year on the bench, all new trial court judges, whether elected or appointed, are required to participate in Florida’s Judicial Mentor Program. In place since 1991, this program was one of the first of its kind in the country and has won national recognition as a model educational program. Judge Lisa Davidson, Eighteenth Judicial Circuit, is the program director, and Judge John Marshall Kest, Ninth Judicial Circuit, is the associate director.

Designed to ease the dramatic transition from the bar to the bench and make the passage as seamless as possible, the one-year program provides fledgling judges with immediate access to the tools they’ll need as they negotiate their first year in their new role. The mentor’s role is to be proactive: to provide information and serve as a resource; to offer constructive criticism and feedback; to serve as an advocate or intermediary; and to act as a confidant, helping the new judge address any ethical and/or personal

concerns. Though not an exclusive resource, the mentor is a primary contact for the new judge during the first full year in office. Ideally, the mentor and new judge meet before the neophyte begins to hear cases; this way, the new judge has a chance to witness and contemplate the ways in which seasoned judges manage the kinds of matters that he or she will soon be addressing on the bench.

Mentors are appointed by the chief justice for two-year terms; before they are teamed with new judges, mentors undergo rigorous training that highlights issues of which they need to make new judges aware in preparation for this momentous change in their lives (e.g., judicial ethics, judicial policies and procedures, court-related and external resources, continuing judicial education requirements). If invited to continue as mentors beyond their initial term, they are asked to participate in continuing mentor education programs so that they can further hone their skills. At this time (mid-December), the program has 160 mentors—which is somewhat higher than usual, but that’s because Florida has 157 first-year judges, a combined result of the recent election and the legislature’s approval of funding for 55 new judges for the 2006-07 fiscal year (in a more typical year, between 80 and 100 new judges are being mentored at any given time).

Although all new mentors used to train in a central setting, program directors realized that local training is, in fact, far

more effective: not only is it more economical to train new mentors in their own courts with local trainers, but it also allows for more frequent and more individualized training sessions. Also, not surprisingly, each circuit has its own particular culture, and local training is more readily able to emphasize each court’s particular needs, customs, and regional inflections. To ensure high quality local training, the program assigns mentors, a mentor coordinator, and at least one trainer to each of Florida’s 20 circuits.

Because of the caliber and success of the program, judges and court staff are periodically called upon to coordinate workshops for the judicial mentor programs of other

court systems around the country. In November, OSCA’s Cal Goodlett, program attorney for Florida’s Judicial Mentor Program, was invited to take a leading role in one such event for the Judicial Education and Training Committee



Cal Goodlett, senior attorney for OSCA’s court education section and program attorney for Florida’s Judicial Mentor Program, braves the November frostiness of Washington, D.C., to assist the Judicial Education and Training Committee of the D.C. Courts in refining its mentoring process.

of the District of Columbia Courts. Based on his review of an administrative order that more formally structures a mentor program that has evolved over time, Cal assisted the committee in identifying training resources and facilitating discussion of potential refinements for improving the D.C. courts' current mentoring process. Emphasizing the importance of periodic assessment, he suggested that it is usually in everyone's best interest to ask, from time to time, the following three questions: What do we want to *stop* doing? What are we *not* doing now that we want to *start* doing? And what are we doing now that we want to continue—with improvement?

On the whole, Cal characterized the experience as extremely useful and invigorating, saying that he is "very pleased to have been invited to assist the D.C. courts in this fashion." Stressing once again the need for periodic re-assessment, he concluded by readily acknowledging that he "learned much from the experience about how we might look at our own judicial mentoring program."



photo by Phillip Pollock

Joanne Snair (standing), senior court analyst for OSCA's Office of Court Improvement, has been active in the domestic violence project for over four years.

Domestic Violence Case Management Guidelines, which addresses case management standards, processes, expectations, recommendations, and practical, hands-on applications. The first uniform set of guidelines for case managers, it was designed broadly so that it can serve as a model for case management guidelines for other kinds of family cases. This publication has already been distributed to domestic violence coordinators, chief judges, and trial court administrators, and, after its second printing (which will probably be in early January), it will be sent to judges with domestic violence

dockets, family court managers, and other court staff.

