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A Message from Lisa Goodner, State Courts Administrator

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As Chief Justice Canady frequently points out, "As a result of the global recession and the subsequent decline in state financial resources, the Florida State Courts System has sustained significant reductions in operating funds and staff positions" at a time when we're experiencing "greater demands on the system." Under these taxing circumstances, what can we do to ensure that people who come to court can obtain justice without reasonable delay? The chief justice's answer has been unequivocal: we must focus on managing court resources and services as effectively and efficiently as possible. With a budget shortfall now projected at between \$3.6 and \$4.6 billion for fiscal year 2011/12, we all have to do our part to make sure we're seeking every innovative, creative idea we can come up with to conserve resources and live within our means.



Reviewing the articles in this edition of the *Full Court Press* was an encouraging experience for me, for they salute some of the many ways we're working to stretch our dollars without jeopardizing our mission to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes. Through a combination of tightening our belts and developing more efficient ways of doing business, the court system is looking both within and without, through collaborations with our state government partners, to make the best use of taxpayer dollars.

You'll read about the Florida Courts eFiling Portal and the Trial Court Integrated Management Solution, which promise to save time and money for everyone who works in or uses the court system. You'll also learn about some of the exciting innovations in remote court interpreting; remote interpreting not only cuts costs, but also ensures that interpreters are available where and when they're needed. This edition also highlights some of the online learning resources we've developed, both to save money and to enable judges and court personnel to receive certain kinds of training at their convenience.

Those stories focus on ways we're **looking within** to promote greater economies and efficiencies. But we're also making efforts to **look without**, working with our partners statewide to help us all save money and time. What first comes to mind is a recent report on alternative sentencing, co-authored by OSCA and the Dept. of Corrections, which offers the legislature suggestions about less costly ways to deal with offenders. And in this newsletter, you'll learn about other such collaborations—for example, the court's Steering Committee on Families and Children in the Courts and the Substance Abuse and Mental Health Issues in the Court Task Force—which try to save money for all of us while aiming to improve our justice system for the people who use the courts and the communities of which they're a part.

The Third Branch is acutely mindful of its need to spend its own resources wisely and of its role, as one of the three branches of government, to be a responsible guardian of taxpayers' dollars. If we continue to train our focus on efficiency, accountability, and collaboration with the other branches, we will get ourselves through these recession years—and become a stronger system in the process.

Sincerely,
Lisa Goodner

Welcome

Charles T. Canady, the Supreme Court's 54th Chief Justice, Focuses on Court Funding

Last spring, in keeping with constitutional requirements, judicial rules and procedures, and court tradition, the justices unanimously elected Justice Canady to serve as the chief administrative officer for the judicial branch for a two-year term starting on July 1, 2010.

In deference to the state's constrained budget and its enduring fiscal challenges, the incoming chief chose to commemorate this rite of passage with a simple, unassuming swearing-in ceremony, to which he invited only his family, his colleagues on the bench, and supreme court and OSCA staff. In the echoing halls of the supreme court rotunda on the final day of last June, Chief Justice Quince passed the gavel to Justice Canady.

After thanking his colleagues for their confidence in him, Justice Quince for her "firm and steady leadership," and supreme court and OSCA staff for being "a wonderful team," Chief Justice Canady drew attention to the branch's most pressing challenge, court funding. "We have a system in Florida that is not funded as it should be," he stressed. "[When] we compare the resources we get with the resources that other state judiciary systems receive, we see we are a very lean system."



On June 30, 2010, Justice Charles T. Canady became the fifty-fourth chief justice of the Florida Supreme Court.

In other forums, Chief Justice Canady makes similar points: "Florida ranks forty-fifth of the fifty states in the number of judges per 100,000 population. We have only 4.7 judges per 100,000 population," he remarks. And he calls attention to the number of judges per population of 100,000 in other states: New York has 5.7; Pennsylvania has 8.2; Wisconsin has 8.7; New Jersey has 8.9. To this, he adds, "Many states have more than twice as many judges per capita as we do in Florida. Among the states that fall in that category are Texas, Georgia, Missouri, Colorado, Alabama, and South Carolina."

He raises these comparisons not because he wants Florida to catch up with these other states. Rather, it's to emphasize that "Florida has a lean, efficient judicial system, a system in which the judges and support personnel are working hard to provide justice for the people of Florida."

Florida's court system is already severely taxed. The chief justice reminds listeners that, within the last few years, the courts lost funding for magistrates, hearing officers, and case managers, among others—support personnel who address the sorts of issues that don't demand the immediate involvement of a judge and who thereby free up judges to handle more critical concerns; judges now have to attend to these matters. On top of these losses has been the avalanche of foreclosure cases, which has created critical backlogs. And "backlogs," he warns, "undermine the vitality of the rule of law."

Chief Justice Canady re-cognizes that Florida, like the rest of the nation, "has experienced an unprecedented shortfall in revenues and that all parts of Florida government have been required to make adjustments to the fiscal realities facing the state."



Phillip Pollock, OSCA

In January, Chief Justice Canady gave tours of the supreme court to, and answered questions from, over 40 Florida House and Senate members. In this photo, the chief justice (on the right) talks to Representatives Peter Nehr, Shawn Harrison, Larry Metz, and Kelli Stargel.

And he acknowledges the inevitable trials ahead: "The Legislature continues to face an extraordinarily challenging situation in producing a budget for the state within the revenues that are available." He is quick to convey that he is "grateful—very grateful—to the Legislature for stabilizing our funding after the initial cuts at the beginning of the fiscal crisis [2007/08]." But he underscores that "Further reductions in the resources we are provided would threaten to seriously compromise our ability to do the work we are called on to do."

"Ultimately," he declares, "this is not merely a question of providing resources for a government system or institution. It is about providing resources to meet the needs of Floridians for justice. It is about the litigants who come to our courts seeking justice. It is about the men, women, and children whose lives may be drastically affected if Florida's courts cannot consider their cases in a timely manner."



For the members of the Florida Courts Technology Commission, Melvin Cox (standing), the IT director for the Florida Association of Court Clerks and Comptrollers, demonstrates how the Florida Courts eFiling Portal works.

BC Schwartz, OSCA

Since these early forays into the domain of e-filing, the court system has proceeded deliberately in its endeavor to facilitate the electronic delivery of court records and supporting documents from lawyers and litigants to the clerks of court. Technology continues to astound the world with its life-changing advances, but, as State Courts Administrator Lisa Goodner often emphasizes, if the new technologies don't provide the courts with outcomes that are at least as good as, if not better than, before, then adopting them would merely squander money and time. To truly improve the administration of justice, e-filing must reduce costs for the court and the clerks; ameliorate case processing and case management; and enhance attorneys' and litigants' courtroom experience and their secure access to the courts—without substantially increasing their costs to use the courts.

Now, after years in development, an e-filing system that will achieve all these goals is ready for release. Soon, all Florida attorneys, regardless of where they are located and with which Florida court (and which tier of court) they are filing—and needing nothing more than a computer and web-access—will be able to file their court documents electronically.

The path to this significant breakthrough has not been uncomplicated. Before e-filing could become a reality, the court system had to develop or acquire a statewide e-filing portal: a uniform, public, Internet-based "gateway" or access point for the transmission of electronic court records to and from all Florida courts. Toward that end, in November 2007, the supreme court tasked the Florida Courts Technology Commission, chaired by Eleventh Circuit Judge Judith L. Kreeger, and the Electronic Filing Committee, chaired by Thirteenth Circuit Chief Judge Manuel Menendez, Jr., with developing a plan for the portal, directing them to propose policies to ensure uniformity as well as standards to secure a comprehensive electronic record.

Approved and adopted by the supreme court on July 1, 2009, their report, *Florida Supreme Court Statewide Standards for Electronic Access to the Courts*, identifies the major components of the electronic court; offers a conceptual model of the portal; details the standards for e-filing that must

Technology

The Cautious Migration Toward Electronic Filing in Florida's Courts

Florida's court system has been working on automating the process for filing court records for many years now. In fact, the supreme court established its first set of rules on electronic filing, or e-filing—which, back then, meant filing by fax—more than three decades ago, in 1979. These rules established the requirement for supreme court approval for all e-filing systems implemented in the trial courts. Then in 1996, seeking assistance with reviewing the plans proposed by the clerks of court to implement the e-filing of documents, the court established its first Electronic Filing Committee.

be used by any parties submitting e-filing plans for the court's consideration; describes a framework for developing a baseline for a court case management system; and addresses governance and oversight issues. ([Follow this link to access the report.](#))

A few months later, the Florida Association of Court Clerks and Comptrollers (FACC) announced it had built a portal that the courts could utilize. FACC already had an infrastructure for e-filing documents like deeds and for making electronic child support payments; by tweaking this operationally-successful system, FACC was able to develop something that would be useful both to the courts and the clerks.

