“Invest in the investment”—with these words, judicial branch leaders are punctuating the court system’s top priority for this year’s legislative session, which began March 5. Our most important investment is our employees. To bolster this investment, we’re requesting $474 million for the 2013 – 14 FY—$30 million more than last year’s approved budget. If this budget is approved, we’ll protect our human investment by providing a 3.5% salary adjustment to all court employees (at the same time, we’ll shore up our bricks-and-mortar investment by fixing our deteriorating buildings). It is also the position of the judicial branch that all judicial officers be included in any legislative pay adjustments that are provided to branch employees and to state workers generally. In public hearings and in one-on-one meetings with lawmakers, Chief Justice Polston, branch leaders, and I are firmly focused on encouraging the legislature to support these efforts.

Since 2005, when the court system contracted with the Management Advisory Group to conduct an independent study of our branch’s classification and pay system, we’ve known that the courts’ pay levels are not competitive with salaries offered by other government employers in Florida—in fact, court employees’ average salaries are nearly 10% lower.

This pay inequality is not fair to our hard-working employees. It also negatively affects the court system and court users. The loss of key court staff—who have comprehensive knowledge of critical judicial branch operations—creates significant organizational challenges in already trying times. And the loss of experienced employees can contribute to delays in case processing, threaten the quality of court services, and ultimately harm the people and businesses we serve.

For the last five years, the legislature has struggled to plug billion dollar shortfalls in the state budget. But Florida’s economy has slowly begun to recover—and the branch has greater revenue stability, now that we no longer rely on volatile foreclosure filing fees as our principal source of revenue. For these reasons, we are finally able to have this conversation with lawmakers.

Our long-range plan emphasizes that “The Florida State Courts System is committed to having a workforce that is highly qualified and dedicated to service.” Our budget request recognizes that fair compensation is essential to fulfilling that commitment. While a 3.5% salary adjustment would not fully address salary inequities court employees face, it would be good news for court employees and the courts—and for anyone who values meaningful access to justice.

Sincerely,
Lisa Goodner
The Judicial Management Council: “High Beams” into the Future

When the recently-re-established Judicial Management Council held its inaugural meeting earlier this year, it was the first time this particular group ever convened—but certainly not the first time the supreme court has availed itself of the insight of a group specifically designed to offer guidance on judicial administration issues. Indeed, the current council—created to serve as a focused advisory body that assists the supreme court in identifying trends, potential crisis situations, and strategies for addressing them—stands on a venerable foundation of antecedents that have played a significant role in the evolution of the branch.

Spearheaded by The Florida Bar and created by legislative enactment, the first council, called the Judicial Council of Florida, thrived from 1953 to 1980. Membership was limited to 17, and the governor made all the appointments; members included a county and a circuit court judge, the attorney general (or designee), four Bar members, and nine laypeople; a supreme court justice or retired justice presided over the council. Broadly speaking, the council was directed to aid the branch in managing its resources and to study and make recommendations about ways to simplify, expedite, and improve the administration of justice. Among its most important contributions, the council instituted the practice of gathering and analyzing caseload statistics that showed the work of the various courts; it also drafted the successful 1956 constitutional amendment that created intermediate courts of appeal (Florida’s first three DCAs are the immediate fruits of this effort); defined the new jurisdiction of the supreme court; and authorized the chief justice to adopt uniform rules governing the practice and procedure of all the state courts.

Established by supreme court rule, the second advisory body, also called the Judicial Council of Florida, flourished from 1985 to 1995. The 23-member body, presided over by the chief justice or a designee, contained a higher proportion of justice system stakeholders than its forerunner: nine judges; a public defender, state attorney, and clerk of court; four Bar members; and six public members. Its charges were similar to its predecessor’s—though it was not responsible for collecting court statistics (beginning in 1972, that task fell to OSCA, which was created, in part, to develop a uniform case reporting system). Among this council’s contributions were recommendations concerning time standards, alternative dispute processes, child support matters, court reporting services, and funding for the court system and public defenders offices.

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The supreme court dramatically reorganized the council in 1995, changing its name to the Judicial Management Council (JMC) to reflect its new purpose. This 21-member council had a broader membership than its forebears, for it included representatives from the other branches and from the Florida Council of 100. Its responsibilities were also more far-reaching. For instance, it was charged with making recommendations regarding the efficient and effective administration of justice that might have statewide impact, affect multiple levels of the court system, or affect multiple strata of the court and justice community; it was also tasked with developing a long-range plan. In addition to producing the first long-range plan and first two-year operational plan, the JMC introduced initiatives to improve performance and accountability and to build public trust and confidence.
The JMC became dormant in 2002, when the branch had to shift priorities to the 2004 implementation of Revision 7.

In 2006, after Revision 7 was fully implemented and the branch had returned to its more ordinary rhythms, then Chief Justice R. Fred Lewis resurrected the JMC, with a scope in membership and responsibility similar to its immediate precursor’s: this 27-member body was tasked with providing branch leaders “with a broad perspective on the myriad of administrative challenges facing the Florida courts.” Meetings gave branch leaders an opportunity to learn from the business community about business practices and efficiencies that could benefit the court system. However, the ramifications of the recession—e.g., reductions in the court budget, cuts in court personnel, a caseload escalation (especially foreclosure filings), a hiring and travel freeze, and a postponement of the work of numerous court committees—spawned a climate that was less than salubrious for the work of this advisory body, and it was temporarily suspended in 2008.

One of the catalysts for reconstituting the 2012 JMC was the branch’s 2009 – 2015 long-range plan. Under the plan’s first goal—“The judicial branch will be governed in an effective and efficient manner”—was the following strategy: “Reform and strengthen the governance and policy development structures of the judicial branch.” To address this issue, then Chief Justice Peggy Quince established the Judicial Branch Governance Study Group in 2009. Chaired by Justice Ricky Polston, the group proposed a series of recommendations for improving the branch’s governance structure, one of which was to re-activate the JMC. With the economy, and the court budget, beginning to show signs of stabilizing, the time was ripe once again for contemplating and adapting for the future, and the supreme court approved this recommendation in February 2012.

Compared with its antecedents, the current JMC has a more limited membership—only 15 voting members: two justices (including the chief justice, who chairs the advisory body); three DCA judges; three circuit court judges; three county court judges; and four public members (two of whom are Florida Bar members). Also on the JMC is the state courts administrator, who serves as a non-voting member. By delimiting the membership, the court aims to ensure that the JMC remain a “nimble body” that can respond swiftly and dynamically to administrative issues the branch might be facing. (Chief Justice Polston named the membership in a November 2012 administrative order; take this link to view the order.)

Like its membership, the JMC’s responsibilities are also more circumscribed than its predecessors’. The council has five charges: identify potential crisis situations affecting the branch and develop strategies to address them; identify and evaluate information that may assist in improving the performance and effectiveness of the branch; develop and monitor progress relating to the branch’s long-range planning; review the charges of the court’s and the Bar’s various commissions and committees with an eye toward coordinating, and, if necessary, consolidating these bodies; and address any other issues the court brings to the council. In addressing these charges, the JMC will be “part of a loop that will assist the Court with forward-looking vision.”

At the JMC’s first meeting, at the supreme court in mid-January, Chief Justice Polston, State Courts Administrator Lisa Goodner, and Deputy State Courts Administrator Blan Teagle (who serves as lead staff to the JMC) began by providing members with some basic framing information—on the various JMC models in the US, the history of Florida’s JMCs, supreme court committee protocols, and the specific charges that will guide JMC members’ efforts. Then, segueing to the “forward-looking” part of the meeting, Ms Goodner intimated that being able to stand back and look at big picture issues is a luxury not generally afforded the chief justice or the court administrator’s office, as they “are often having to deal with the crisis du jour”—typically, budget-related issues. “So it’s good to have the perspective of the group of people here today, to hear about the issues we should focus on,” she emphasized.

With that, the chief justice declared that he wanted to hear from the members—what issues did they think the JMC should address? This request prompted a fluent, expansive round-table discussion, punctuated by occasional questions or observations from the chief justice and Justice Labarga. Members raised many compelling issues over the course of the exchange—but three surfaced with particular frequency:
technology (e.g., updating it, meeting changing expectations, expanding its use, paying for it, controlling it); building trust and confidence in the branch (through public education, outreach initiatives, etc.); and improving communication (internally—as well as externally, by cultivating stronger relationships with the other branches, the business community, the press, and the public).

Throughout the meeting, Chief Justice Polston evoked the image of "headlights" to underscore the JMC’s most pressing role: to shine a light on the trends and the potential issues and crises down the road—and help the branch prepare for and navigate these vicissitudes. The tenor of the first meeting readily suggests that the JMC’s engine is revving—and its high beams are already turned on.