Children and Families

STATEWIDE DOMESTIC VIOLENCE COORDINATORS MEET IN TALLAHASSEE

Eager for more training, information, policy and legislative updates, and professional development education, 30 statewide domestic violence coordinators were gratified to have the opportunity to gather together at the supreme court in late October for a day and a half of presentations and interactive learning. Covering the brimming agenda that OSCA's Office of Court Improvement staff developed, coordinators learned about the Chapter 784 judicial checklists, the domestic violence mediation research project, the domestic violence survey project, and the best practices model on child support for domestic violence injunction cases. They also received updates on STOP implementation, the Steering Committee on Families and Children in the Court, and the judicial case management information system project.

In addition, they became intimately acquainted with the contents of the court system's recently-published

Departing from the customary teacher-student dynamic to introduce the coordinators to the Domestic Violence Case Management Guidelines, Court Improvement staff divided the coordinators into four groups, assigning each group the responsibility of presenting the information from one chapter of the publication. The groups were given the freedom to communicate this information in any way they chose, which prompted some extremely creative teaching strategies (for instance, one group chose to present its chapter through a role play scenario, generating a very enthusiastic response). This exercise gave everyone a chance to participate actively in the learning/teaching process, leading to a fruitful and animated exchange of ideas and practices.

OSCA's Joanne Snair, who has been working on the domestic violence project for the past four and a half years, truly values the biannual meetings with the domestic violence coordinators; when they get together, she said, "they are a really comfortable, coherent group; they talk easily with one another, yet they still accomplish a huge amount of work." She is especially impressed with the "great dynamic" they create together. Coordinators are equally enthusiastic about the usefulness of their gatherings; in fact, one volunteered that the October meeting was "the best educational experience that I've ever had." They are eagerly anticipating a chance to converge again in the spring.

DRUG COURT TASK FORCE: CELEBRATING ACCOMPLISHMENTS, TACKLING NEW CHALLENGES

In 1998, the Florida Supreme Court established its first drug court committee to address the legal, policy, and procedural issues that treatment-based drug courts confront. Back then, Florida had only 35 drug courts, and only 20 counties had an operational drug court. Now, at the end of 2006, Florida has a total of 102 drug courts, and 46 counties have at least one operational or planned drug court. These figures underline the significant amount of progress made by Florida's drug courts in only eight years—but they also gesture toward the work that remains to be done. This November in Tallahassee, at its first meeting of the 2006-2008 term, the Supreme Court Task Force on Treatment-Based Drug Courts looked backward toward its triumphs of the last eight years as well as forward to the challenges that remain. Judge Terry D. Terrell, First Judicial Circuit, continues to chair the task force, and Justice Quince remains the supreme court liaison.

After roundtable introductions, Judge Terrell began by identifying some of the noteworthy accomplishments of the 2004-2006 term: among them, the task force fostered standards/guidelines for juvenile and family dependency drug courts; it developed strategies to help judges and court staff incorporate drug court principles into family court proceedings; and it is in the final stages of completing the Adult Drug Court Tool Kit, which identifies best practices for the implementation and operation of adult drug courts.

After five years of perseverance, the task force was also instrumental in effectuating the passage of critical drug-court legislation: the Robert J. Koch Drug Court Intervention Act will lead to the enhancement and institutionalization of drug

courts throughout the state. Referencing a less quantifiable but no less important index of success, Judge Terrell also pointed out that, in adopting the drug court model, especially its case management practices, various other court divisions—e.g., mental health, family-focused, and truancy—have paid a significant tribute to the efficacy of the drug court model.

Having successfully completed its charges as outlined in the 2004 administrative order, the task force is eager to embrace the four new charges spelled out in the 2006 order: 1) prepare a report on the long-term sustainability of drug courts; 2) make recommendations about the appropriate scope of confidentiality in drug court cases; 3) develop a proposal on substance abuse issues and the application of problem-solving court methods to address those issues for continuing education and training of drug court team members and other justice system personnel; and 4) develop a proposal for a statewide drug court evaluation, and research funding sources to support the evaluation ([read administrative order online](#)).