Soon thereafter, the supreme court and FACC began negotiating the terms of two fundamental agreements. The first, signed by eight clerks of circuit court and the clerk of the supreme court, Tom Hall (as the designee of the chief justice), was an interlocal agreement to establish the Florida Courts E-Filing Authority, a public entity that would own the portal and make the business decisions regarding its operation. The second agreement is a development agreement between the E-Filing Authority and FACC providing that FACC will design, develop, implement, operate, upgrade, support, and maintain the portal for the benefit of the E-Filing Authority; as vendor, FACC will also pay for the cost of operating the portal.

In January, the portal went "live." Over the course of the next year or so, statewide e-filing will grow incrementally: at first, e-filing will not be available in all parts of the state, and e-filing will be possible only in five trial court divisions: probate, circuit civil, county civil, family, and dependency. Moreover, in the early stages, only the supreme court and the Second DCA will be able to accept appellate e-filings. Within the year, however, e-filing will expand to include the other five trial court divisions (civil traffic, criminal traffic, juvenile delinquency, county criminal, circuit criminal), and the other four DCAs will gradually be able to accept e-filings as well. ([To learn about the various e-filing initiatives that have been approved thus far, follow this link.](#))

Also, only attorneys will be able to e-file at first—in fact, eventually, as e-filing becomes increasingly available in the various trial court divisions, attorneys may be required to file electronically. In time, however, self-represented litigants will also be able to file documents electronically: FACC is working on a specialized e-filing program that, much like tax preparation software packages, will walk a pro se party through a series of questions and create the pleading for him or her.

As for the costs associated with filing electronically, court users who e-file will pay no more than they would for a traditional paper filing—unless they use an electronic check or a credit card to pay the filing fee. The E-Filing Authority recently approved the use of certain credit cards for paying filing fees (MasterCard, Discover, and American Express), but, because the state has to "break even," e-filers will be responsible for the small merchant fee that credit card companies charge for using their card. So e-filers will pay the normal filing fee—and the merchant fee if they use a credit card—but they will incur no additional expenses in filing electronically.

The E-Filing Authority has developed a website for the portal (at <https://www.myflcourtaccess.com/>). It plans to post a promotional video, a kind of comprehensive tutorial, which will demonstrate how the portal works and what filers can expect. The video should help to assuage the anxieties that this momentous shift to e-filing might stir up. For, as Tom Hall, supreme court clerk and E-Filing Authority member, acknowledged, "E-filing is going to be a profound change for the court system; it will change the way court users and courts do business." Nonetheless, he added, "I feel very confident that this system is going to work. There will be some things that we [the eight clerks of circuit court

As Tom Hall, supreme court clerk and E-Filing Authority member, acknowledged, "E-filing is going to be a profound change for the court system; it will change the way court users and courts do business." Nonetheless, he added, "I feel very confident that this system is going to work."

and the supreme court clerk] will disagree on," he conceded, but "We're all clerks. We all want to get e-filing up and running to make it easier, cheaper, and more efficient for people to file electronically. We are all in agreement about this," he emphasized.

E-filing is sure to benefit everyone who utilizes or works in the court system: the public and the legal community will have easy and convenient access to the courts; clerks won't have to spend time scanning, processing, copying, and searching for paper documents; and judges and court employees will be able to retrieve case-related documents more readily, which will improve judicial case management and increase the timely processing of cases. In addition to saving time for everyone, these enhancements will reduce the costs associated with using and storing court records in paper form.

An Introduction to TIMS, the Trial Court Integrated Management Solution

The Florida State Courts System as we currently know it has actually been evolving for nearly four decades. Previously consisting of a throng of at least 10 different kinds of fairly independent courts of varying jurisdictions and statures, Florida's judiciary didn't really begin to approach being a "system" until the passage of a voter-approved 1972 constitutional revision that dramatically reshaped Article V (the article in Florida's constitution that establishes the judicial branch). Modifications included the formation of the two-tier court structure, the creation of the position of the chief judge, and the designation of the chief justice as the chief administrative officer for the whole court system.

Structurally unified for the first time, the court system soon found itself pressed to make further advances toward systematization. Courts across the state were facing considerable challenges: case numbers were continuing to rise; crime classification was expanding; new, mandatory criminal procedural requirements needed addressing; legal issues were becoming more complex; and state demographics were changing. To meet these challenges satisfactorily, the courts had to employ a more extensive web of support personnel (e.g., case managers, magistrates and hearing officers, court interpreters, administrative and technology staff). In order to manage these supplementary resources skillfully, the courts began to embrace administrative unification.

Still lacking, however, was budgetary unification. The state continued to fund the salaries of judges and their assistants. But the counties paid most of the other costs of running the court system—which often meant substantial discrepancies in funding and services between one county and another. Passed by voters in 1998, and implemented in 2004, Revision 7 was designed to relieve local governments of the increasing costs of subsidizing the trial courts and to ensure equity in court funding for each county—thereby providing all Floridians with access to the same essential trial court services, regardless of where in the state they reside.

As a result of these advances—starting with structural unification and progressing to administrative and budgetary unification—the court system has become better organized and more consolidated, able to provide more consistent and equitable treatment to

Floridians all across the state. Yet, despite these momentous movements toward uniformity and system-building, a critical piece has been lacking....

For over two decades, various judicial and legislative bodies have talked about and documented the need to automate, statewide, certain functions of the trial court system—related, in particular, to case processing. With a statewide automation system, the branch would achieve two considerable goals. First, a statewide system would bolster the frontline efforts of judges, court staff, and clerks of circuit court, helping them more effectively move cases and better meet the needs of court users. In addition, it would produce uniform and comparable information that could be used to feed the supreme court's policy and budget decisions, thereby supporting the management of the entire court system.

In the past, to provide data for their own use, several circuits and counties constructed local automation systems for case management, document management, and case scheduling that are helpful in their particular jurisdictions. And to address a portion of the trial courts' automation needs and to provide certain prescribed statewide data, several statewide systems were engineered: for example, OSCA built summary data systems, a case management system for dependency cases, and a data query system for accessing information about current arrestees; also, the Florida Association of Court Clerks created a statewide data query system for court case information. But the need for statewide automation has lingered.



While some attempts have already been made to address this issue, TIMS—the court system's Trial Court Integrated Management Solution—promises to be a more comprehensive answer to this need for a statewide automation system. Most

significantly, TIMS will automate case processing—which will include case intake, document management, case management/tracking, case scheduling, court proceedings, and resource management. Moreover, through its ability to collect comparable data across the trial courts, TIMS will also assist with the measuring of performance. Meanwhile, because TIMS will help the court system process cases in an effective, efficient, timely manner and because it will support the court system's efforts to utilize public resources effectively, efficiently, and accountably, it will also be advancing the goals and strategies of the court system's long-range plan (in particular, goals 2.1, 2.2, 2.3, and 5.1. [Follow this link to access the Long-Range Plan](#)).

TIMS will evolve in three phases. Phase One will entail identifying the information, by case type, that needs to be accessed and tracked by judges, case managers, and other court staff in order to move cases efficiently and effectively through the trial court process. Also in this phase, both at the circuit and statewide reporting levels, the key caseload and workload information that is essential for performance and resource management will be determined. Beginning with a technology assessment, Phase Two will generate recommendations about the most feasible technological approach to an automated solution that best meets the trial courts' identified needs. Depending on legislative support, in Phase Three, an implementation plan will be developed. It's important to emphasize that, throughout the process, concerted efforts will be made to build upon existing court and clerk resources, both technological and staffing—thereby minimizing the need for new resources or new sources of funding.

TIMS will be the product of a remarkably broad, cross-collaborative effort. The supreme court will govern the project, but four court committees will serve as its primary sponsors: the Commission on Trial Court Performance and Accountability; the Court Statistics Workload Committee (of the TCP&A); the Steering Committee on Families and Children in the Court; and the Florida Courts Technology Commission. Along the way, multiple project partners/subject matter experts will also participate, including the clerks of court and their staff, the Florida Association of Court Clerks, the Trial Court Budget Commission, the Task Force on Substance Abuse and Mental Health Issues, the Dependency Court Improvement Panel, the conferences of circuit and county judges, trial court chief judges, trial court administrators and their staff, and OSCA—as well as state attorneys, public defenders, the private bar, legal aid associations, and various state agency representatives.