**Fairness and Diversity**

**ADA Coordinators Edified and Inspired by Education Program**

Under the Americans with Disabilities Act (ADA), a person is considered to have a disability if he or she has a physical or mental impairment that substantially limits one or more major life activities. Examples of impairments that nearly always meet the definition of disability under the ADA include deafness, blindness, an intellectual disability (formerly termed mental retardation), partially or completely missing limbs, mobility impairments requiring the use of a wheelchair, autism, cancer, cerebral palsy, diabetes, epilepsy, HIV infection, multiple sclerosis, muscular dystrophy, major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive compulsive disorder, and schizophrenia. The Act also prohibits disability-based discrimination against people who have a record of an impairment (for example, cancer that is in remission) and people who are regarded as having a physical or mental impairment that is not transitory and minor (even if he or she does not have such an impairment), but no accommodation is required unless there is an actual disability. (Take this link to read more about what is covered under the definition of disability.)

Federal law requires state courts to comply with the employment provisions of the ADA and to ensure that their services, programs, and activities are as accessible for people with disabilities as they are for others. And Florida’s judicial branch takes this responsibility very seriously. For instance, if a public entity has 50 or more employees, federal regulations require it to name at least one responsible employee to coordinate ADA compliance. However, Florida’s court system substantially exceeds this requirement: when the ADA was enacted in 1990, each of the state’s circuit and district courts designated at least one ADA coordinator to facilitate compliance with the federal law on the local level. At the same time, the branch designated a statewide ADA coordinator who is available to provide technical assistance to judicial officers and court employees regarding court compliance with the ADA.

The ADA coordinators help court users with disabilities secure the assistance they need to access and effectively communicate in proceedings or events, and they assist their courts in providing reasonable accommodations for judicial officers and court employees with disabilities. As part of a branch-wide court accessibility initiative launched in 2006, the coordinators also supported the efforts of their local Court Accessibility Teams to identify architectural barriers in public areas of court facilities and to address problems that the teams discovered. Coordinators also work to inform their judges and court personnel about the implementation of new, or revised, ADA rules. In addition, anticipating the adoption of federal regulations governing the accessibility of web information and services, coordinators have been working with court technology staff to ensure the accessibility of their courts’ websites and

**ADA coordinators participated in a blindfold activity that gave them a chance to feel what it’s like to be a person with a disability who is trying to make his or her way through a courthouse. Here, from the Eleventh Circuit, Shoun Simpkins, human resources administrative assistant, guides a blindfolded Maria Mihaic, personnel management analyst.**
web-based communications, and they have been helping their courts implement the recently-adopted Florida Rule of Judicial Administration 2.526, Accessibility of Information and Technology. (This link goes to the supreme court’s Accessibility of Electronic Information and Information Technologies site.)

The responsibilities of the ADA coordinators are vast: in addition to being cognizant of new ADA regulations and their implications, coordinators are expected to be knowledgeable about ADA issues associated with facility accessibility, purchasing, contracts, technology, and electronic accessibility—to name a few. Given the imperative to remain as informed and as up-to-date as possible, coordinators realized they needed a way to educate themselves and to communicate and exchange ideas regularly with one another—a need that became particularly pressing when the court accessibility initiative was in progress. In response, in 2006, they instituted the tradition of monthly conference calls. Initially, the calls focused on topics relating to the laborious process of surveying and evaluating court facilities and to strategies for addressing architectural barriers. When this initiative concluded, the calls continued, though they became bimonthly, and their focus broadened, becoming a platform for learning about resources available to them, for discussing challenging situations, and for sharing relevant news/events. In addition, each call features an ADA-relevant presentation by an expert, covering topics like autism, sign language interpretation in the legal setting, traumatic brain injuries, service animals, creating accessible Word documents, memory loss/Alzheimer’s Disease/dementia, and ADA-related bills before the Florida legislature.

Largely due to budget limits and travel restrictions, all of these trainings had to be distance-learning-based. However, in November—for the first time since 2005—ADA coordinators from across the state were invited to participate in a two-day, in-person education program. Supported in part with funding from the Florida Court Education Council and coordinated by the statewide ADA coordinator, Ms Debbie Howells, the program treated 40 coordinators—some of whom are veterans, but about half of whom have been in this position for two years or less—to a rich, multi-textured curriculum.

In advance, coordinators were asked to complete a worksheet for the opening session, an icebreaker exercise in which everyone shared his or her most challenging experience with the ADA in court—and discussed how they handled it, tools and information they wish they’d had, lessons learned, and what they would do differently should it happen again. The goal of this icebreaker was to emphasize from the outset that coordinators are not alone and that they can benefit from sharing their knowledge and supporting each other through the more demanding aspects of their jobs. This initial session set the stage for a learning bonanza that touched on a wide array of issues that come before ADA coordinators in the court system.

Many sessions presented critical foundational information of which the coordinators must be aware. For instance, the first speaker, who hails from the Civil Rights Division of the US Department of Justice, gave a presentation on “What’s New with Title II”; other speakers addressed the Title I Reasonable Accommodation Process; the 2010 ADA Standards; the ADA Amendments Act of 2008; Navigating through the Minefields of the ADA, FMLA, and Workers Compensation; complaints, grievances, and investigations; and electronic accessibility. Attendees also got a case law update and learned about some invaluable community resources. (Readable versions of many of these presentations are available online.)

Participants also learned about some exciting advances in ways to provide auxiliary aids and services—video remote interpreting (VRI) and remote communication access real-time translation (CART)—and about a host of assistive technology devices, and they were given a taste of the end-user’s experience with them. Walk a Mile in My Moccasins involved attendees in other experiential learning activities: through role plays, facilitated discussions, and a blindfold activity, coordinators got to feel what it’s like to be on “the other side”—in other words, what a court user with a disability undergoes when calling or trying to navigate the courthouse.

Perhaps the most moving features of the program were the two presentations that offered personal, first-hand accounts of some of the daily life challenges faced by people with disabilities. In Effective Communication
the Courtroom for Persons with Hearing Loss, Christopher Wagner, president of the National Association of the Deaf, described some of his real-life experiences, putting a human face on the challenges encountered by a person with a sensory disability. And to a spellbound audience, Judge August Bonavita, Palm Beach County, shared personal aspects of what it’s like to grow up and practice law with physical disabilities. “Riveting” is the word Ms Howells used to describe Judge Bonavita’s talk; “You could hear a pin drop,” even with all the people in the room, she added.

Evaluations of the program were effusive: words like “fabulous,” “super informative,” “a wealth of information,” “very worthwhile,” “tremendous learning experience,” “thorough and interesting,” and “awesome!” reflect the coordinators’ appreciation for having been given this learning opportunity. As enthusiastic was the gratitude to Ms Howells for securing the grant, planning the program, presenting, and, as one attendee put it, “making the ADA training the best ever!”

According to the most recent census numbers, one in five people in Florida report having one or more disabilities—a number that is expected to grow: since the risk of having one or multiple disabilities increases with successively older age groups (people 65 and older are more than twice as likely to have a disability as those who are 16 to 65), and since, between 2000 and 2030, the number of Floridians 65 and older is projected to increase from 2.8 million to 7.8 million (from 17.6 percent to 27 percent of the population), the number of people with disabilities in this state is forecast to rise dramatically. Thanks to trainings like this, Florida’s judicial branch is not only continuing its work to ensure access to the courts for all Floridians, but it is also preparing to meet the challenges that this trend will bring.

Sharing Solutions for Minimizing the Effect of Language Barriers

Americans typically embrace their nation’s cultural diversity. They recognize that their fellow denizens’ multiplicity of beliefs, values, ideas, knowledge, customs, and culinary traditions adds an ineffable richness and texture to the panorama of everyone’s life. At the same time, however, this diversity can pose challenges, both for the diverse population groups and for the people endeavoring to serve them.

Language barriers are one of these challenges. According to the most recent US census figures, 12.8 percent of the US household population is foreign born, and 20.3 percent speak a language other than English at home. In Florida, which is one of the six traditional “immigration states” (along with California, Texas, New York, New Jersey, and Illinois), these numbers are even higher: 19.2 percent of Floridians are foreign born, and 27 percent speak a language other than English at home.

Judges and court personnel across the country recognize that language barriers can hinder a party’s ability to participate effectively in court processes, frustrating the fair and equal application of the rule of law for all. But they also recognize that solutions can be, and have been, developed—and that sharing these solutions could benefit all. This was one of the catalysts behind the recent National Language Access Summit, a three-day program hosted in Houston by the National Center for State Courts and funded with a grant from the State Justice Institute. Close to 300 court leaders from 49 states, three territories, and the District of Columbia—including 14 chief justices and 32 state court administrators—gathered at this pioneering event to talk about and design practical strategies for improving access to justice for litigants with limited English proficiency.

