



Larry Schack  
Circuit Judge

State of Florida  
Nineteenth Judicial Circuit  
(Martin, St. Lucie, Indian River, and Okeechobee Counties)

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January 18, 2005

James L.S. Bowdish, Esq.  
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Via Facsimile (772)287-9988

Subject: Additional Judges

Dear Jim:

I read the Stuart News article today concerning your lobbying efforts for additional judges. I am certainly glad you have taken the initiative on this issue, and have invested the time and energy to pursue it.

In the early 1990's, I was the only felony judge in Martin County. At the time the caseload was too much for a single judge. In 2005 despite the growth in population, there is still only one felony judge in this county. In 1992 I handled all the contested family cases in Martin County. Despite the growth in population, there is still only one family judge in Martin County. (While we now have a magistrate and a hearing officer, it still has not compensated for the growth in litigation.) I first presided over the Martin County civil division in 1995. At the time the caseload was too large for a single judge. I am again assigned to the Martin County civil division. Despite the growth in population, there is still only one judge in the division. Those assignments were overloaded in the 1990's. They are more so today. In 2002 I presided over the family division in St. Lucie County. The division can only be described as overloaded to the point of being ridiculous.

With respect to the Martin County assignments, as you know and as is well recognized within the circuit, Martin County cases are more heavily litigated per case than elsewhere in the circuit. I can tell you that the civil and family divisions, my two most recent assignments, are substantially overburdened. It is a constant struggle to attempt to balance the need for time in the office to prepare orders and judgments versus the constant demand for more and more hearing time. The result, of course, is substantial work in the evenings and on weekends to attempt to maintain one's head above water.

In order to attempt to keep current with incoming mail, I often take home incoming paperwork that requires my signature. It is not unusual for me to be sitting at the kitchen counter signing orders past midnight. On more than one occasion I sat in the waiting room of a doctor's office with a large briefcase, signing orders. One weekend I took home a

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week's worth of mail in two packing boxes. Out of curiosity I weighed it. It weighed more than forty pounds. That did not include all of the motions, notices of hearing, memoranda, and briefing books that came in during the week.

Of course, the most problematic matters are those that involve voluminous research, reading, or order preparation. I have many hearings for which I am provided briefing notebooks that can have materials up to six inches thick. Those hearings can require days of office time to read, research, evaluate and prepare orders or judgments. For example, the Pinecrest Lakes case consumed well in excess of 100 hours of office time including some regular workdays, evenings, weekends, and work on my vacation to complete the final judgment. I have had a number of divorce final judgments that have taken days of office time to complete. One hour of hearing time, or one day of trial time, can require many hours or days of office work to generate the resulting order or judgment.

My comments in this letter are not intended as complaints, but rather as painting a picture of the reality. Further, this situation is not the creation of our current Chief Judge, his predecessors, or the Florida Supreme Court. If you don't have the bodies to assign, you can't assign them.

The volume of work in the civil division and the family division is such that my judicial assistant in each assignment has performed the work of two people. It is not unusual for her to receive and make over 100 telephone calls and messages in a day. She carries a substantial workload and stress burden. I do not know why she has not resigned from the stress.

Part of the problem in this circuit is our size geographically and the fact that we are comprised of four separate counties. That adversely impacts the ability to assign a single judge to a portion of an assignment in multiple counties, even if we had the judicial manpower to do so.

I can tell you in discussing what I just outlined in this letter with Judge Roby, that he concurs with my assessments.

On a separate note, I am troubled by one statement in the article. I hope I am not being overly sensitive. The quote is:

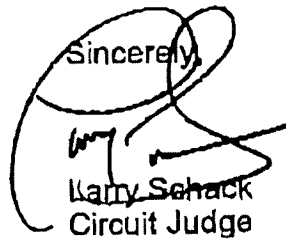
The judges, being pressured, have become arrogant and hostile to the attorneys and their clients. It is a sad situation.

You and I have known each other for over fourteen years. I am committed to being polite and courteous to everyone at all times. Certainly this occupation is tremendously stressful even without the work overload. The work overload simply makes the stress worse. Everyone deals with stress differently. I internalize it. If that quote included me, we have known each other long enough that I would have preferred to receive a call from you about the problem, to make me aware so that I could correct it. If it does not apply to me, it is a broad enough statement that unfortunately it tars all of us on the bench with one brush.

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If you feel that quotation does apply to me, I hope when you have the time you will call me and tell me of the problem.

I understand that Representative Negron has recognized the need and has exerted tremendous effort in attempting to create and fund new judgeships, including for this circuit. Any headway you can make in impressing upon the appropriate authorities the need for additional judges would be greatly appreciated by the judiciary, the Bar, and general public at large. Thank you for your consideration.

Sincerely,  
  
Larry Schack  
Circuit Judge

LS/vsm

Copy to Hon. William Roby

2005 Letters/Bowdish James re add Judges 1-18-05 v5.wpd