This level of synergism is truly exceptional. As Sharon Buckingham, senior court operations consultant and OSCA project lead for phase one of TIMS, remarked, "After working with OSCA for over a decade and staffing numerous court committees during this time, I have never worked on such a collaborative project that involves so many different committees and important stakeholders. Some may tend to think that this level of collaboration may make a project more complicated and difficult to coordinate,

and while that may be true, this type of collaborative effort makes the resulting product significantly more effective, useful, and better suited to the realities that we deal with day-to-day as a court system."

If TIMS works as envisioned, judges and court staff, who will more readily be able to get the information they need to process cases, will be empowered to work more deftly. TIMS will also assist the court system's efforts to be accountable for the resources it uses. Moreover, the parties navigating the court system will reap the benefits of a more effective and efficient trial court process. And last, but not least, with the information that TIMS will make available, Florida's court system will be that much closer to being a true *system*.



Phillip Pollock, OSCA

Sharon Buckingham, senior court operations consultant with the Court Services Unit, is the OSCA project lead for phase one of the Trial Court Integrated Management Solution.

Fairness and Diversity

Enhancing Accessibility: The Court System Prepares for Revised ADA Regulations

Often referred to as the most significant piece of federal legislation since the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), passed by Congress in 1990 to ensure the civil rights of citizens with disabilities, recently marked its twentieth anniversary. On July 1—his first day as chief—Chief Justice Canady observed this legislative landmark with a proclamation in which he declared that "July 2010 shall be known within the State Courts System as a month of commemoration in honor of the Twentieth Anniversary of the passage of the Americans with Disabilities Act." He also "reaffirm[ed] the court system's commitment to full compliance with the Act," and he concluded by "call[ing] upon judicial officers and court staff members to renew their efforts to eliminate obstacles that prevent full inclusion of all Floridians in the State Courts System." ([To read the full text of the proclamation, follow this link.](#))

Not long after the chief justice issued his proclamation, the US Department of Justice published new regulations regarding the implementation of Title II of the ADA, which regulates access to the services, programs, and activities of state and local government. At the same time, the department adopted new ADA Standards for Accessible Design, which govern new construction and renovations to existing facilities. The department also announced its intentions to publish rules governing the accessibility of websites and invited comment on a number of related matters.

New Regulations Implementing Title II of the ADA

Among the revisions to the Title II Regulations that will affect the courts is the creation of a two-tiered approach to mobility devices. The first tier—which includes wheelchairs, scooters, and manually-powered mobility aids like walkers, canes, and crutches—must be allowed wherever pedestrians are permitted. The second tier, reflecting a new concept called “other power-driven mobility devices,” includes mechanisms used by people with mobility disabilities for the purpose of locomotion—whether or not those mechanisms were designed primarily for that purpose; this tier covers golf carts, Segways, and other electronic personal assistance mobility devices.

This second tier of mobility devices must also be allowed wherever pedestrians are allowed—unless a court can demonstrate that that their use would fundamentally alter its programs, services, or activities; create a direct threat; or create a safety hazard. As Ms Debbie Howells, statewide court ADA coordinator, explained, each facility will have to determine whether—and which—other mobility devices must be allowed; for these, courts will want to establish parameters and safety guidelines for their use (e.g., by setting speed limits or establishing, if necessary, off-limits areas). She will be assembling a work group of court ADA coordinators to develop a model policy for the use of Segways and other power-driven mobility devices in court facilities.

Responding to the colossal advances in assistive technology over the last 20 years, another significant difference in the 2010 Title II Regulations expands



Phillip Pollock, OSCA

Attorney Scott Greenblatt and his dog Carly volunteered their services to the Supreme Court Public Information Office last November and December. Mr. Greenblatt is a “power user” of the screen reader application called JAWS (Job Access with Speech). JAWS helps people who have sight loss by reading aloud what’s on their computer screen. In the court’s ongoing effort to deal effectively with accessibility concerns, Mr. Greenblatt helped web administrators Tricia Knox and Phillip Pollock verify the accessibility (and usability) of court websites and associated electronic documents.

the list of examples of auxiliary aids and services that the courts would need to provide, when necessary, to facilitate effective communication with a person who has a disability. The expanded list includes voice, text, and video-based telecommunications products and systems; real-time computer-aided transcription services; videotext displays; screen reader software, magnification software, and optical readers; telephone handset amplifiers; assistive listening devices and systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; and qualified interpreters on-site or through video remote interpreting services. The regulations do not require every court to provide every device or all assistive technology at all times; however, courts are responsible for ensuring that communication with people with disabilities is effective.

Also of relevance to the courts are revisions concerning companions, service animals, telecommunications, and the resolution of complaints. ([Follow this link for more information about revisions to Title II regulations.](#)) These revisions, which will become enforceable on March 15, 2011, represent the first changes in Title II Regulations since 1991.

2010 Standards for Accessible Design

This is also the first time in 19 years that the ADA Standards for Accessible Design have been revised. The 2010 ADA Standards apply to new construction and to alterations to existing facilities; otherwise, retrofitting is necessary only when existing facilities must be modified to ensure program accessibility.

In addition to a host of requirements to which all state and local governmental facilities will have to adhere for new construction and alterations, a number of the new standards are specific to judicial facilities. For instance, all courtroom stations must provide clear floor space for a forward approach, accessible work surface heights, and toe and knee clearance; courtroom stations used by the public must be connected to an accessible path of travel (however, courtroom stations not used by the public, such as judges’ benches, don’t have to provide full vertical access as long as they can be easily adapted when the need arises); and every new and altered

courtroom must include assistive listening systems. The new standards also clarify the so-called “20% rule,” which means that when an alteration is made to an area of a facility that serves a primary function (i.e., it houses a major activity for which the facility is intended, like a courtroom), the path of travel to the altered area—along with any restrooms, phones, and drinking fountains that serve the altered area—

Clearly, the Internet has a striking influence on the ways in which government entities assist the public, and, like other public bodies, Florida’s courts continue to expand the kinds of information and services that people can access online. Therefore, the courts will be required to ensure that their web-based communications are as effective for people with disabilities as they are for others.

must also be made accessible unless the cost of such alterations exceeds 20% of the alteration to the primary function area.

The new standards also introduce the notion of “safe harbor”: in short, elements in court facilities that were built or altered in compliance with the 1991 ADA Standards are not required to be brought into compliance with the 2010 standards until the elements are subject to a planned alteration. However, any court facilities that underwent new construction or alterations that should have complied with the 1991 standards, but have not done so by March 2012, will be required to comply with the 2010 standards. ([This link goes to more information about the new Standards for Accessible Design.](#))

The new building code standards become enforceable on March 15, 2012, and in the interim period, courts may choose between the 1991 standards and the 2010 standards.

Regulations Governing Website Accessibility

On July 23, the Department of Justice issued four Advance Notices of Proposed Rulemaking, but one in particular—regarding the accessibility of web information and services provided by entities covered by the ADA—is bound to affect the courts. The department affirmed the legal foundation for web accessibility, declaring, “There is no doubt that the websites of state and local government entities are covered by title II of the ADA.”

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to expand the kinds of information and services that people can access online. Therefore, the courts will be required to ensure that their web-based communications are as effective for people with disabilities as they are for others. In anticipation of the new federal regulations, Ms Howells suggests that courts take several steps. For instance, judges and court managers should be informed about the

ADA’s application to court websites and electronic court information; web administrators and court technology staff should receive necessary training; accessibility standards should be incorporated into court technology policy; court staff should receive training on the creation of accessible documents, spreadsheets, emails, and PDFs; websites should be reviewed and modified with accessibility in mind; and purchasing procedures should be reviewed and updated to ensure that new and upgraded court technologies and electronic

information are compliant.

The Department of Justice is currently seeking public comment—on issues like the appropriate accessibility standards to which covered entities should adhere (e.g., whether it should adopt the Web Content Accessibility Guidelines—or the section 508 standards with which the courts are familiar); the limitations for coverage (e.g., whether content to which a public entity links should be required to be accessible); and the technical assistance the department should provide to help entities comply with the rule. After taking public comment into account, the department will issue a Notice of Proposed Rulemaking; after a second comment period, the department will publish its final regulations.