In addition, the task force, with the help of OSCA staff from the Office of Court Improvement, is in the planning stages of providing juvenile drug court implementation training to five judicial circuits; it is also helping the Florida Association of Drug Court Professionals coordinate the 2007 Florida Drug Court Conference, scheduled for late April in Orlando. With this much on the agenda, members of the task force realize they must congregate again soon: in early February, they plan a return to Tallahassee for another meeting.



photo by B. C. Schwartz

Judge Terry Terrell, First Judicial Circuit, chairs the Supreme Court Task Force on Treatment-based Drug Courts; Justice Peggy Quince is the supreme court liaison.

THE COURTS SEEK STRATEGIES FOR ADDRESSING LITIGANTS WITH MENTAL ILLNESS

According to a recent report, “More than half of all prison and jail inmates had a mental health problem,” and 24% of jail inmates and 15% of state prisoners “reported symptoms that met the criteria for a psychotic disorder.” Yet fewer than one-third of these people with mental illness are receiving treatment behind bars (report by the Bureau of Justice Statistics, September 2006).

A recent mental health prevalence study of young people in juvenile justice settings stated that over 70% were found to meet the criteria for at least one mental health disorder, and approximately 25% of them “experience disorders so severe that their ability to function is significantly impaired.” Further, many of those identified in the study were detained in the juvenile justice system “for relatively minor, non-violent offenses but end up in the system simply because of a lack of community-based mental health treatment” (study conducted by the National Center for Mental Health and Juvenile Justice, June 2006).

Florida is not exempt from these problems: based on another new report, in per capita spending on mental health, Florida ranks 48th of the 50 states—allotting only \$37.99 per person/year for mental health services. Although receiving an overall grade of C- for the state, Florida got a D+ for services and an F for provision of infrastructure for mental health (report by the National Alliance on Mental Illness, 2006).

Therefore, it comes as no surprise that the state is currently experiencing a drastic shortage of forensic psychiatric beds: on the Department of Children and Family’s waiting list for a forensic bed are more than 300 people, despite a statutory requirement that DCF provide one within 15 days of the issuance of a court order to place mentally ill defendants in a state forensic hospital. (Note: on January 10, the legislature approved a 16.6 million dollar budget amendment to create 360 more mental-health beds to mitigate the backlog of mentally ill inmates who are deteriorating in Florida’s jails.)

These data about the prevalence of mental illness among inmates and among young people caught up in the juvenile justice system—coupled with the state’s poor grades for

mental health provisions—are of acute concern to the courts because, when people are unable to get the mental health services they need, they often end up in the criminal justice system—which ends up becoming the treatment of last resort.

Seeking ways to address the increasing numbers of individuals with mental illness coming into contact with the court system, Chief Justice Lewis directed the Steering Committee on Families and Children in the Court to “create a subcommittee to study and examine the scope, impact, and relationship of mental health issues with regard to individuals involved in the justice system. Based on this study and examination, develop recommendations for courts to address, process, and deal with individuals having mental health issues and formulate an action plan for implementation of the recommendations by the court system” (task 2 of the administrative order; [read it online](#)). Undergirding the creation of the subcommittee is the directive to look at mental health issues through the lens of family courts—in other words, the subcommittee should not just consider these issues within the criminal system, but, rather, should address specific points in the system (e.g., dependency and juvenile delinquency) at which an enhanced focus on the mental health needs of children and families may prevent individuals from ending up in the criminal justice system. With these goals in mind, the Mental Health Subcommittee came into being.

The subcommittee, which met in December in Tampa, hosted three speakers: Judge Nikki Clark, Second Judicial Circuit, chair of the Steering Committee on Families and Children in the Court; Judge Steven Leifman, Miami-Dade County, chair of the Mental Health Subcommittee (as well as co-chair of the Eleventh Judicial Circuit’s Mental Health Committee, which was instrumental in implementing Miami-Dade’s Jail Diversion Expansion Program); and Judge Mark Speiser, Seventeenth Judicial Circuit (chair of his circuit’s Mental Health/Criminal Justice Task Force and one of the moving forces in the 1997 creation of Broward County’s mental health court, the first in the nation).