Each chief justice was invited to appoint a five-person team to attend the summit. Chief Justice Polston selected State Courts Administrator Lisa Goodner, three members of the Court Interpreter Certification
Board—Judge William E. Davis, Eighth Circuit; Judge J. Kevin Abdoney, Polk County; and Trial Court Administrator Tom Genung, Nineteenth Circuit—and Ms Lisa Bell, a senior court operations consultant with OSCA who has served as the Court Interpreter Program administrator since 2002.

Through a stimulating blend of plenary sessions and workshops, the summit explored numerous focuses, among them, training for judges and court personnel; translation issues and best practices; credentialing programs for interpreters; funding and authorization for interpreter programs; technology use to increase efficiency; collaborative approaches to increase available resources; and outreach efforts. In addition to familiarizing everyone with national interpreting trends, the summit gave participants a chance to introduce their successful ideas and programs and to consider ways to achieve greater consistency across the states on policies related to interpretation in the courts. (Take this link for details about the program, presenters, and participants.)

One of the many dividends of the summit is that it gave each five-member team an opportunity to review and assess its court system’s programs and initiatives and to compare them with those of other court systems. For the Florida team, this led to a sound realization and appreciation of the Florida court system’s accomplishments. Those achievements include the establishment of the court interpreter certification and regulation program, which has increased the availability and effectiveness of certified and qualified spoken language interpreters; the 2010 language access plan (this link goes to the Commission on Trial Court Performance and Accountability’s publication, Recommendations for the Provision of Court Interpreting Services in Florida’s Trial Courts); and the 2012 Florida Benchguide on Court Interpreting, which addresses the need for, and use of, spoken language services and services for the deaf and hard of hearing (take this link to the benchguide).

While recognizing these significant strides, the team also acknowledged that Florida’s court system can do even more to strengthen court interpreting services and reduce language barriers for linguistic minorities. In fact, the summit anticipated this realization—so, built into the program were several opportunities for each five-member state team to meet on its own, with the specific goals of identifying priorities connected with language access in its court system and of devising an action plan to address these priorities. Based on their discussions at these meetings, the team will be asking the court to consider several recommendations designed to improve the administration of justice, reduce court delays, promote fair and efficient court proceedings as well as standardized court practices and procedures—and underline the court system’s continued commitment to ensuring equal access to justice for all.

Team members were pleased to have been chosen for this opportunity. Mr. Genung called it “a great honor and challenge” to be “selected as a member of the team representing Florida’s judiciary” and found it especially helpful to have a chance to compare Florida’s language access initiatives with those of other states: before participating in the summit, he understood “the great challenge of providing meaningful language access to our courts. After attending this summit,” however, “I realized that our court system has done a great job at addressing language access to our courts and that we have completed a large amount of work towards developing a well thought out plan to continue improving in this area.”

Judge Davis saw the summit as a useful complement to his work on the Court Interpreter Certification Board. Describing his work with the board as “very rewarding,” he said, “We are all dedicated to improving the quantity and quality of the court interpreters to ensure our judicial system is accessible to all persons. The conference in Houston re-affirmed this belief and made me realize how the challenges we face in Florida are similar to the issues throughout the nation.” The summit also reinforced his sense of “the high
level of professionalism demonstrated within the board,” and he looks forward “to continuing our efforts to establish a program that is the best in the country. Based on the initial significant increase of applicants for certification,” he added, “it appears that our efforts are being rewarded even sooner than I had hoped.”

And Judge Abdoney highlighted the opportunities that the summit gave the team to work on its language access plan: “With the undeniable increase in the number of litigants with limited English proficiency coming into contact with our courts, it is crucial that we develop language access plans consistent with our constitutional obligations relating to due process and court access.” The summit also enhanced his appreciation for court interpreters: “We must also recognize the increasingly important gate-keeping function that the court interpreters play in the constitutional equation by affording them the professional courtesy and respect deserving of other court officers,” he emphasized.

Education and Outreach

Administrative Services/Personnel Training Builds Knowledge and Collegiality

In November, several staff members from each of the state’s trial courts and DCAs came together in Orlando for a two-day training organized and presented by staff from four OSCA units: Personnel Services, Budget, Finance and Accounting, and General Services (the last three units come from OSCA’s Administrative Services Division). The Administrative Services Division has offered statewide trainings in the past (most recently, in 2010), as has Personnel Services (the last was in 2006)—but this was the first time the four units collaborated on an instructional event. The 80 attendees were clearly ready and eager for this valuable, multi-faceted learning opportunity.

Endeavoring to make the training as useful and effective as possible, the coordinator of the event, Steven Hall, chief of OSCA’s General Services Unit, invited each trial court administrator and DCA marshal to describe his or her staff’s specific training needs in the four operational areas. The agenda was designed largely in response to their feedback.

Launching the training was a joint session that headlined Blan Teagle, deputy state courts administrator. After referencing the fiscal challenges that Florida, and the court system, have faced these last five years, he pointed out that, “Despite these deficits, judicial branch appropriations barely dropped in 2011 – 12, and our allocation was not reduced at all for 2012 – 13.” And he emphasized that “That shows the branch effectively makes its case for the need for resources, and we are able to demonstrate how responsibly we deploy those resources once they are appropriated.” At the same time, however, Florida’s court system is still extremely lean: with only 4.5 judges per 100,000 people, Florida ranks 45th among the 50 states in number of judges to general population; on top of that, the branch is still straining from the loss of 300 court personnel positions five years ago. Even so, he stressed, judges are able to focus their efforts on fulfilling the mission of the branch because “court personnel are taking care of the day-to-day business of the branch, ensuring that its administrative functions operate smoothly.” He ended by expressing his appreciation to attendees, reminding them that “Your work enables us to have a credible branch that is the place for protecting rights and liberties, upholding and interpreting the law, and providing for the peaceful resolution of disputes.”

The rest of the program comprised four parallel tracks—each one developed by a participating OSCA unit. Registrants were not bound by these tracks; rather, they were free to move from one track to another, learning
about the topics that will best assist them with their daily
tasks and thereby support their efforts to perform at the
highest professional levels.

All four tracks opened by addressing some of the “big
picture issues” inherent in its operational area, and, for
the Personnel Track, those issues included personnel
regulations (for which attendees were taken on an
“intranet tour” to learn where to find information they may
be seeking), the budget and pay administration memo,
and position descriptions/reclassifications. Following that
was a series of more detail-oriented sessions—on payroll
topics, recruitment and hiring, defined compensation,
attendance and leave, retirement, and employment law
topics (specifically, the Family Medical Leave Act and its
relation to the Americans with Disabilities Act and workers
compensation law). To make the learning process as
memorable and engaging as possible, some of the sessions
included a “hands-on” component—a functionally-useful
exercise that gave participants a chance to test their new
knowledge in a real-life work situation.

According to Theresa Westerfield, chief of OSCA’s Personnel
Services, one of the best outcomes of the Personnel Track
is that presenters and participants agreed to continue the
training beyond the last session. Their goal is to establish a mentoring program for new human resources
personnel, create a “forms sharing” space on the
intranet, and make better use of technology—e.g.,
through video conferences and webinars—to facilitate
the exchange of ideas and the dissemination of
updates.

Budget-related issues were the focal point of the second
track. Here too, the program began with a big picture
perspective: in this case, the subject was what Sharon
Bosley, OSCA senior budget analyst, described as a
“start to finish, behind-the-scenes look at the entire
legislative budget request (LBR) process”—including
the court system’s approval process; the legislature’s
budget development process; and the means by
which the branch endeavors to promote the budget
issues prioritized by the chief justice. This session
also included instruction on how to follow LBR issues
through the legislative process and how to prepare
an LBR. Next was a complementary session on
understanding the allocation process, which provided
insight into the stages that proceed the legislature’s
appropriation of funds to the judicial branch in the
General Appropriations Act. This session also provided
instruction on requesting amendments to a budget.
The last session covered “hot topic” items gleaned
from frequently asked questions. Attendees learned
about the new procedures for addressing conflict
counsel payments over the flat fee, procedures for
addressing due process deficits, and appropriate uses
of cost recovery funds.

