

Office of Circuit Judge

THOMAS H. BATEMAN III
Circuit Judge
Second Judicial Circuit



Barbara Hettich, Judicial Assistant
365C Leon County Courthouse
Tallahassee, Florida 32301
(850) 577-4315; FAX (850) 922-0327

January 12, 2005

Jorge Concepcion
16208 Southwest 83rd Lane
Miami, Florida 33193-5143

Re: Your Letter Dated December 15, 2004 Regarding
"Increasing Difficulty of Impaneling Juries"

Dear Mr. Concepcion:

Your letter dated December 15, 2004 and addressed to Florida Supreme Court Justice Fred Lewis has been forwarded to me as chairperson of the Supreme Court's Work Group on Standards for Jury Panel Sizes. On behalf of Justice Lewis and the Work Group I'd like to thank you for your comments. And by this reply, I ask that you allow me to include your letter in the record of the public hearing which is being held in Miami on January 19, 2005 at the mid-year meeting of The Florida Bar.

You raise several interesting ideas. I'd like to summarize them here and ask that you contact me if my summary is not accurate or if it appears to you that I may have misunderstood something.

In summary, you recommend the following:

1. Since jurors must be U.S. citizens:
 - (a) they should be required to speak English to become a U.S. citizen in the first instance;
 - (b) they should not be able to use the fact they can't speak English as an excuse to get out of jury duty; and,
 - (c) they and all other U.S. citizens who wish to exercise the privilege of having a driver's license must be registered voters, with certain exceptions.

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2. Florida government must be aware that the population is aging and take into consideration that the pool of eligible jurors may get smaller as time passes.
3. Jurors must be given respect. In this regard you suggest that jurors be given free parking and discounts at local eateries. You suggest local officials "partner" with local restaurants – a win/win situation for jurors and the restaurant.
4. Do not return to voter registration as the source list from which to summon jurors. You suggest, however, that voter registration be a prerequisite to obtaining a driver's license, but create appropriate exceptions. You also suggest that the driver's license should indicate directly on it if the juror/driver is a U.S. citizen.
5. Stronger enforcement for failure to respond to the jury summons. You suggest a system of "citations" with escalating penalties for those who do not respond to the summons. You also suggest that the potential sanctions and penalties be on the jury summons itself and, in the absence of a "good reason," the sanctions should be strenuously enforced.

Mr. Concepcion, you have given our Work Group much food for thought. Please be assured that our committee will consider all of your suggestions.

In the meantime, I hope you will be able to join us at the public hearing in the Hyatt Regency Hotel on Southeast 2nd Avenue in Miami on Wednesday, January 19, 2005 from 9:00 a.m. - 1:00 p.m.

Sincerely,



Thomas H. Bateman III
Circuit Judge

THB/blh

cc: Justice R. Fred Lewis
Greg Cowan, Office of State Court Administrator
Judge Ronald Friedman

- IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.
- IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

DIVISION

- CIVIL
- OTHER

**CIVIL WRIT OF BODILY ATTACHMENT
(Writ to Apprehend a Person)**

**PLAINTIFF(S)/
PETITIONER(S)**

**DEFENDANT(S)/
RESPONDENT(S)**

CASE NUMBER:

TO EACH SHERIFF OF THE STATE OF FLORIDA:

You are hereby commanded to take into your custody:

_____ and

Place him/her in the Miami-Dade County Jail until such time as (s)he may be brought before Judge _____ located at: _____

Bring him/her before Judge _____ located at _____

Instantly, for the following reason(s):

To answer the Defendant(s)/Respondent(s) failure to appear at a hearing for contempt on: _____, 20____, of which

Defendant/Respondent was noticed:

and/or

(Other) _____

CLOCK IN

DIRECTIONS TO SHERIFF

This Writ shall be promptly served and executed between the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday (legal holidays excluded), and shall expire and terminate if not served sixty (60) days from the date of this Order. In rare instances when the Defendant/Respondent is taken into custody during normal Court hours but cannot, after diligent effort be brought before a Judge on the same date this Writ is served, said Defendant/Respondent may be confined in the Miami-Dade County Jail until the earliest possible time that he can be brought before the Court. However, Defendant/Respondent may secure release pursuant to the conditions specified below. (Check appropriate box).

Defendant/Respondent may be released upon the posting of a bond in the amount of \$ _____

(SPECIFY OTHER CONDITIONS OF RECOGNIZANCE)

There is reason to believe that Defendant/Respondent is not subject to attachment during the above hours. Accordingly, the Defendant/Respondent may be taken into custody at such time as he is located and apprehended and may be confined in the Miami-Dade County Jail until the earliest possible time that Respondent/Defendant can be brought before aforesaid Judge, or, in his absence, before any of the other Judges of the _____ Court, for the reasons specified herein. However, the Respondent/Defendant may secure release pursuant to the foregoing conditions. Upon execution of this Writ, the sheriff shall promptly notify, by telephone, the following:

(SPECIFY NAME AND TELEPHONE NUMBER OF PERSON TO BE NOTIFIED)

CIVIL WRIT OF BODILY ATTACHMENT
(Writ to Apprehend a Person)

4241

DIVISION
 CIVIL
 OTHER

CASE NUMBER

INFORMATION TO BE COMPLETED BY COUNSEL

Home address of Defendant/Respondent

Work address of Defendant/Respondent

Telephone #

Race

Sex

DOB

SS#

Eyes

Hair

Height

Weight

Nicknames

Ordered in Miami-Dade County, Florida on the
____ day of _____, 20__

COURT JUDGE

(ATTACH PHOTO IF AVAILABLE)

Filed by:

Name: _____

Address: _____

Telephone: _____

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

Plaintiff(s),

vs.

**FINDING OF CIVIL CONTEMPT
AND ORDER OF COMMITMENT**

Defendant(s).

_____ /

The above styled cause having come on to be heard on _____, 200_, on _____ Motion for Contempt, and this Court being otherwise fully advised in the premises, heard testimony and provided an opportunity to the below named Contemnor to show cause why he/she should not be held in contempt of Court, after due and sufficient prior notice of said hearing and the basis thereof having been given said Contemnor.

Based on the foregoing this Court finds that the Contemnor willfully and flagrantly violated the Order/Judgment of the Court dated _____, 200_ in that he/she _____

_____ and therefore is in civil contempt of this Court. In consideration of the foregoing, it is

ORDERED AND ADJUDGED that _____ be confined in a facility of the Dade County Department of Corrections and Rehabilitation for a period of _____ days.

IT IS FURTHER ORDERED that the Contemnor, _____ may purge _____ self of said contempt by _____

DONE AND ORDERED in Chambers, at Miami, Dade County, Florida, this _____ day of _____, 200_ .

RONALD M. FRIEDMAN
CIRCUIT COURT JUDGE