The membership of the Mental Health Subcommittee encompasses a wide array of professionals with expertise in the mental health field and includes judges, a court administrator, attorneys, public defenders, law enforcement officers, representatives from various state agencies (DOC, DCF, and DJJ), a state representative, and, of course, mental health specialists. The constitution of the subcommittee reflects the realization that judicial change alone is not sufficient to effect palpable transformation; success depends upon a fruitful collaboration among those



in the criminal justice system, mental health professionals, substance abuse professionals, and social services providers. In fact, of the Florida courts that have already established innovative programs for litigants with mental illness, all of them, in order to operate capably, depend on thoughtful coordination between the courts and community and state-provided mental health services.

The subcommittee will begin by analyzing the range of mental health issues that surface in the justice system—those within the unified family court, the probate, and the criminal dockets. According to Janet Bowman, senior attorney with OSCA's Office of Court Improvement and lead staff to the subcommittee, "At this point, the subcommittee's greatest challenge will be narrowing and identifying the issues that can be effectively initiated from within the judicial system."

Fairness and Diversity

THE STANDING COMMITTEE ON FAIRNESS AND DIVERSITY: AN UPDATE

Established in 2004, the Standing Committee on Fairness and Diversity has been tasked with spearheading the court system's endeavors to eradicate bias (race, gender, ethnicity, age, disability, socioeconomic status, as well as characteristics that lie outside legal protection) from court operations. Toward this end, the committee created an on-line court diversity information resource center; it researched and produced a report on strategies for promoting the diversity of law clerks and staff attorneys and is currently implementing these strategies; and it compiled a bibliography of resources on diversity and fairness in the justice system to assist in determining the need for new or updated research. Despite these achievements, the committee can't rest on its laurels yet, for it is engaged in several other colossal

undertakings: currently, it is chronicling perceptions of fairness in Florida's court system and evaluating court access for people with disabilities.

For its outreach project on perceptions of fairness in Florida's courts, the committee has aspired to generate a broad, representational range of responses from across the state. To produce a far-reaching set of comments, the committee scheduled public meetings in four different regions of Florida, rightly anticipating that each meeting would attract a distinct speaker base. The committee held a two-day meeting in Miami (last January) as well as day-long meetings in Tallahassee (in October) and in Orlando (in December). In early February, in what will be its final public meeting, the committee will hear from speakers in the Jacksonville area.

The Miami public meeting was set to coincide with The Florida Bar's midyear meeting. Not surprisingly, then, the majority of the speakers reflected upon their experiences in Florida's courts as women or minorities in the legal profession—or upon the experiences of their clients who are women or minorities.

The meeting in Tallahassee drew a more heterogeneous population of speakers; because it's the state capital, Tallahassee primarily drew speakers from state agencies, not-for-profits, associations, and other government-related entities. The predominant focuses at this meeting were perceptions of fairness in domestic violence, juvenile delinquency, and guardianship proceedings, although a number of speakers focused on minority and disability matters as well.



photo by B. C. Schwartz

Craig Brown, president of the Tallahassee Bar-risters Association, was one of the speakers at the Tallahassee public meeting on perceptions of fairness in Florida's courts.

Some speakers addressed similar issues at the Orlando meeting—e.g., concerns about children in the justice system, family court, and minorities in the criminal justice system—but this session also drew a far greater proportion of public court users (especially users who had been self-represented litigants) than the prior two meetings. These speakers typically discussed their difficulties in trying to navigate the court system; not really grasping how the justice system operates, they felt that they hadn't received procedural justice, and they attended the public meeting to describe their courtroom experiences.

As part of its outreach endeavor, the committee also conducted a formal survey of over 5,000 judges, court personnel, attorneys, jurors, litigants, and members of the public regarding their perceptions of justice in Florida's court system. After the public meeting in Jacksonville,

the committee will analyze the transcripts of all four meetings—plus the survey data—with the goal of creating an encyclopedic report on the perceptions of fairness in Florida’s courts. The committee aims to complete the report by June 30, 2007.

Meanwhile, the standing committee is also turning its attention to court access for persons with disabilities.