When the new regulations are published, Ms Howells anticipates that they will have a considerable impact on the courts—similar to the accessibility standards for buildings, in that all new or altered web content will be required to meet accessibility standards as soon as the content is posted. She stressed that, within the next year or two, Florida’s courts can expect to see web accessibility standards being enforced.

Remote Court Interpreting: Increasing Efficiency and Cutting Costs

For people with limited English proficiency who are involved in criminal, juvenile, or certain civil proceedings, Florida's courts are required to provide a foreign language court interpreter—a certified court interpreter, ideally, but if not, preferably one who is duly qualified. To the extent possible, court interpreters have traditionally been physically present at the hearings, supporting litigants or witnesses through direct, face-to-face contact. However, for most circuits, that model is no longer possible or practical.

One reason is that, although Florida has hundreds of duly qualified interpreters, its pool of certified court interpreters, though growing, is still modest: certification guidelines were established somewhat recently, in May 2008, and since then, only 141 of Florida's foreign language court interpreters have achieved certification. In addition, although Florida's population encompasses considerable cultural diversity, at this point, certification has been awarded only to interpreters who speak Spanish, Haitian-Creole, French, Russian, and Portuguese. Meanwhile, the number of people in Florida with limited English proficiency continues to increase: according to the most recent US Census data, 18.7 percent of Florida's residents are foreign born, and 25.8 percent speak a language other than English at home. The rising demand for interpreters is straining the court system's budget—which is already pinched in these years of fiscal austerity.

Another challenge of the face-to-face model is that court interpreters have to be available when and where their services are needed, which means they often have to do a fair amount of commuting within their circuit; on a given day, they might spend hours travelling from one venue to the next—a time-guzzling endeavor, and very expensive as well, especially for the courts that have to hire contractual interpreters. In the course of the interpreters' commutes, unforeseen traffic jams, car trouble, or sudden bouts of intemperate weather can lead to a late arrival, resulting in the delay or even the postponement of cases. Clearly, the traditional model of using face-to-face interpreter services stresses

the staff, the resources, and the budget of the courts—and can also impede the swift and effective administration of justice.

Circuits have considered several remedies, but most have been less than satisfactory. For instance, they've requested additional funds from the state to hire more staff or contract employees—but, given the lingering budget crisis, this appeal hasn't succeeded, nor is it likely to in the near future. Another suggestion has been to continue operating in the same manner, accepting the delays and postponements as an inevitable cost of doing business until more funding and resources become available—but this approach both jeopardizes defendants' due process rights and wastes judicial resources, so it's clearly not a viable option. A third solution has been to contract with private telephonic interpreting services on an as-needed basis. However, this fix is not without its own problems. Among them, the quality of services is inconsistent; follow-up with specific interpreters is rarely possible as the interpreters are usually anonymous; courts can't be assured that the interpreters employed by these services have the necessary background (interpreting for the court system requires highly specialized skills and training); and remote telephone interpreting is delivered in consecutive mode, which is less than ideal because it slows down the pace of the case.

Over the last few years, remote audio technology has made possible a far more pragmatic solution, and several of Florida's circuits have begun to explore it. Using this technology, interpreters can connect to any courtroom, communicate directly with participants, and deliver simultaneous interpretation (which is nimbler and more efficient than the consecutive mode provided by telephonic interpreting services). Moreover, remote audio technology empowers circuits to support a greater number of hearings with existing

staff and resources, which translates into increased efficiency and reduced costs. Two circuits offered to share with *Full Court Press* readers their experiences with this relatively new technology: the Ninth Circuit, which implemented its Remote Court Interpreting Program in October 2007, and the Seventeenth Circuit, which began piloting its Remote Interpreting System in February 2010.



courtesy of the 9th Circuit

From her workstation in the Orange County Courthouse, Ody Arias-Luciano is interpreting Spanish for an arraignment in an Orange County Jail courtroom.

The 9th Circuit's Remote Court Interpreting Program

Dire need prompted the Ninth Circuit to design its remote court interpreting system. Covering nearly 2,300 square miles and harboring a population of over 1.3 million, this circuit has 67 courtrooms located in seven court facilities across two counties. Court interpreters are needed for approximately 103 hearings each day. In fiscal year 2008/09, Spanish interpreting services alone were needed for nearly 24,000 hearings. Yet the circuit has only eight staff interpreters. With the demand for interpreting services continuing to escalate, the circuit was pressed to come up with a better plan.

Staff members credit Chief Judge Belvin Perry with inspiring their solution: "He was the force behind this—it was his drive and insight; he motivated us to solve these problems using the technology we have," emphasized Rob Bains, the Ninth Circuit's director of court operations, and Ody Arias-Luciano, the circuit's lead court interpreter. Galvanized by Judge Perry, circuit staff from court administration, the court's A/V department, and the court interpreter program put their heads together and soon experienced an "aha moment": they realized they could utilize some of the technological resources already in place in the courtroom to extend the reach of their pool of staff court interpreters. In fact, "The model [for the Remote Court Interpreting Program] is similar to what we use for centralized court reporting," they explained, "allowing the interpreter to service multiple courtrooms from one location." Moreover, the technology was easy to adapt for use with remote court interpreting; the circuit's A/V staff were able to design and install the integrated network system, and they continue to support the system on their own.

Now, rather than having to appear in person for every hearing in various courtrooms across the circuit, court interpreters simply call into a courtroom from a centralized office, or even from their home on weekends, to provide service to the court. By dialing a special number, they connect directly to the courtroom's audio mixer where, using their touch tone phone, they are able to interpret dynamically in three modes: English over the PA system, foreign language to a defendant's headset, or private mode to interpret between a defendant and defense attorney. (Court staff note that video is not a formal part of their system and is not necessary for its operation; but, because it's available, they are able to use video in the process as a visual reference.) Once finished, the interpreter simply hangs up to disconnect from the proceeding. In the courtroom, the judge and staff don't have to do anything to facilitate the interaction—it's all controlled by the interpreter.

These days, six of the staff interpreters are quartered in the Orange County Courthouse, and two are in the Osceola County Courthouse, and each has a workstation that's fully configured to provide remote interpreting services. From their workstations, these interpreters can support any interpreting need in the circuit.

The only downside, Ms Arias-Luciano pointed out, is that the equipment isn't yet sophisticated enough to capture the dynamics of lengthy, complex trials that involve numerous parties and witnesses; the system really works best for relatively short proceedings. So far, the circuit uses the Remote Court Interpreting

Imagine, too, the possibility of sharing, statewide, interpreters for the so-called "exotic languages": all that would be needed is a dynamic remote court interpreting network.

Program for county arraignments in the Osceola County Courthouse; dependency and delinquency hearings in the Juvenile Justice Center; and initial appearances, arraignments, and violations of probation in the Orange County Jail courtrooms and three branch courthouses. During the weekend, an on-call staff interpreter covers initial appearances from home using a touchtone phone.

The benefits of the Remote Court Interpreting Program include improved operational efficiencies and significant savings. For example, the program provides the circuit with interpreting services on-demand; it meaningfully serves all the parties of a case, as well as the attorneys and the court; it supports all services that would normally be provided in person, including private conversations between the client and attorney; in reducing or eliminating travel time between court facilities, it reduces/eliminates case delays and postponements—and also enables interpreters to cover more hearings each day; it allows interpreters to provide services from outside the courthouse to support weekend and holiday demands; it utilizes existing courtroom technology, minimizing additional capital expense; and it is secure and easy to operate by staff and contractual interpreters.

Since full implementation in January 2008, the Remote Court Interpreting Program has been measurably good for the "bottom line" as well: "We've been able to cut our contractual interpreter expenditures by 36 percent," Mr. Bains reported (the cost for a contractual interpreter is typically \$45 – \$55 an hour, with a two-hour guarantee). And the interpreters are also delighted with the program: Ms Arias-Luciano described it as being "as close to being

in person as possible.” ([Follow this link to learn more about the Ninth Circuit’s system and to watch a remote interpreting demo video.](#))

The 17th Circuit’s Remote Interpreting System

Need also motivated the Seventeenth Circuit to conceptualize a remote interpreting system. The second most populous circuit in the state, with 90 judges, the Seventeenth comprises only one county—Broward—and covers 1,205 square miles. This circuit has 72 courtrooms spread out among four courthouses and houses a population of over 1.7 million residents—35 percent of whom speak a language other than English at home, according to the most recent US Census estimates. The circuit has 15 staff interpreters, who serve speakers of Spanish, Haitian-Creole, Portuguese, and French (freelance interpreters are provided for other foreign language needs). Between January and November of 2010, court interpreters provided services in over 20,000 court proceedings: most were for Spanish speakers (16,130); the rest were primarily for speakers of Haitian-Creole (1,719) and Portuguese (1,090).