The third track, Finance and Accounting, addressed
many of the functions that staff carry out on a daily
basis. The first session, a big picture overview, explored the Florida accounting information resource
(the system that performs the state’s accounting and financial management functions), the purchasing
card, and MyFloridaMarketPlace (the state’s online exchange for buyers and vendors). In later sessions,
presenters delved into the report distribution system (which provides online access to finance and accounting-based reports) and presented a property overview. Attendees also learned about the particulars of the contract summary form (which has to be completed and submitted with all contractual services)—and they got some practical, hands-on experience of the form through an exercise in which they had to correct one that had been filled out incorrectly.

This track was punctuated with questions throughout—but questions were an especially prominent part of the final session, a Q & A that gave everyone a chance to voice queries, brainstorm, exchange ideas, and listen to and learn from their peers in corresponding positions across the state. Presenters Jackie Knight, chief of OSCA’s Finance and Accounting Unit, and Afua DeWindt, OSCA finance and accounting administrator, agreed that this was the most animated session—and, perhaps, the most useful for attendees.

Purchasing was the theme of the final track. Sessions on day one introduced the basics of purchasing as well as “hot topics” associated with the purchasing card and with MyFloridaMarketPlace. However, Steven Hall opined that the sessions on day two were “the most memorable.” These three sessions all focused on various aspects of contracts: the first presented the big picture perspective; the second addressed the components of a contract and the information that the Department of Financial Services looks for when doing an audit; and the third consisted of a lively, interactive exercise in which attendees, divided into small groups, were given the scope of work for fictitious contracts (actually drawn from real contracts) and had to articulate the deliverables, the performance metrics, and the financial consequences if the contractual obligations were not met. This exercise gave participants first-hand experience of what happens when the scope of work is defined too vaguely or too broadly—and what the unintended consequences might be. Attendees indicated that they were keen to return to their courts and review their contracts, to make sure they’re “hitting the mark.”

To ensure the smooth operation of the branch, OSCA staff must communicate regularly with the trial court and DCA staff, and this is typically done over the phone and via email. And, for the most part, this system works satisfactorily. However, presenters in all four units emphasized that having the occasional live program not only lets everyone connect names and voices with faces, but it also fosters stronger professional relationships and improves performance and productivity. As Ms Bosley explained, “Face-to-face programs build collegiality, and collegiality leads to greater efficiency.” And as Ms Knight pointed out, “Different circuits do things differently—they have the same goal, but take different paths to the goal.” Live programs “give people a chance to learn from each other and to discover other, maybe even better, ways to do their jobs.” Ms Westerfield added that “Face-to-face opportunities let people know that we [OSCA staff] are accessible and approachable. Then they feel more comfortable asking us questions”—which, of course, allows everyone to do his or her work better. The glowing attendee evaluations bolster these observations.

Delcynth Schloss, OSCA human resources manager, pithily summed up the reasons for the success of the ASD/Personnel Program when she remarked, “I think part of what made the training this year so wonderful—aside from the dynamic presentations and discussions—was the excitement, the energy, and the enthusiasm we all experienced just by being with colleagues we communicate with daily but just don’t get a chance to see up close and personal. Much of the feedback I received up to several days later dealt with this aspect of the training.”
Dispute Resolution—and the DRC—in Transition

Nearly 1,000 attendees gathered in Orlando in August for the twentieth annual statewide conference of the Florida Dispute Resolution Center (DRC). Setting the stage for this year’s conference theme, Twenty and in Transition, Janice Fleischer, chief of the DRC, began by elaborating on five consequential transitions that the DRC, and dispute resolution generally, have been undergoing. While providing a useful framework for the enticing assortment of plenaries and workshops on the agenda, her introduction also served as a poignant reminder of just how far alternative dispute resolution has come since Florida’s first citizen dispute settlement center was established in Dade County in 1975.

For the first transition, Ms Fleischer focused on the many mediation-related changes she’s witnessed since receiving her first certification in 1991—just three years after alternative dispute resolution was brought under the umbrella of the Florida court system. Evolutions include the shift from certification by circuit to statewide certification; from having no mediation standards to mediating under a fully-developed set of standards of professional conduct; from a circuit-by-circuit disciplinary system to a central grievance process; and from small advisory committees to four standing supreme court committees that oversee all aspects of alternative dispute resolution, and mediation in particular.

The second major transition she considered is the size and scope of the conference itself. The inaugural conference, 20 years back, hosted only a few hundred people; these days, given that more than 6,300 supreme court-certified mediators serve the state and its citizens, the conference plans for at least 1,000 attendees. The growing number of attendees prompted another transition. In the past, DRC staff coordinated every aspect of the conference. However, because the staffing in the DRC is limited (nine people)—but the conference continues to expand—for the first time, the DRC retained the services of a conference planner/manager, which led to a less stressful experience for everyone.

As the conference grows in size and scope, so does the field of alternative dispute resolution, and this was the subject of the third transition Ms Fleischer discussed. One sign of this change is the proliferation of areas in which mediators are expected to have professional competence. The annual conferences aim to respond to these new educational needs: this year, women in prison was the focal point of one of the plenary sessions, titled “What Murderers can Teach Mediators”; another plenary examined legal issues of the LGBT community; the program also offered sessions on topics like non-traditional families and domestic violence in same-sex relationships. Another sign of the changes in the field of alternative dispute resolution is the development of new resolution processes, like parenting coordination; the DRC continues to review other processes that might be of benefit to the courts and the public.

The fourth transformation is reflected in the DRC’s embrace of automated court processes. The DRC is embarked on an Efficiency and Automation Project to help it become as paperless as possible. As a result, email is now the standard method of communicating with mediators and committee members, and the center’s various forms—mediator renewal forms, continuing mediator education forms, grievance forms—are now available online. Indeed, mediators seeking additional continuing mediation education hours can even download audio recordings of conference workshops rather than purchasing CDs. By automating certain tasks, the DRC endeavors to become even more efficient, accessible, and “green.” (Mediators can get additional continuing mediator education hours by purchasing and downloading audio recordings of the 2012 conference’s plenary sessions and workshops; all three plenaries are available, as are 42 of the workshops. Take this link to download the convention recordings.)

And the fifth transition Ms Fleischer advanced is one that she decisively would like to see reversed—the rise in grievances: “Grievances are up and are more egregious than in the past,” she warned—in the last
three years, they’ve risen from just a few each year to more than 20 grievances and more than 80 good moral character cases each year. While recognizing that both the increase in grievances and their rising level of seriousness are, in part, a “natural byproduct of the growth of the field of mediation and the number of mediations conducted each year,” she also emphasized that “this is a trend that cannot be ignored.” (When compared to the many thousands of mediations that are conducted each year, grievances are still a tiny percentage of the overall, she emphasized. But she also noted that, due to the growth of the profession and the increased use of mediation, attorneys and parties are very aware of the standards of professional conduct for mediators and expect mediators to conduct themselves in accordance with the rules.)

To address this development, the DRC has taken a two-pronged approach. The goal of the first prong is to educate mediators and to protect consumers by publicizing the imposition of sanctions [which also satisfies a requirement of the Florida Rule for Certified and Court Appointed Mediators 10.830(g)]. In the past, the DRC sent notices of sanctions to all circuits; three years ago, the center also began publishing sanctions in The Florida Bar News and other professional media. And, to promulgate this information more widely, the DRC recently began to publish sanctions online, making easily accessible the results of the Mediator Qualifications Board’s disciplinary proceedings. From the DRC’s Disciplinary Proceedings and Sanctions webpage, viewers can access the “Sanctions—Imposed” and “Sanctions—Consensual Agreement” sites; they can also use the Mediator Search database to find mediators in their geographic region and see whether a particular mediator has been sanctioned or decertified. (This link goes to the Disciplinary Proceedings and Sanctions page.)

The second prong involves efforts to support mediators, and, to do this, the DRC has been offering as much mediation education as possible; through these trainings, the DRC instructs mediators about their ethical obligations—working to help them avoid the sorts of pitfalls that can lead to grievances. This fiscal year, for instance, the DRC is offering five advanced mediation education programs, all of which focus exclusively on mediator ethics. During these four-hour trainings, Ms Fleischer and Kimberly Kosch, OSCA senior court operations consultant, present an overview of the growing problem; discuss the types of grievances that are being filed (this portion tends to be highly interactive, with a great many questions and answers); and then give, and carefully review, a 20-question self-study test derived from ethics opinions issued by the Mediator Ethics Advisory Committee (the committee issues formal opinions to certified and court-appointed mediators, and the opinions are posted on the DRC website). Moreover, Ms Fleischer and Ms Kosch are conducting three certified county mediation trainings this fiscal year; in addition to a two-hour ethics component, these four-day programs interweave ethics education into almost every item on the agenda.