Chaired by Nick Sudzina, trial court administrator of the Tenth Judicial Circuit, the Court Access Subcommittee had its first meeting in November at Stetson University College of Law. The subcommittee consists of approximately 20 people, about half of whom work within the judicial system. Others were selected for their expertise on the Americans with Disabilities Act or for their experience as representatives of the disability community (these members have affiliations with the Division of Blind Services, the Advocacy Center for Persons with Disabilities, the Brain and Spinal Cord Injury Program of the DOH, the Florida Developmental Disabilities Council, the Deaf/Hard of Hearing Legal Advocacy Program, the Disability Independence Group, the Boley Center for Behavioral Health Care, the governor’s ADA Working Group, and the attorney general’s Office of Civil Rights, among other organizations).

According to the administrative order, the Court Access Subcommittee is charged with “provid[ing] input and advice on the judicial branch initiative to survey and reassess access to the courts for persons with disabilities, pursuant to Title II of the Americans with Disabilities Act of 1990 (ADA).” At its meeting, the subcommittee reviewed its charge, discussed the planned court disability activities (e.g., performing new self-evaluations of all court facilities, developing updated transition plans, sharing information about successful initiatives branch-wide), and ruminated over the impact of the trial court funding structure on ADA compliance. The rest of the day-long meeting was a balance of informational presentations, brainstorming, and discussion.



Steve Howells, of the Advocacy Center for Persons with Disabilities, discussed the issues of fairness, diversity, and accessibility at the public meeting in Tallahassee.

photo by B. C. Schwartz

One of the reasons for the location of the meeting was the prospect of touring the William R. Eleazer Courtroom at Stetson University College of Law. This courtroom is one of the first in the country to marry state-of-the-art technology with a barrier-free architectural design (meaning that the design provides enhanced access to the courts and to justice for elders and people with disabilities). For instance, the paint colors in the courtroom were chosen because they

make it easier for elders and those with low vision to see; the carpet has inlays that point to the seating rows so that people using walkers can more easily see where to go as they look for seats; the rows have sizable distances between them to accommodate walkers and wheelchairs; the edges of the desks are rounded—no sharp corners—so that people have less of a chance of hurting themselves; and the courtroom has various assistive listening devices and specially-designed mics for accessibility. The courtroom, though elder-friendly, is not completely disability-friendly yet. But it is still far more advanced than most other courtrooms in the country and gestures promisingly toward what a truly disability-friendly courtroom can be.

Despite the ponderousness of the challenges as well as the likely obstacles, both external and internal, confronting them, subcommittee members are, on the whole, upbeat about their responsibilities. In particular, they are enthusiastic about working with colleagues who have such an extraordinary breadth of knowledge and experience about the barriers facing people with disabilities as they access Florida’s courts.

Technology

FIRST APPEARANCE CALENDAR MAKES ITS PUBLIC DEBUT AT FDLE

For a while now, Florida's judges and court personnel have been hearing a lot about the state court system's Judicial Inquiry System (JIS)—the web-based system that, with a single query, lets judges, clerks, state prosecutors, defense attorneys, and other justice system partners access records and information from a host of local, state, and federal agencies (altogether, 13 different data sources are streamlined into the JIS, including the Department of Corrections, the Department of Law Enforcement, and the Florida and the National Crime Information Centers). Agile and expeditious, the JIS, which went into full production a year ago, enables users to get necessary information (e.g., a complete criminal history background check) quickly, thus saving both time and money. All circuits are connected to the JIS, and, boasting over 3,000 users, it continues to accrue roughly 75 new users each week (in fact, the Department of Corrections recently requested access for another 3,000).

Judges and court personnel are also aware that the JIS had to be expanded to accommodate the requirements of the Jessica Lunsford Act (JLA), signed into law in May 2005, which sentences to no fewer than 25 years in prison—and to tracking for life—anyone who preys on a child under 12. According to the statute,

To facilitate the information available to the court at first appearance hearings and at all subsequent hearings for these high-risk sex offenders, the department [of Corrections] shall, no later than March 1, 2006, post on FDLE's Criminal Justice Intranet a cumulative chronology of the sex offender's prior terms of state probation and community control, including all substantive or technical violations of state probation or community control. The county jail in the county

where the arrested person is booked shall insure that state and national criminal history information and all criminal justice information available in the Florida Crime Information Center and the National Crime Information Center, is provided to the court at the time of the first appearance. The courts shall assist the department's dissemination of critical information by creating and maintaining an automated system to provide the information as specified in this subsection and by providing the necessary technology in the courtroom to deliver the information.