Like the Ninth Circuit, the Seventeenth uses remote audio technology, but it utilizes a different kind of system. This circuit uses codec technology, which involves equipment that encodes analogue audio and/or video signals into digital form for transmission purposes and, at the receiving end, decodes the digital signal into a form close to the original. At the interpreters’ end of the link, the Seventeenth installed desktop codecs; in the remote courtrooms is rack mount codec that’s linked to the court PA system (with four courtrooms being handled by one codec instead of four). The audio is encrypted to provide a secure connection, and the technology produces audio described as being close to broadcast-quality. Using the codecs, interpreters can switch off the audio to the court PA, enabling them to interpret confidential discussions between the attorney and client. Interpreters view the court proceedings via closed circuit video that uses IP video equipment.

The staff interpreters at the Seventeenth Circuit are housed in the Interpreters Office at the Central Courthouse; also at the Central Courthouse are three workstations—each one dedicated to one satellite courthouse (the North, West, or South Regional Courthouse). When interpretation services are needed at the Central Courthouse, interpreters are available to step in; when services are needed at a satellite courthouse, an interpreter reports to the appropriate workstation, dials into the courtroom over the available network, and is ready to provide simultaneous interpreting. Currently, the Seventeenth provides remote interpreting for all criminal misdemeanor proceedings, excluding trials.

Cheryl Anderson, chief deputy courts administrator, and Meredith Bush, communications specialist, reported many of the same improved operational efficiencies and savings that the Ninth described. They also pointed out that, because interpreters are now readily available when and where they are needed, the court no longer has to reschedule interpreter-reliant hearings; and the parties benefit as well, for remote interpreting has saved them from the inconvenience of having to return to court for a rescheduled hearing. On the whole, they maintained, cases in which interpretation is required can now move along in a more organized fashion.

So far, the Remote Interpreting System has won “overwhelming praise.” As Trial Court Administrator Carol Lee Ortman explained, “In the challenging economic times we are now facing, this system helps our circuit utilize this very essential resource by providing a more streamlined means to assist our citizens in accessing the courts in a more cost effective manner.” The system enables the circuit to “optimize a sparse resource that’s become even more essential since the demand for more languages in our courts continues to increase,” she emphasized. And, after admitting that he “was skeptical of the idea of first,” Broward County Judge Louis Schiff, who was the first judge in the circuit to work with the remote interpreters, declared, “I’m really sold on it now,” pronouncing, “I see it as not only being efficient, but being effective.”

The Future of Remote Interpreting

Branch leaders at both the Ninth and the Seventeenth Circuits are inspired by the great promise of these remote interpreting systems. “I believe this technology can be a benefit to all the circuits in the state of Florida,” stressed Ms Ortman, adding, “We are open to communication with others



courtesy of the 17th Circuit

From their workstations in the Central Courthouse in Broward County, Luz Lopez (on left), a Spanish interpreter, is connected to the West Satellite, while Mirta Polacek, also a Spanish interpreter, is connected to the North Satellite.

regarding the extension of our system.” And Chief Judge Perry has already envisioned the creation a network that could enable circuits to utilize the skills of a pool of interpreters—regardless of where they reside in the state, or possibly even the world. Circuits that are overextended or having difficulty scheduling interpreters could call on another circuit for assistance, for example. Or circuits that don’t have much demand for interpreting services could receive, on an as-needed basis, remote services from another circuit. Imagine, too, the possibility of sharing, statewide, interpreters for the so-called “exotic languages”: all that would be needed is a dynamic remote court interpreting network. As court budgets continue to dwindle and technology continues to advance, programs like these make a compelling argument for remote interpreting.

Court Improvement

Steering Committee on Families & Children in the Court

One often hears committee members discuss the sagacity of preserving a long-standing committee’s institutional knowledge and of honoring the collective experience and commitment of its members. When Chief Justice Canady reconstituted the Steering Committee on Families and Children in the Court (FCC) last September, he surely must have had been thinking about the importance of membership continuity. For more than half of the 20 members have served on this committee before—a number of them, continuously since 2004. And Justice Pariente, whom he appointed chair, has had a deep-seated connection with the FCC since former Chief Justice Harding named her its supreme court liaison in January 1999. So, not surprisingly, at the FCC’s first meeting in October, the keenness of the committee members, both continuing and new, was manifest. Justice Pariente epitomized their mutual dedication when she called her work with this committee “my passion” and opined, “You cannot be in a more important division of the court than the division that deals with children and families.”

The branch’s first family court committee was established in 1994, but interest in a Florida family court initiative—now often referred to as Unified Family Court (UFC)—actually began percolating in 1980.

Gesturing toward to a “History of Family Courts in Florida” timeline that stretched nearly the length of one of the meeting room walls, Justice Pariente invited members to stand under the moment in history at which they began their involvement with family courts. Members took some time to reminisce and reconsider—and even to insert developments that hadn’t been included in this representation of important family court events.

Contemplating the timeline, Justice Pariente called particular attention to the landmark May 2001 supreme court opinion, the court’s fourth and unanimous opinion regarding the model family court, written in response to a report filed by one of the earlier iterations of the FCC. She referred to *In Re: Report of the Family Court Steering Committee* as “the bellwether,” noting that it was “the result of a collaborative effort of many judges and stakeholders” to develop the best practices for addressing cases involving families and children. In its opinion, the court begins by announcing, “We strongly endorse the guiding principles and characteristics of the model family court developed” in the committee’s report, and it goes on to re-emphasize its goal, which is to create “a fully integrated, comprehensive approach to handling all cases involving children and families... while at the same time resolving family disputes in a fair, timely, efficient, and cost-effective manner.”

The opinion then spells out and analyzes each of the committee’s recommendations. The first describes the 12 “guiding principles” of the UFC (e.g., “children should live in safe and permanent homes”; “needs and best interests of children are primary considerations”; “cases involving inter-related family



Phillip Pollock, OSCA

Justice Pariente (center), chair of the Steering Committee on Families and Children in the Court, welcomes committee members to the first meeting of the term; on the right is Chief Justice Canady, who stopped by to thank members for their service, and on the left is Rose Patterson, chief of OSCA’s Office of Court Improvement, which staffs the committee.

law issues should be consolidated or coordinated"). The second recommendation enumerates the cases to be included in the family division of each circuit (e.g., dissolution of marriage, paternity, child support, adoption, juvenile dependency and delinquency, civil domestic and repeat violence injunctions, termination of parental rights). The third recommendation identifies the 12 "essential elements" of UFC (e.g., court case management to monitor the case process and progress; coordination of multiple cases involving one family; collaboration between the judiciary, stakeholders, and the community to provide access to a range of services for families; a less adversarial approach to handling family cases, focusing on minimizing harm to the child while balancing due

Integrated Management Solution, the committee is charged with identifying and defining the data elements necessary for effective family court case management. Finally, the FCC has two technical charges—one involving a rule [2.545(d)] regarding related cases, and one focusing on recommendations related to identified statutory inconsistencies in Termination of Parental Rights Proceedings (between Chapter 39 and Chapter 63, Florida Statutes). ([To read the administrative order, follow this link.](#))

To address these charges, several subcommittees have already been formed. One subcommittee is working with the Dependency Court Improvement Panel, helping it to establish model dependency courts across the state. Another subcommittee is working with the two technical charges involving the Florida Rules of Judicial Administration and the Florida Statutes. And a third is focusing on the family court survey, which revealed some of the barriers to UFC implementation and some of the pressing resource needs; this subcommittee's next step will be to do follow-up phone surveys with particular judges and court staff in each circuit to discover how the committee can support the circuits' efforts to move ahead with UFC.



Gathering at the "History of Family Courts in Florida" timeline, members of the steering committee stand under the moment in time at which they began their involvement with family cases.

process concerns). The opinion then details the report's other seven far-reaching recommendations. ([To read the opinion, follow this link.](#))

This timeline exercise, and the anecdotes that it, and the 2001 opinion, engendered, gave members an opportunity to think back on some of the many family court accomplishments over the years before they began mapping the committee's path for moving forward.