Clearly, the DRC, and alternative dispute resolution generally, are facing many heady changes. However, in all these years, one indisputably positive feature has not changed: it’s what Justice Canady, in his welcome address, touched on when he called attention to the “very valuable” role that mediators play in resolving disputes. When mediators help parties “work through their differences and reach an agreement...they do a great service to the parties and to the system of justice.” Thanking them, he reminded them, “Blessed are the peacemakers.”
The Seventeenth Circuit Introduces Mongolian Judges to the US Justice System

Although it’s the nineteenth largest country in the world, Mongolia is one of the most sparsely populated: with an estimated 2.75 million inhabitants, its population is roughly half the size of Atlanta’s. In prehistoric times, it was settled by various nomadic tribes. In the late twelfth century, many of these tribes were united by a chieftain who came to be called Genghis Khan—he formed the Mongol Empire and is considered the founding father of Mongolia. Mongolia eventually became a territory of China, with which it shares borders on the south, east, and west; more recently, it was under Russian and Soviet influence (Russia borders it on the north). After the communist regimes in Eastern Europe began to crumble, Mongolia, in 1990, staged its own Democratic Revolution and established a new constitution in 1992; now a parliamentary republic that elects its president by popular vote, Mongolia has been transitioning to a market economy. Tibetan Buddhism remains the predominant religion.

It would be easy to assume that Mongolians, given the unique history and character of their country, have little in common with, or interest in, the US. However, that is definitely not the case—at least for Mongolia’s judges....

This story begins almost two years ago, when the Seventeenth Circuit received a rather unusual email request from an international, immersion-style social and cultural learning program. The email stated that a delegation of Mongolian judges would be in Ft. Lauderdale for two weeks to participate in the learning program. Sponsored by the Mongolian Women Judges Association, these judges—14 in all—would be taking intensive language classes each morning, but in the afternoons, they would have a chance to participate in various, quintessentially American activities. As the judges were very keen to learn about the US justice system generally, and about Florida’s court system in particular, the email asked whether the Seventeenth Circuit would be willing to enhance the judges’ educational experience by hosting them at the courthouse one afternoon. The trial court administrator at the time, the recently-retired Carol Ortman, readily agreed, and a date was set.

The court administrator’s office put together a wide-ranging and purposeful program for the judges: after welcoming them to the Central Judicial Complex, court staff supplied some background about the circuit; gave presentations on the circuit’s case management division and its mediation and arbitration division; took them on a tour of the court reporting room, the jury room, and the first appearance court; and invited them to sit in on part of a trial (the guests expressed fascination with American criminal trials, and since Mongolia lacks a jury system, they were especially interested in witnessing a jury trial). The last hour together was a meet-and-greet session with some of the circuit judges; it was a chance for the visiting judges to ask questions about what they’d encountered that afternoon and for their American counterparts to ask questions about the judicial branch in Mongolia. In fact, this program was so successful that subsequent delegations of Mongolian judges have sought, and been granted, the opportunity to visit. And, thanks to the enthusiasm and support of the new trial court administrator, Kathy Pugh, this program continues to be highly valued.

In addition to taking copious notes and a profusion of photos, the groups of visiting judges pepper their hosts with all kinds of justice system-related questions. When the first delegation came, Mongolia’s judicial branch was preparing to introduce mediation as a way to increase the efficiency of the court system, so the guests asked myriad questions about mediation, explained Meredith Bush, the Seventeenth Circuit’s communications specialist and the coordinator of these court events. The judges also tend to have lots of questions about judicial elections and retention votes (because Mongolian judges have lifetime appointments, Democracy is still quite young in Mongolia, and the visitors have intimated that judges across the country are eager to reform their justice system—and are particularly committed to furthering the independence of the judiciary; they are also interested in building public trust and confidence in their branch. They look to their American equivalents for some guidance on these quests. Calling the American system “very refreshing and modern,” they are hoping to emulate it—and see their visits to the Seventeenth Circuit as a step forward in this process.
their names never appear on ballots) and about our jury system (even complex trials tend to be quick in
Mongolia, and although “citizen panels” sit in on trials and can make suggestions to judges, the outcome of a
case is always decided by the judge). They are also curious about mandatory sentencing guidelines, rules of
court procedure, and pay for judges and judicial assistants (they feel they don’t get paid adequately—which
suggests that salary-gloom transcends national boundaries).

Not surprisingly, the guests’ English language skills are still somewhat rudimentary, so they are always
accompanied by a translator (who’s either a member of their judiciary or a staff member of their supreme
court). But they do have a basic understanding of what is being said to them, and they seem to pick up
certain words very easily (Ms Bush stated that among the Mongolian judges’ cultural outings are trips to
the beach and a snorkeling expedition—which are extraordinarily exciting for inhabitants of that landlocked
nation; thus they cheerfully learn words like sun, sand, beach, and water).

The initial group of visiting judges proclaimed that the time spent with their circuit hosts was “the highlight
of the trip”—and word quickly got around to their peers: as a result, the Seventeenth Circuit has now hosted
six delegations, comprising more than 60 Mongolian judges. Interestingly, all the delegations have been
very evenly mixed, including both male and female judges, representatives of all four judicial tiers (in this
regard, their system is similar to ours), and jurists from urban as well as from rural areas.

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American equivalents for some guidance on these quests. Calling the American system “very refreshing and
modern,” they are hoping to emulate it—and see their visits to the Seventeenth Circuit as a step forward in
this process. Ms Bush, who has organized all these visits and has been an able intermediary between her
circuit and the delegations of Mongolian judges, calls it “an honor that they continue to come back and seek
more information and interaction with our court. Over the two years that the Mongolian judges have been
visiting us, they’ve revamped so much of their judicial system—it’s truly flattering to know that our court
system has played such an important role in that.”

One of the delegations of Mongolian judges poses for a group photo with some of their new friends from the Sev-
enteenth Circuit, including Chief Judge Peter M. Weinstein, Judge Martin J. Bidwill, Judge Mel Grossman, Judge
William W. Haury, Judge Jeffrey Levenson, Judge Mark A. Speiser, and Trial Court Administrator Kathy Pugh.
Florida Court History

Former Justice Ben F. Overton

When former Justice Ben F. Overton passed away on December 29, 2012, members of his family and extended court family, fellow public servants, and students past and present warmly remembered the jurist of 35 years (10 years at the Sixth Circuit and 25 years at the supreme court). Former Governor Reubin Askew, who appointed him to the supreme court bench in 1974, characterized him as "an extremely good man" who "had a passion for doing the right thing." Talbot "Sandy" D’Alemberte, former dean of the FSU College of Law, reminded everyone that Justice Overton “stepped into the court at a time when it was in great distress”—and then added, “In my opinion, he was the justice who saved it.” And Chief Justice Ricky Polston noted that he was “one of the most influential members of the Court after the sweeping reforms of the 1970s.”

In addition, newspapers across the state printed evocative obituaries that highlighted Justice Overton’s transformation of Florida’s judicial branch during a very mercurial and heady period of its history. These tributes recalled Justice Overton as a judicial pioneer who blazed many trails. Four “trails” were mentioned with particular frequency: his promotion of educational programming for Florida’s judges, his support for alternative strategies for settling disputes, his embrace of computers and other technological advances, and his championing of cameras in Florida’s courtrooms.

The stirring eulogies about Justice Overton’s influence in these areas are readily available online. And—though not quite as convenient as a few mouse-clicks away—also accessible is some of what Justice Overton himself said about the issues that were so close to his heart. Like several former justices, after he retired, Justice Overton donated a treasure trove of his papers to the Florida Supreme Court Library. Housed in the library’s archives, these papers include many of his supreme court opinions, speeches, teaching notes, letters, articles, and jottings taken while serving on various court committees. According to the supreme court archivist, Erik Robinson, the archives hold 117 boxes of Justice Overton’s papers. Among them are three boxes on cameras in the courts, four boxes on computers and technology, and 10 boxes of his teaching files. Thanks to this archival donation, readers are able to “hear” what Justice Overton, in his own voice, had to say about these special passions of his.

On Judicial Education

Often referred to as the “Father of Court Education,” Justice Overton was instrumental in establishing a mechanism for providing judges and certain court personnel groups with education and training programs designed to enhance their knowledge, skills, and expertise and to help them administer justice fairly, effectively, professionally, and competently. Florida’s judges have been required to take judicial education courses since 1988 (Justice Overton authored the opinion establishing the judicial educational requirement)—but he was one of the jurists who worked devotedly to make judicial education available at least a decade before the requirement was instituted. In addition, he was the first chair of the Florida Court Education Council, the governing body over judicial branch education established in 1978, and served as chair until 1995. He was also an inspired teacher and taught for various judicial education programs both in Florida and across the nation. But he didn’t reserve his pedagogical gifts for judges alone, for he also loved to teach law students. Over the years, he taught at Stetson, Florida State University, and the University of Florida—indeed, while in the hospital before he passed away, he was said to be grading his UF law students’ papers. Among the archival materials are his teaching files on the gamut of legal topics—from attorneys’
fees to the Code of Judicial Conduct to court reporting to privacy. Here is a sampling of insights he shared with new judges in the 1980s:

“We are the only country in the world that does not train individuals to be judges before they assume the bench....I hope you all would agree that justice is not something that should be learned by trial and error, but that is exactly how a judge learned the art of judging up until a few years ago.” He was proud that “Florida has been a leader in providing judicial education.”