Section 948.061(2), Florida Statutes

The statute mandates that OSCA, FDLE, and the Department of Corrections each play a part in addressing the requirements of the statute. And on October 19, at FDLE headquarters in Tallahassee, the three agencies did a joint presentation of their systems, taking advantage of this opportunity to demonstrate what they've accomplished since the JLA was signed into law.



Christina Blakeslee, of OSCA's Information Systems Services, is the project manager of the Judicial Inquiry System.

photo by B. C. Schwartz

The most acclaimed and consequential feature of the recent JIS expansion is the JLA First Appearance Calendar, which, since April, has been fully operational and available to judges, state attorneys, public defenders, case managers, and law enforcement. This Calendar automatically flags those who have been classified by the Department of Corrections as high risk sex offenders, providing judges and justice system partners with immediate access to the information they need for the appropriate handling of the recently-arrested both before and during their first appearance for arraignment.

However, in expanding the JIS to accommodate the JLA, Florida's court system not only met the statutory requirements; it exceeded them: the statute requires only that high-risk sex offenders be flagged, but the Calendar flags registered sex offenders as well, also indicating whether they are on probation, have an injunction or warrant against them, have an invalid drivers license, etc. According to OSCA's Christina Blakeslee, project manager of the JIS, "With the implementation of JIS, the criminal justice arena now has electronic access to multiple data sources that provides a comprehensive look at individuals appearing in front of a judge. It is a tremendous benefit to the users to have multiple data sources queried with one transaction in an efficient, secure manner. One of the greatest advantages of the system is the flagging of individuals who are high risk sex offenders, individuals who have an outstanding warrant, domestic injunctions, etc."

Another advantage of the Calendar is that users do have some flexibility. For instance, they can modify it to establish their own cut-off times; they can manually add someone to the Calendar, prompting the population of the data sources; and they can even do a booking event search to find out in which county someone was arrested. In addition, users can electronically add themselves to a list that enables them to get instant email notifications when someone in their circuit has been arrested for a sex offense.

In developing the Calendar, OSCA's Information Systems Services guaranteed that the necessary information would be available to users. However, that didn't mean that the information could be delivered to users. Therefore, in order to make sure that this information could actually be accessed in every courtroom, ISS had to connect to the state courts network the 19 counties that were not yet connected. It also put "network drops" into the 12 courtrooms that did not yet have Internet access, and it created 14 wireless access points to enable wireless connections in the courtrooms. In addition, it purchased 150 pieces of sorely-needed equipment—laptops and PCs—for some of the courts. Now, at first appearance, judges and other prescribed users have the means to access the information they need for safeguarding the public—especially Florida's most vulnerable.

So far, users have been overwhelmingly enthusiastic about the enhanced JIS. Asked about the impact on his organization, one user declared, "Big impact! Our background checks and other investigative needs are met in a quarter of the time." Another noted, "It allows more time to review and process the data and [takes] less time getting and retrieving the information." For another, "Finding background information on a defendant through a search engine is a very important tool in sentence enhancement as well as noticing a similar pattern of behavior by a defendant." As for the impact of having access to all this valuable information in one place, one user said, "Less frustration and more productivity. Less careless errors, more consolidated information available at a moment's notice." Another satisfied user summed up the system's benefits in one word: "Immeasurable!"



photo by Phillip Pollock

Turning Points

AWARDS AND HONORS

Justice Harry Lee Anstead received the J. Ben Watkins Award for Excellence in the Legal Profession. The award, presented by the *Stetson Law Review*, honors someone who has contributed significantly to the legal community.