Chief Justice Canady outlined the committee's direction in his administrative order's six charges. He directs the FCC to examine the results of the family court survey conducted by OSCA and report to the court on the ways in which Unified Family Court (UFC) principles are being implemented by the circuit courts; support an education program on promising UFC practices and implementation strategies for family court judges and staff, if resources permit; and provide a liaison to the multi-disciplinary Dependency Court Improvement Panel. In addition, to support the court system's development of the Trial Court

BC Schwartz, OSCA

Justice Pariente acknowledged that the economic crisis has significantly strained efforts to advance the family court initiative—she specifically referenced cuts to staff positions, especially the loss of case managers and other family case-related court personnel; the travel freeze and the ban on in-person meetings, which has led to a dissipation of energy and focus in many court committees; and the dramatic rise in foreclosures, which inevitably has been having profound effects on families, family cases, and the judges and court staff who work with them. In light of these concerns, she feels her job is "to re-invigorate, re-energize the efforts that the court has made over the years." The economic trauma of the last few years has definitely constricted committee efforts—but the upside, she stressed, is that the committee has learned how to be "more resilient, more creative" in achieving its goals.

Task Force Addresses Substance Abuse & Mental Health Issues in the Court

With increasing frequency and intensity, the judicial branch is called upon to address matters that involve people with mental illnesses. Approximately 75 percent of the people with acute mental illnesses who are arrested and booked into US jails also meet the criteria for co-occurring substance abuse disorders. Recognizing the rise in the co-occurrence of mental illness and substance abuse—and the similarity of the judicial case management principles associated with cases involving these conditions—the Task Force on Treatment-Based Drug Courts, in its 2008 report to the supreme court, suggested, “The scope of the Task Force should be expanded to address both substance abuse and mental health disorders.” Chief Justice Canady embraced this recommendation last October, when he created the Task Force on Substance Abuse and Mental Health Issues in the Court. In establishing this task force, he brokered a marriage between the Task Force on Treatment-Based Drug Courts, instituted in 1998, and the Mental Health Subcommittee (an arm of the Steering Committee on Families and Children in the Court), established in 2006.

Like the recently-reconstituted Steering Committee on Families and Children in the Court (see previous article), the task force benefits from its members’ long-historied knowledge and understanding of the issues they’ll be addressing. Named to chair the committee was Judge Steven Leifman, Miami-Dade County, who chaired the Mental Health Subcommittee and also served as special advisor on criminal justice and mental health to two former chief justices: Justice Lewis and Justice Quince. Of the 22 task force members, four served on the Mental Health Subcommittee; one served both on the subcommittee and the treatment-based drug court task force; and six members bring to the committee their rich experiences as drug court judges. Half the members are judges and quasi-judicial officers; the other 11 are stakeholders representing a variety of state agencies and non-governmental organizations (among them, Agency for Health Care Administration, Department of Corrections, Florida Partners in Crisis, National Alliance on Mental Illness, and Florida Alcohol and Drug Abuse Association).

The task force was initially given three charges: to continue promoting the recommendations of the Mental Health Subcommittee’s 2007 report, *Transforming Florida’s Mental Health System*; to analyze the reports of the Task Force on Treatment-Based Drug Courts, determine the status of task force recommendations, and propose a strategy to address unresolved matters; and to provide guidance to OSCA in its work to resolve issues connected with

the implementation of the drug court expansion project. ([To read the administrative order, follow this link](#)). After the task force’s first meeting, Chief Justice Canady added a fourth charge: to consider how Florida’s courts may more effectively serve veterans with mental illnesses and substance abuse issues who become involved in the criminal justice system ([this link goes to the supplementary administrative order](#)).



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Chairing the Substance Abuse and Mental Health Issues in the Court Task Force is Judge Steven Leifman, Miami-Dade County; here, at the task force’s first meeting, Judge Leifman (on right) is brainstorming with Judge Jonathan Sjostrom, Second Circuit, and others at a breakout session.

After welcoming task force members to their inaugural meeting in early December, Judge Leifman expounded on some of the issues underlying the first of the task force’s charges: to continue advocating the recommendations of the Mental Health Subcommittee’s 2007 report ([follow this link to read the report](#)). Following a brief exposition of the prevalence of serious mental illnesses in the criminal justice system nation-wide, he turned everyone’s attention to what he referred to as Florida’s “scary numbers.” “The fastest growing sub-population in Florida’s prisons is individuals with serious mental illnesses” he declared: “This population is growing so fast that, at this rate, Florida will need to build 10 new prisons just to house inmates with mental illnesses. And the numbers are expected to escalate. The cost to build and operate these 10 new prisons over the next 10 years is approximately \$4 billion,” he added.

Another concern he addressed is “the forensic hospitalization situation.” Florida now spends more than \$210 million a year on 1,700 beds serving approximately 3,000 people under forensic

commitment. Judge Leifman emphasized that the forensic hospitals provide “good treatment,” but their “single mission is to restore competency”—not to provide services that address long-term wellness and recovery. So when inmates are released, their treatment stops—and their symptoms often worsen. Not surprisingly, many end up re-entering the criminal justice system.

“The point is that it [Florida’s model for addressing people with mental illnesses who are involved in the criminal justice system] is not really working,” he concluded: “The state can’t afford to keep doing the same old thing; the court system can’t afford to continue recycling this population; the state is wasting resources at a time they’re so limited; and we’re not helping the population of people with mental illnesses.”

This task force was not charged with designing a new plan. Rather, with the support of the legislature, members will seek to implement the recommendations on which the branch and its partners have been working for four years now—which call for tapping into federal dollars to subsidize a comprehensive system of community-based care, diversion, and re-entry initiatives that will help people with mental illnesses and keep them from entering/re-entering the criminal justice system. In essence, the task force seeks to bring about a shift in focus—from the incarceration of nonviolent offenders to their rehabilitation. This is a win-win strategy, Judge Leifman has pointed out: courts will experience decreased caseloads; communities will be safer; law enforcement and corrections officers will run less risk of injury; the state won’t have to build as many prisons—to the relief of taxpayers; and people with mental illnesses will have the chance to receive superior treatment for significantly less than it costs the state to treat them behind bars.

To provide members with some background for the task force’s second and third charges (on the Treatment-Based Drug Court Task Force’s recommendations and on the issues associated with the implementation of the drug court expansion project), personnel from OSCA’s Office of Court Improvement, which is staffing the task force, gave some informative presentations. Nathan Moon, senior court analyst, summarized the suggestions offered in the Treatment-Based Drug Court Task Force’s 2008 end-of-term report; among them, the report proposed requesting an opinion from the Florida Supreme Court on drug courts; expanding drug courts; making treatment records in drug court files confidential; providing drug court training; evaluating the efficacy of drug court; and establishing a stable funding-source for drug courts. Many of these recommendations have already been, or are currently being, addressed, and the ones that

remain will be presented and prioritized at the March meeting of the Substance Abuse and Mental Health Task Force.

This is a win-win strategy, Judge Leifman has pointed out: courts will experience decreased caseloads; communities will be safer; law enforcement and corrections officers will run less risk of injury; the state won’t have to build as many prisons—to the relief of taxpayers; and people with mental illnesses will have the chance to receive superior treatment for significantly less than it costs the state to treat them behind bars.

In addition, Chris Korn, senior attorney, and Nicole Scialabba, senior court analyst, discussed the history of the drug court expansion project and provided admissions and terminations data on the eight counties participating in the program. This charge will also be considered more fully at the upcoming meeting. Also at the next meeting, members will delve into the task force’s recently-added charge: to develop strategies to help Florida’s courts more effectively serve veterans with mental illnesses and substance abuse issues who become involved in the criminal justice system.

Education and Outreach

Mediation Week Around Florida

In June 1996, Florida’s very first proclamation honoring Mediation Day was signed by the late Governor Lawton Chiles. In October of the following year, Mediation Day expanded to become Mediation Week, and, since then, Sunshine State governors have signed proclamations annually to commemorate Florida’s leadership role “in recognizing and promoting mediation as an alternative to litigation.”

Over the years, these proclamations have called attention to some of the many successes wrought by mediation: mediation has helped administrative agencies and court programs resolve disputes effectively and efficiently; it has empowered individuals to develop their own solutions to conflict; taught and practiced in many schools, mediation has

edified Florida's children, modeling healthy ways to solve disputes—and to achieve a more peaceful society; and in solving conflicts in Florida communities, it has strengthened neighborhood relationships.