He took very seriously his responsibility as a judge and often reminded new judges of the gravity of their charge: “You, as the trial judge, are the single most important individual in the justice system in a free society. The public looks to you as the primary instrument of justice.”

The elemental importance of fostering strong and independent courts is another topic he frequently discussed with new judges: “The legislature has the purse to protect its independence. The executive [branch] has the sword to protect its independence. Our protection rests only on our credibility with the other branches and more important with the public.” Therefore, he continued, “You are not just individuals passing judgment on others but are also teachers to the public about our justice system and how it works. Credibility comes from understanding,” he stressed—and judges must nurse that understanding.

**On Alternative Dispute Resolution**

Energized primarily by local, grassroots efforts, methods of alternative dispute resolution (ADR) began to gain popularity in Florida in the mid-1970s. The state’s first citizen dispute settlement center was founded in Dade County in 1975; the following year, centers sprang up in Duval and Orange counties. Even in its earliest stages, alternative dispute resolution had some bold supporters who maintained that since the court is the primary dispute resolution vehicle, mediation should play a role in the courts themselves. One of those visionaries was Justice Overton, who, together with Justice James Adkins and Mike Bridenback (at the time, a staff associate at OSCA), worked to find a way for ADR to operate within the court system. Thanks to their insight and tenacity—and to the support of the judiciary and the legislature—ADR was brought under the aegis of the court system in 1988. Since then, the branch has developed one of the most comprehensive court-connected mediation programs in the country.

Justice Overton was consistently an avid proponent of citizen dispute settlement centers: in fact, he began a speech at the 1978 Conference of Chief Justices by announcing, “A locally sponsored citizen dispute settlement program is the most important new development in the administration of justice.” He referred to citizen dispute settlement centers as “a very effective tool to solve what I call ‘people problems.’” These are problems that are here primarily because of our urbanized society. This new type of program provides simpler means for people to talk to each other and to settle their own problems in principally their neighborhoods”—at an early stage, before the problems escalate. He said that these alternative methods for resolving disputes are among the “more efficient means and methods of disposing of cases,” for they can lead to a “speedy hearing” and can “eliminate unnecessary judicial labor.”

ADR is also beneficial for court users, he maintained, for it supports the court system’s efforts to ensure that justice is accessible, fair, effective, responsive, and accountable: “Our justice system must be responsive to the needs and the desires of the public to have their disputes resolved in an efficient, expeditious, and
inexpensive manner. We cannot allow the court system to be clogged. We must make sure that the courts will be responsive to the needs of both the public in general and the individual litigant in particular. In doing so, we must make sure that the means to resolve civil disputes must not be reserved only for litigation involving large sums of money. To work, our system of justice must be both available and affordable.” With the help of ADR, he said, the courts can “resolve both the large and the small dispute.”

On Computers and Technology
To an audience of county court judges in 1996, Justice Overton mused, “When I became a judge in 1964, President Johnson had just declared war on poverty; gasoline was thirty cents a gallon; a loaf of bread cost twenty-one cents; and a first-class postage stamp was a nickel. The price of a new Ford was $3,233; a three-bedroom home was $15,425; and the average income was $6,569. Gideon had just been decided and the state was in the throes of retrying 1500 cases. Miranda had not yet been decided. Personal computers and the Internet were unheard of.”

“It might be nice to go back to the 1950’s or the early 60’s when ‘Coke’ meant a Coca-Cola and ‘pot’ was nothing more than something to cook in,” he continued. “But we can’t do that, and most of us would not like to give up the conveniences that we now have that did not exist at that time.”

Before shifting to his illustrations of “how we are changing,” he offered some words of advice and encouragement to the judges: “We must not be afraid of new ideas or of new technology, and we must look affirmatively at how this new information age can help the courts and make us more productive and efficient.”

Clearly, when it came to computers and technology, Justice Overton was fearless. Indeed, in 1995, he became the first chair of the Court Technology Users Committee (the forerunner of the Florida Courts Technology Commission), which was established to advise the supreme court on issues connected with the use of technology in the judicial branch. And he also authored the opinion adopting the 1996 amendments to the Florida Rules of Judicial Administration that opened the gates to filing court documents electronically and to expanding the use of computerized documents in the judicial branch. He emphatically heralded this new technology as a means to achieve greater efficiency, accessibility, and transparency.

For instance, he was an energetic supporter of JOSHUA, the acronym for the court system’s Judicial Online Super Highway User Access system. At a 1996 county court judges education program, he explained that JOSHUA “underscores the court’s commitment to government in the sunshine and our continuing effort to make legal information more readily available to Floridians.” He also saw JOSHUA as a way to encourage even the youngest of Floridians to learn about the court system, saying, “We especially kept Florida’s school children in mind when we designed the project. Our hope is that teachers, through their computers, will be able to use this project to enhance their lessons about government and how our court system operates.” In addition, he touted this new technology as a way to save taxpayer dollars: “We also hope to eventually reduce our printing, personnel, and mailing costs by releasing information from the courts on the Internet rather than through hard-copy and the mail.” He enjoyed showing off how JOSHUA worked and was known to take judges on a tour of the system, introducing them to the branch’s new web presence and demonstrating what they could access via JOSHUA (e.g., court opinions; a legal research resource library; information about the supreme court, the court system, and the justices; and contact information for the justices, clerk’s office, other court personnel, and lawyer referral and legal aid services throughout the state).
Often, he said, “We must not be afraid of this new technology but, instead, must focus our energy on harnessing it to assure that it makes us better lawyers and judges.” He also warned that those who did not embrace it would be left behind: in a 1997 speech, he said, “There is no question that we are at the very beginning of a new era. How law is practiced and how courts operate will change substantially in the next two years. I have expressed the view previously that any lawyer or judge who is not computer literate within the next two years will have trouble communicating in this new age. My suggestion to you who are apprehensive: ‘Just do it!’” And he ended his talk by noting that this new technology has benefits that go even beyond the work world—for “You will even find you can communicate with your children and grandchildren,” he playfully added.

**On Cameras in the Courtroom**

After the “media frenzy” on display at the 1935 trial of Bruno Hauptmann for kidnapping and murdering the infant son of Charles and Ann Morrow Lindbergh in New Jersey, most states banned cameras, radio, and, later, TV, from the courtrooms. As technology became smaller and less intrusive, however, interest in broadcasting from courtrooms began resurfacing. On July 5, 1977, under then Chief Justice Overton, the Florida Supreme Court authorized a one-year experiment allowing cameras to return to state courtrooms. At the end of the experiment, after soliciting feedback from judges, attorneys, parties, jurors, and witnesses, the court concluded that cameras caused no harm—in fact, they conferred a great benefit by making the judicial process transparent to the public. This conclusion was permanently written into the rules of court in a 1979 opinion. With this opinion, Florida prompted a national movement that eventually brought cameras into most state court systems in the US—and even some federal courts (with the notable exception of the US Supreme Court). Since that experiment, endorsed by Justice Overton 36 years ago, the Florida Supreme Court has continued instituting measures to ensure the openness of court proceedings, thereby enhancing public trust and confidence.

In Florida and beyond, to audiences of judges and attorneys, Justice Overton was often invited to speak about Florida’s cameras in the courtroom experiment and the reasons for launching it. In a 1978 talk before the Conference of Chief Justices—while the experiment was still in progress—Justice Overton candidly shared the apprehensions over inviting cameras into the court: “The trial bar and the trial judiciary had and have expressed deep concerns about the possible disruption of legal proceedings by electronic photographic news media if they are allowed in the courtroom.” However, he emphasized, “We must recognize that, if information and knowledge of what takes place in our courts can be conveyed to the public by the electronic media without disruption of the proceedings, it should be allowed.”

In his conclusion, he remarked, “It was my hope then, and it is my hope now, that the trial judiciary, the trial lawyers of Florida, and the electronic and photographic media will all act responsibly in a manner that
will enhance, rather than be detrimental to, the image of the courts and the legal profession. Florida has an excellent judicial system, one that is looked on by other states as a model of efficiency and effectiveness. I personally am not afraid for the public to see how our judicial system works.”