Judge Richard W. Ervin, III, First DCA, has retired after 30 years on the bench. On December 8, a ceremonial session of the First DCA was held in his honor. The courtroom was full to capacity: in attendance were Justices Lewis, Wells, Pariente, and Quince, five former judges of the First DCA, as well as numerous family members and friends. After Chief Judge Edwin B. Browning, Jr., welcomed everyone and made introductions, Judge Chris W. Altenbernd (Second DCA), The Honorable Robert P. Smith, Jr. (former judge, First DCA), Wendy S. Loquasto, Esq. (Judge Ervin's former law clerk), and Thomas M. Ervin, Jr. (Judge Ervin's cousin) offered remarks—both weighty and mirthful—about their professional and personal relationships with Judge Ervin. Each speaker alluded to Judge Ervin's kindness, commitment, energy, high principles—and his sense of playfulness. In summing up, Chief Judge Browning declared that Judge Ervin "is one of the three best appellate judges to serve in Florida."

Judge W. Wayne Woodard, Charlotte County, received an Outstanding Service Award from the Florida Statewide Advocacy Council. He was honored, in part, for his service with teen court, over which he has presided for the last 14 years.

Mr. Tom Hall, Clerk of the Florida Supreme Court, was recently elected vice president of the National Conference of Appellate Court Clerks.



photo by Christopher Corzine, 1st DCA

Following the ceremonial session of the First DCA, held in honor of Judge Richard W. Ervin, III, who retired after 30 years on the bench, a reception was held.

IN MEMORIAM

Judge T. Mitchell Barlow served on the bench in Brevard County (2000-2006).

Retired Judge E. Randolph Bentley served on the bench in the Tenth Judicial Circuit (1975-1997).

Michael Cycmanick served on the bench in Orange County (1976-1982) and in the Ninth Judicial Circuit (1982-1998).

Retired Judge Theron A. Yawn, Jr., served on the bench in Bradford County (1952-1973) and in the Eighth Judicial Circuit (1973-1988).

When judges and court personnel receive awards or honors for their professional contributions to the branch, please send the information to schwartzb@flcourts.org

January 2007

- 3-5 Florida Conference of County Court Judges Education Program, Amelia Island, FL
- 3-5 Trial Court Administrators Education Program, Amelia Island, FL
- 7-12 Florida Judicial College Phase I, Orlando, FL
- 22 Judicial Management Council Meeting, Tallahassee, FL
- 22-23 Judges JRS Forum Group Meeting, Tampa, FL
- 24 FCTC Privacy & Court Record Report Workgroup Meeting, Tallahassee, FL
- 24-28 Judicial Assistants Association of Florida (JAAF) Education Program/
Winter Conference, Lakeland, FL
- 25 FL Bar Pro Bono Awards Ceremony, Tallahassee, FL
- 26 Court Interpreter Certification Board Meeting, Tallahassee, FL
- 26 FL Supreme Court Committee on ADR Rules & Policy Meeting, Orlando, FL
- 30-30 Steering Committee on Families & Children in the Court Meeting, Tallahassee, FL

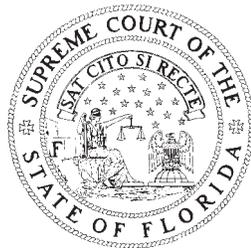
February 2007

- 2 Standing Committee on Fairness & Diversity, Public Meeting, Jacksonville, FL
- 6-9 DRC County Mediation Training, Brooksville, FL
- 8-9 Court Interpreter Oral Language Exams, Miami, FL
- 15-16 Supreme Court Committee on Standard Jury Instructions in Civil Cases, Tampa, FL
- 26-27 Florida Judicial Branch Education Summit, Tampa, FL

March 2007

- 2-3 Court Interpreter Orientation Workshop, Tampa, FL
- 4 Court Interpreter Written Exam, Tampa, FL
- 6 Florida Legislature Convenes
- 11-16 Florida Judicial College Phase II, Orlando, FL
- 29-30 FL Supreme Court Committee on ADR Rules & Policy Meeting, Tallahassee, FL

**ON
THE
HORIZON**



Under the direction of
 Supreme Court Chief Justice R. Fred Lewis
 State Courts Administrator Elisabeth H. Goodner
 Deputy State Courts Administrator Blan L. Teagle
 Publications Attorney Susan Leseman

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