This past September, former Governor Charlie Crist issued a proclamation declaring October 17 – 23 Mediation Week in Florida. Many courts around the state organized Mediation Week activities—and here is a snapshot of some of those endeavors.

In the courthouses in Okaloosa, Santa Rosa, and Escambia Counties, the First Circuit displayed posters as well as the Conflict Resolution Day poster designed by the Association for Conflict Resolution. In addition, in Pensacola, with Chief Judge Terry Terrell in attendance, the circuit hosted an appreciation reception for its county court volunteer mediators, and it submitted articles about the efficacy of the mediation process for publication in various local newspapers.

In the Second Circuit, Janice Fleischer, chief of the Dispute Resolution Center, and staff attorney Leonard Helfand invited 15 elementary school students who are learning conflict resolution skills to the



BC Schwartz, OSCA

At the supreme court, Justice Polston spoke about the importance of mediation with 15 elementary school students who are studying conflict resolution skills in school; here, he shows his appreciation for their interest in conflict resolution with a personalized certificate of commendation to each student.

supreme court to meet Justice Polston. The justice spoke of the importance of mediation, and of alternative dispute resolution in general, to the American justice system, and he presented each student with a certificate of commendation for his/her interest in conflict resolution. Following that, Ms Fleischer and Mr. Helfand took the students across the street to the state capitol, where they were greeted by former Lieutenant Governor Jeff Kottkamp, who has himself been a mediator. After the lieutenant governor talked about the value of developing conflict resolution skills, which can help bring individuals together as a people, the children entertained their host with a song about mediation.

Ms Fleischer and Mr. Helfand coordinated a program for older students as well: 40

Florida State University College of Law students participated in this learning event called "Careers and Opportunities in Alternative Dispute Resolution." Law students often have the notion that lawyers embrace dispute resolution-related careers only after they've retired from their practice. So one of the goals of this program was to encourage budding lawyers to consider alternative dispute resolution as an early life career choice.

In the Fifth Circuit, the Citrus County Commission proclaimed October 10 – 16 Mediation Week, setting aside this special interval as an opportunity to commend the Citrus County Court Mediation Program for being a leader in Florida in recognizing, promoting, and utilizing mediation as an effective and efficient alternative to litigation for resolving disputes.

In the lobby of the Ninth Circuit's Orange County Courthouse, mediators set up a display board describing their various court-connected mediation programs; they also hung signs reminding everyone that October 17 – 23 is Mediation Week. Also in the Ninth Circuit, the Osceola County Commission declared the week of October 12 Mediation Week; present to accept the proclamation were Mediation Program Director Donna Dorer and Judges Jeffrey Fleming, Sally Kest, Ronald Legendre, and Margaret Waller.

In the Twelfth Circuit, the Citizen Dispute Settlement Program received Mediation Week Proclamations from the Manatee and Sarasota County Commissions. Program mediators also posted a banner in the



courtesy of the 5th Circuit

The Citrus County Commission, in the Fifth Circuit, issued a proclamation announcing October 10 – 16 as Mediation Week. Flanked by Commissioner John Thrumston (on left) and County Judge Mark Yerman and Commission Chairman Gary Bartell (on right) are mediators Wendell Reed, Russell Hollingsworth, Barbara Harmon, and Bill Spahr. In the back row (l – r) are Commissioners Joe Meek, Winn Webb, and Dennis Damato.

Manatee County Judicial Center atrium and hung Mediation Week signs in front of judicial facilities in Sarasota. In addition, they sent out a press release, and, for publication in a local newspaper, they submitted an article, co-authored by Judge Phyllis Galen and Alternative Dispute Resolution Director Michelle Artman Smith, about their mediation programs.

Five area schools in the Seventeenth Circuit were treated to presentations about Mediation Week by Russell Edwards, a certified county court mediator and the case manager for the circuit's Teen Court, along with contract mediators John Roth and Scott Fishman. The presentations were well-received—and inspired several teens to volunteer for Teen Court.

Finally, prior to Mediation Week, Eighteenth Circuit mediators in Brevard County distributed colored paper and markers to court personnel and local attorneys and asked them to create stick figure artwork depicting a mediation theme; these local "artists" enjoyed the opportunity to think about the significance of mediation while giving expression to their creative side. The fruits of their labors were included in a courthouse lobby display that provided information about the court's mediation programs. Also during Mediation Week, 55 mediators attended Brevard County's Annual Mediation Workshop, which offered training in ethics, cultural diversity, landlord-tenant issues, and domestic violence.

Clearly Mediation Week inspires outreach projects that are both educational and innovative.



courtesy of the 12th Circuit

The Twelfth Circuit hung signs announcing Mediation Week in front of judicial facilities in Sarasota. Flanking this sign, placed in front of the Judge Lynn N. Silvertooth Judicial Center, are Stacy Kurnot, mediation services coordinator for the circuit, and Pam McLeod, program director for the Citizen Dispute Settlement Program.



courtesy of the 9th Circuit

In the lobby of the Ninth Circuit's Orange County Courthouse, mediators set up a display board that describes various court-connected mediation programs that parties can utilize.

Intro to the Florida Courts System: An Online Learning Program for New Court Employees

Describe the functions of each of the three branches of state government, and explain how the branches check and balance each other. Name the four tiers of the court system, and spell out the jurisdiction of each. Clarify the difference between a criminal and a civil case. Identify the duties of the chief justice, the chief judges, the state courts administrator, and the trial court administrators. Summarize the responsibilities of OSCA....

When new employees are hired into the court system, they typically have the necessary education and training to perform their particular jobs capably. But, if this is their first time working in the judicial branch, they might not have a solid grounding in what the court system is, how it's organized, what judges and court staff do, and why they do it—so they could be at a loss to answer the kinds of questions listed above.

The Florida Court Education Council coordinates and oversees the creation and maintenance of a comprehensive educational program for judges—but it also strives to provide the court system's approximately 3,000 employees with opportunities to enhance the knowledge, skills, and abilities they need in order to serve and perform at the highest professional levels. Seeking to help new employees get a sense of the habitat, texture, and vocabulary of the judicial world, the council came up with the idea of creating an online learning program for them; it tasked OSCA's Court Education Section with designing a teaching tool to familiarize recent hires with the roles and duties of the judicial branch and the court system and to acculturate them into the larger context in which they work.

Chosen to carry out this responsibility was Dan Rettig, a senior attorney with the Court Education Section—selected in part because he also has a Masters in instructional systems design—an educational discipline that uses computer-based technologies in the design and development of educational materials. Mr. Rettig applied this background to assess the educational needs of new court employees, develop instructional materials based on those needs, test the

utility of those materials, and measure the outcome (i.e., he determined, through well-conceived tests, whether or not the target audience is actually learning the material). All told, the *Introduction to the Florida Courts System* took about a year to create.

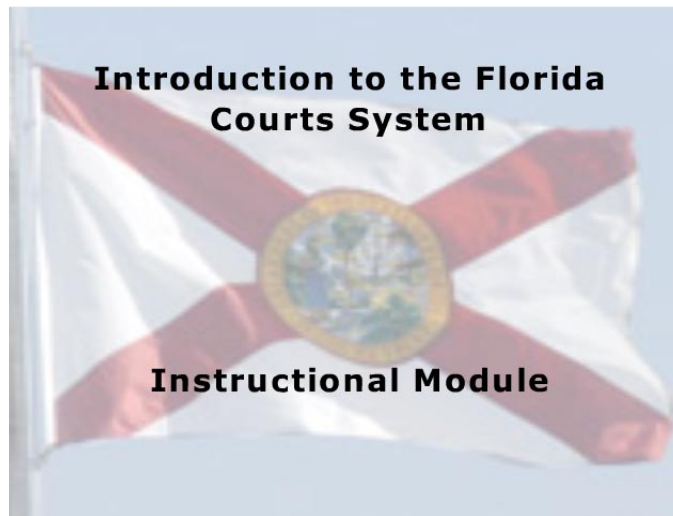
The intranet-based *Intro* is divided into four units: State Government (the constitution, separation of powers, checks and balances); the Judicial Branch; What Courts Do (trials, hearings, injunctions, appeals); and Court Administration (both state and local). As viewers work their way through the module, they

can test their knowledge in the various "For Practice" sections along the way; then, after they've finished the entire module, they can challenge themselves with a 20-question post-test in a section called "Show What You Know." Test questions are a combination of multiple choice and fill in the blank, and test-takers can immediately find out how they've done.