And, in 1983, four years after the Florida Supreme Court opinion that opened the state’s courtrooms to cameras and other electronic media, Justice Overton, in a speech before the Arizona State Bar Association, declared, “We were not afraid for the public to see how our judicial system works. And, frankly, we hope that it will help us improve the system and enhance its credibility.”

Given Justice Overton’s exceptional influence in shaping and modernizing Florida’s court system, most would readily agree with former Justice Harry Lee Anstead’s declaration that Justice Overton’s “career as a jurist, and the important decisions he participated in, mark him as one of the most important Florida legal figures of the 20th Century.”

A Window into Florida Supreme Court Building History

In early November, the supreme court became the new home of an evocative historic treasure: a curved-glass window that, until 1978, adorned Florida’s first Supreme Court Building. Thanks to a generous donation from the Florida Supreme Court Historical Society, this elegant window, etched with the official supreme court seal, is now permanently exhibited in a handsome, custom-built mahogany display case in the Lawyer’s Lounge.

While admiring this gift in the normally hushed composure of the Lawyer’s Lounge, one may find oneself fancifully journeying back in time to supreme court venues of bygone days. For these fortunate time-travelers, the window is more than merely a lovely, framed and glazed aperture between interior and exterior worlds—indeed, it becomes a portal to the past, inspiring curiosity about the earlier settings in which the justices resolved disputes....

The state of Florida, previously a US territory, was admitted to the Union in 1845, and its first constitution created the supreme court—but did not give it any justices. To carry out the function of justices, the legislature vested some judges in the circuit courts with the power to serve as supreme court justices. At the time, Florida had four circuits, and four circuit judges were given the dual role. Their job was particularly grueling because they were obligated to “ride circuit”—that is, they had to make frequent journeys across the state (by horse or carriage) to hear cases in various major cities.

Tallahassee has been the capital city since 1824 (three years after Florida was ceded to the US by Spain). And when the justices were in session in Tallahassee, they convened in an area provided by the legislature, in
a building now referred to as the Historic or the Old Capitol. Their meeting space, the “supreme court room,” was a modest, rustic room lined with utilitarian bookshelves and flanked by two simple wood fireplaces. Indeed, justices had to share an office until 1891, when a small area of the capitol lobby was partitioned to give each one some private space. In 1902, when the building underwent significant reconstruction and expansion, the justices were given a larger space in which to hold session, as well as new offices. A visit to the Old Capitol is a treat for anyone interested in seeing the supreme court’s early working quarters: in the late 1980s, after the new capitol was built, the old building was restored to its 1902 appearance; the reconstituted supreme court room includes many of its original furnishings, including the tables, railings, gates, portraits, and the justices' bench.

Circuit court judges served as justices until 1851, when a constitutional amendment provided that the supreme court have its own justices: one chief justice and two associate justices (the number was increased to six in 1902, and the court was expanded to its current number, seven justices, in 1940). Between 1852 and 1868, one term per year was held in each of the four circuits—in Tallahassee, Marianna, Jacksonville, and Tampa—so, naturally, justices were still travelling. They remained itinerant until 1868, when a new constitution mandated that the justices meet exclusively “at the seat of government,” Tallahassee.

Meanwhile, through all these years, when the justices were in Tallahassee, they were holding court in their room in the Capitol Building. Finally, in 1912, a building was constructed explicitly for supreme court use—on Monroe Street, a block south of the Old Capitol. This was a momentous step because, from the first days of statehood, all of Florida’s state government had been housed together in the Capitol Building—so the judiciary became the first branch to have its own separate space. The Supreme Court Building became the second state government building to be erected in Tallahassee. This is also the building that was adorned with the stately, curved-glass window that is now resettled in the Lawyer’s Lounge.

In addition to the supreme court, the new building housed the Florida Railroad Commission as well as the court’s library—an institution that garnered much praise in its day: “Agents for law book companies who have visited the supreme court library here in the magnificent state supreme court and railroad commission building are unanimous in the declaration that Florida has the best library of law in the Southern states, surpassing many of the supreme court libraries of the Northern and Western states and comparing favorably with any in the United States,” a journalist wrote in 1917 (see Walter W. Manley’s *Supreme Court of Florida and Its Predecessor Courts, 1821 – 1917*).
The court remained in this building until 1949, when it moved to a new—and the current—Supreme Court Building, a few blocks away. In 1952, the court’s prior abode was renamed the Whitfield Building, after Justice James B. Whitfield—the state’s 33rd justice, who ended up being the second-longest sitting justice in Florida history (he served on the court for 39 years; only Justice William Glenn Terrell served longer, with 41 years on the bench).

Unfortunately, to make room for the construction of the Senate Office Building, the Whitfield Building was demolished in 1978. Auspiciously, however, the curved-glass window etched with the supreme court seal was preserved. Sold to a private collector before the building was razed, it lived in obscurity until 2002, when it was donated to the Florida Supreme Court Historical Society. The largesse of the society made it possible for this window, this portal to the past, to return to its home, the highest court in Florida.

The supreme court is open Mondays through Fridays, 8 AM to 5 PM (excluding holidays). Visitors to Tallahassee are welcome to drop by the supreme court to view the window—and the other historic gems safeguarded by the court’s library and archives.

“How Are We Doing?” —OSCA Develops Organizational Values

In the mid-90s, under the helmsmanship of the Judicial Management Council, the judicial branch embarked upon the slow and mindful process of developing the court system’s first long-range plan. With input from a great variety of stakeholder groups, the council began this process by defining the judicial branch’s long-term mission and vision. A mission statement is a broad statement of purpose that articulates why an organization exists; the branch’s mission statement affirms that “The mission of the judicial branch is to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.” A vision statement, on the other hand, is an aspirational statement of a desired or preferred future—and an expression of an organization’s fundamental values; the branch’s vision statement upholds the aspiration that “Justice in Florida will be accessible, fair, effective, responsive, and accountable.”

Even though the Office of the State Courts Administrator (OSCA), in its 40-year existence, has always been a values-driven organization, it never sought to articulate its own mission and vision. Indeed, because its very purpose is to perform and oversee many of the administrative functions necessary to ensure the smooth operations of the state courts system, OSCA has naturally embraced the branch’s mission and vision as its own. About two years ago, however, interest began to percolate in developing—or, more accurately, formalizing—a set of OSCA-specific organizational values.

“How are we doing?” With this elemental question—which State Courts Administrator Lisa Goodner encouraged OSCA employees to begin pondering in January 2011—the enterprise of developing
and implementing organizational values was sparked. More concretely, with the help of an anonymous survey, she was looking to gauge OSCA staff’s overall levels of satisfaction in six areas: leadership, management/supervision, teamwork, communication, job satisfaction, and training and development. The goal of this self-examination was to help OSCA leaders prioritize the areas that the organization needs to work on, to bolster those areas in which OSCA is already doing well, and to promote internal communication.

After survey answers were tabulated, a small Organization Development Workgroup was formed to consider the results and to suggest strategies for making improvements in the six areas of concern. The workgroup developed recommendations for each area and presented them to Ms Goodner and Blan Teagle, the deputy state courts administrator, and everyone agreed that the foundational step should be the development of organizational values—a series of standards that would guide the day-to-day behavior, actions, and decisions of all who work for the office.

Under the direction of the workgroup, everyone in OSCA was invited to participate in a multiple-stage process to propose, define, and polish suitable organizational values. The evolution began with a day-long retreat comprising the workgroup, OSCA managers/supervisors, and a cross section of court staff. Soon after, the values statements proposed at the retreat were circulated to all of OSCA, and each manager held a staff meeting at which everyone in each OSCA unit had a chance to offer comments. Based on these comments, the values were modified and sent back out to OSCA. Further suggestions were encouraged, and, based on that feedback, the values were refined once again. Through all stages of the initiative, every effort was made to ensure that the undertaking was as democratic, equitable, and collaborative as possible.

Finally, in March 2012, Ms Goodner approved the final version. Here are the six organizational values that capture what OSCA employees stand for, what they believe in, what guides their decision-making, and how they strive to behave with each other:

**Respect**: We treat everyone with dignity, courtesy, and respect.

**Integrity**: We are honest and trustworthy, and our actions are consistent with our words.

**Innovation**: We anticipate future needs and develop and implement innovative solutions to organizational challenges.

**Flexibility**: We adapt to challenges to produce the best results and are flexible in responding to the needs and responsibilities of our workforce.