"A fun and interesting challenge" is how Mr. Rettig described his experience of designing "this lively, interactive program." Part of what made the project fun for

him was his drive to make the program entertaining as well as educational. He steadfastly believes that "Learning doesn't have to be drudge-work: humor, if done well, is helpful for learning," for it engages the learner. He added that humor can also assuage test-anxiety—though he was quick to point out that the test questions included in the *Intro* are purely for the employee's edification: no one else needs to know the test-taker's "grade."

So far, the learning program has garnered some high praise. One judge emailed, "Just wanted to send a note that I reviewed the module and thought it was excellent. Very informative and easy to follow. I had my JA do it as well. I thought it would be helpful to her, and she agrees. Thanks again." And a court administrator wrote, "We are having all new staff view the *Introduction to the Florida Courts System* within the first six months of hire. We believe it is valuable and important information for all staff who work within the courts to know. Congratulations on a job well done." Another court administrator called the program "very appropriate for all court staff, but especially new personnel, and I know that was the target audience. The module is very comprehensive....All TCAs, all chief judges, and all



This image greets visitors to the *Introduction to the Florida Courts System*, an online learning program for new court employees.

new personnel should be encouraged to access the link.” And, most important, the target audience—recently-hired employees—also find it helpful: according to one employee new to the court system, “The information in your module is very well put together and so comprehensive”; she called it “invaluable to my training” and says it “couldn’t have come at a better time.” One circuit has even started using it as part of its tour program for high school student visitors.

The *Intro* can be found at https://intranet.flcourts.org/osca/Judicial_Education/OnlineLearning/CourtsIntro/Intro_to_Courts_System.htm

No special software is needed to open the *Intro*: just an Internet connection, access to the Florida State Courts intranet, and the Adobe Flash Player—a free multimedia platform that adds animation, video, and interactivity to web pages (it’s included in most web browsers). Readers who have questions or want to offer feedback can contact Mr. Rettig at rettigd@flcourts.org

Web-Based *Fundamentals for Family Court Judges*—Coming Soon!

Divided into four modules—Dissolution of Marriage, Domestic Violence, Juvenile Delinquency, and Juvenile Dependency—*Fundamentals for Family Court Judges* was designed to satisfy the supreme court requirement that judges who are new to the family division, and judges who haven’t served in the division in two years, take a course in family fundamentals within 60 days of their assignment.

An interactive, web-based education program, *Fundamentals for Family Court Judges* uses text, sample forms, hypotheticals, videotaped scenarios simulating court hearings, and links to statutes, rules, and additional resources to introduce learners to the issues and challenges that frequently arise in family court. The program is also peppered with exercises and questions throughout the four sections, giving participants an opportunity to gauge what they have learned along the way.

This is not the first incarnation of a self-learning program for newly-appointed family division judges. In 2004, OSCA produced its first version on CD—and updated it the following year. All told, though, compared with newer technologies, a CD-based program is a static learning tool, somewhat cumbersome and costly to update.

Therefore, for this latest version, the three OSCA units that spearheaded this project—the Publications Unit, Court Education Section, and Office of Court Improvement—strove to utilize a more protean medium that would allow for regular and economical revisions. The new *Fundamentals for Family Court Judges* relies on Blackboard technology, an online learning platform that can be refreshed easily and inexpensively, thus ensuring the currency of the information.

When the program is posted, announcements will be emailed to judges and trial court administrators. If you have any questions, please contact Susan Leseman, managing attorney for OSCA’s Publications Unit, at lesemans@flcourts.org or (850) 992-5085

Turning Points

Awards and Honors

Mike Bridenback, trial court administrator of the Thirteenth Judicial Circuit, was honored with the 2010 Distinguished Service Award, one of the highest recognitions given by the National Center for State Courts (NCSC). The award commends a state-level court administrator or employee who has made significant contributions to court administration fields and to the work of the national center. Said NCSC President Mary McQueen, "Mike Bridenback has devoted his career to the advancement of the criminal-justice system, serving as a tireless advocate for both the courts and the people they serve. His dedication is an inspiration to his colleagues, his reputation is a model for his peers, and his knowledge is a valuable resource that we are fortunate he shares with all of us." The award was presented by Justice Quince, a member of the NCSC Board of Directors, during January's Joint Judicial Branch Leadership Meeting in Tampa.



courtesy of the 13th Circuit

Justice Quince presents Mike Bridenback, trial court administrator of the Thirteenth Circuit, with the National Center for State Courts' prestigious 2010 Distinguished Service Award.

Pinellas County's Clerk of the Circuit Court's Legal Self Help Center was honored with the 2011 Louis M. Brown Award for Legal Access by the American Bar Association's Standing Committee on the Delivery of Legal Services. The award celebrates the center's "unique partnership between court and private bar," honoring it for its "innovative approach to scheduling attorney consultations" and for being "an exemplary model of affordable legal services programming."

In Memoriam

Judge Cheryl Aleman served on the bench in the Seventeenth Judicial Circuit from 2002 – 2010.

Retired Judge Robbie Andreu served on the bench in St. Johns County from 1978 – 1989.

Retired Judge Thomas Barkdull, Jr., served on the bench in the Third DCA from 1961 – 1996.

Retired Judge Virginia Quinlivan Beverly served on the bench in the Fourth Judicial Circuit from 1977 – 1996.

Retired Judge Philip A. Federico served on the bench in Pasco County from 1973 – 1975 and on the bench in the Sixth Judicial Circuit from 1975 – 1994.

Judge Maynard “Skip” Gross served on the bench in the Eleventh Judicial Circuit from 1994 – 2011.

Retired Judge J. Lewis Hall served on the bench in the Second Judicial Circuit from 1980 – 1998.

Senior Judge C. Vernon Mize served on the bench in Seminole County from 1960 – 1964 and on the bench in the Eighteenth Judicial Circuit from 1981 – 1994.

Retired Judge Philip G. Nourse served on the bench in the Nineteenth Judicial Circuit from 1976 – 1986.

Judge Roberto Piñeiro served on the bench in Miami-Dade County from 1989 – 1996 and on the bench in the Eleventh Judicial Circuit from 1996 – 2010.

Retired Judge Peter J.T. Taylor served on the bench in the Thirteenth Judicial Circuit from 1983 – 1996.

If you have information about judges and court personnel who have received awards or honors for their contributions to the branch, please forward it to the [Full Court Press](#)

February

- 1 - 2 Florida Courts Technology Commission Meeting, Tampa, FL
- 3 - 4 Families & Children in the Court Meeting, Tallahassee, FL
- 3 - 4 Faculty Training, Tampa, FL
- 3 - 4 Court Interpreter Orientation Workshop, Tampa, FL
- 5 Court Interpreter Written Exam, Tampa, FL
- 6 - 8 National Association of Court Management (NACM) Midyear Conference, Baltimore, MD
- 13 - 17 Justice Teaching Institute, Tallahassee, FL

March

- 8 Legislature Convenes (tentative)
- 13 Florida Court Education Council Meeting, 1:00 - 4:30 PM, Orlando, FL
- 13 - 18 Florida Judicial College, Phase II, Orlando, FL
- 18 Court ADA Coordinators Conference Call, 12:00 - 1:00 PM
- 21 Florida Innocence Commission Meeting, Tallahassee, FL
- 23 Substance Abuse and Mental Health Task Force Meeting, Tallahassee, FL
- 30 - 31 Florida Court Personnel Faculty Training, Location TBD
- 3/31 - 4/1 Domestic Violence Statewide Coordinators Meeting, Tallahassee, FL

April

- 4 Trial Court Budget Commission, Tallahassee, FL
- 7 - 8 Court Interpreter Oral Language Exams, Tampa, FL
- 12 - 15 Dispute Resolution Center County Mediation Training, Tallahassee, FL
- 13 - 14 Families and Children in the Court Meeting, West Palm Beach, FL

ON
THE
HORIZON



Under the direction of
 Supreme Court Chief Justice Charles T. Canady
 State Courts Administrator Elisabeth H. Goodner
 Deputy State Courts Administrator Blan L. Teagle
 Publications Managing Attorney Susan Leseman

Written and edited by Beth C. Schwartz
 Court Publications Writer
 schwartzb@flcourts.org

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