**Accountability**: We are accountable to each other, the courts, and the public for efficiently using our resources.

**Excellence**: We demonstrate the highest level of quality, professionalism, and service in our work and conduct.

But developing the values was just the first phase. The next step was to figure out a way to implement and institutionalize them—a far more challenging task. First, a planning team was formed to coordinate a two-hour training for all OSCA employees (managers and staff alike) to provide information about the values and to give employees an opportunity to examine, discuss, and apply them to work-related situations. Between July and October 2012, seven trainings were conducted, and 155 OSCA employees participated. Then, to help supervisors and managers implement the values within their respective units and within the broader organization, an additional training was crafted for them; this training, which took place early this year, gave them a chance to demonstrate effective verbal and nonverbal communication skills, to apply OSCA values to the human resource process, and to identify techniques they could use to model the OSCA values.

Anecdotally, it would appear that OSCA employees are already espousing the values. For example, employees say that supervisors and managers are encouraging and heeding staff input at unit meetings, illustrating the value of respect; managers say that staff are giving their “all” to ensure that projects are completed...
on time, displaying the value of integrity; employee innovation is in evidence when supervisors articulate a complex goal—and staff put their heads together to come up with a way to meet it; when supervisors permit employees on maternity or sick leave to work from home to stay on top of their workload, they model the value of flexibility; OSCA staff demonstrate accountability when they use resources efficiently to complete projects—even when their responsibilities continue to increase but staff numbers and funding remain unchanged; and OSCA employees aspire toward excellence when they take a team approach to ensure that their work products are exceptional.

It’s important to emphasize that these values were designed not only to guide OSCA employees’ interactions with each other—they also set standards for the ways that OSCA staff interface with those they serve. In other words, ideally, people outside the organization should also see evidence of OSCA’s modeling of these values. In response to the question, “How are we doing?”—which prompted this entire organizational development initiative—OSCA employees are working diligently to ensure that everyone’s answer is resoundingly positive.

Readers who are interested in learning more about this staff-driven process can contact Blan Teagle, Deputy State Courts Administrator, who was the management sponsor of this initiative (email him at teagleb@flcourts.org)

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After the values statements were finally formalized, OSCA employees attended one of seven, two-hour training sessions at which they learned about the values and were given a chance to examine and discuss them. They also had an opportunity to apply the values to work-related situations: working in small groups, they were asked to evaluate and address a hypothetical scenario in light of the OSCA values.
Generosity: Another OSCA Value

Respect, integrity, innovation, flexibility, accountability, and excellence are the formal and public values that OSCA embraces. At the same time, OSCA employees have always embodied some extraordinary, “behind the scenes” values. Perhaps the most inspiring is the generosity of OSCA staff. This generosity is especially in evidence when employees are invited to make sick leave donations to help out a fellow “OSCA family member” who is ill and on full medical leave. Indeed, people donate leave hours so quickly that hardly any time passes before Personnel is sending out a follow-up email that thanks everyone and announces, “We have received more than the requested number of sick leave donation hours for ____.” Delcynth Schloss, OSCA human resources manager who sends out the emails requesting sick leave donations, movingly describes the incarnation of this value:

“When I came to the court in 1995, there was already a sick leave donations process in place, substantiated by our attendance and leave rules. I quickly realized this was quite different from the sick leave pools that most agencies have in place—which require extensive administration and oversight as well as specific rules for donating and using hours from the pool. In contrast, OSCA’s sick leave donations are based simply on a supervisor’s request (using an online SL Donations Form), and final approval by the chief justice, for an employee who is unable to work due to a serious illness or accident and who has exhausted all his/her accrued leave hours.

“In the almost 18 years I’ve been with the court, sick leave donations have always been garnered for a recipient within just minutes of Personnel sending a notification email. Best of all, we have always received more hours than requested or needed! Because the donated hours are utilized on a first-in, first-out basis, we actually have employees who rush to donate so their hours can be used. This is such a wonderful demonstration of the overwhelming generosity of the OSCA ‘family’—they really care about their fellow employees’ well-being!”
Turning Points

Awards and Honors

**Judge Roberto Arias**, Duval County, received the Justice Raymond Ehrlich Award; the award is presented by the Florida Coastal School of Law to a local judge or attorney who embodies professionalism, humanitarianism, and integrity in the Jacksonville community.

**Mr. Mike Bridenback**, trial court administrator of the Thirteenth Judicial Circuit, was commended with the Kenneth R. Palmer Award, a joint award of the Florida Conference of Circuit Judges and the Trial Court Budget Commission; this award is “in recognition and appreciation” of his “extraordinary leadership and commitment to the Florida trial courts.”

**Ms Beverly Brown**, program coordinator in OSCA’s Court Education Section, was honored by the Conference of County Court Judges of Florida with its first Non-Judicial Award; the award recognizes her for “going above and beyond the call of duty” and for being “extraordinarily supportive of the conference.”

**Judge Karen Cole**, Fourth Judicial Circuit, was presented with the first Justice Teaching “Jurist of the Year” Award; she received the award for exemplifying “the spirit and purpose of Justice Teaching—that is, dedication to bringing civic education to the children of Florida.”

**Retired Judge Joseph P. Farina**, Eleventh Judicial Circuit, was distinguished with the OSCA Award for his “award-winning performance in two leading roles: role model to OSCA employees for outstanding leadership, and inspired visionary for Florida's judicial branch.”

**Chief Judge Charles Francis**, Second Judicial Circuit, was awarded a plaque from the Trial Court Budget Commission for his “outstanding leadership as a founding member” of the commission; the plaque states, “Your tireless advocacy on behalf of adequate, fair, and stable funding of the State Courts System...has helped ensure justice for all Floridians.”

**State Courts Administrator Lisa Goodner** was selected for membership in the National Center for State Courts’ Warren E. Burger Society. The society “honors individuals who have volunteered their time, talent, and support to the National Center in exceptional ways.” Ms Goodner was selected “for committing countless hours advocating for the budgetary needs of the Judicial Branch and overseeing the development of comprehensive emergency preparedness plans for the State of Florida.”

**Clerk of the Florida Supreme Court Tom Hall** was honored with the National Conference of Appellate Court Clerks’ J.O. Sentell Award. “A faithful and dedicated member of the National Conference of Appellate Court Clerks since 2000” who has “given generously of his time and talent,” Mr. Hall was recognized for “providing exemplary service to his profession and the principles of this Conference.”

**Ms Kimberly Kosch**, senior court operations consultant in OSCA’s Dispute Resolution Center, was presented with the 2012 Award of Merit from the Florida Academy of Professional Mediators; she was chosen because her activities “have significantly impacted the mediation profession through innovation, enhancement of mediator skills, improving the public’s awareness of the mediation process and promoting the benefits of mediation to the public.”

**Mr. Alfredo “Al” Menendez**, deputy director of facilities for the supreme court, was the recipient of a 2012 Davis Productivity Certificate of Commendation for having “reduced the Supreme Court facility utility cost by $29,000.”

**Chief Judge Belvin Perry Jr.**, Ninth Judicial Circuit, was presented with the William Hoeveler Judicial Award for the way he presided over the Casey Anthony trial; the award honors him for “running a courtroom professionally while the eyes of the world were watching our judicial system.”
Chief Justice Ricky Polston received the J. Ben Watkins Award for Excellence in the Legal Profession; this award is presented in honor of J. Ben Watkins, who helped found the Stetson Law Review and is an honorary member of the Stetson University College of Law Board of Overseers.

Judge Sue Robbins, Fifth Judicial Circuit, was honored by the Marion County’s Children’s Alliance with its Children’s Champion Award; given each year to the community’s outstanding children’s advocate, this award recognizes Judge Robbins for doing what is in the children’s best interest and for striving to keep families unified whenever possible.

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On January 31, at the 2013 Pro Bono Service Awards Ceremony at the Florida Supreme Court, Chief Justice Polston noted that in 1993 – 94, the first year for which pro bono hours were tallied, attorneys donated just over 800,000 hours of free service to the people of Florida; in the most recent reporting period, 2011 – 12, that number had risen to nearly 1.7 million hours—the highest number to date. This year, the following attorneys were commended for their exemplary commitment to meeting the legal needs of the poor, the disadvantaged, and the most vulnerable of Florida’s citizens:

Jeanne Trudeau Tate, Tampa, was honored with the Tobias Simon Pro Bono Service Award;

Judge Claudia Rickert Isom, Thirteenth Judicial Circuit, was saluted with the Distinguished Judicial Service Award;

Clark & Washington, PC, Tampa, was lauded with the Law Firm Commendation;

Tampa Bay Hispanic Bar Association was awarded the Voluntary Bar Association Pro Bono Service Award;

Rebecca Lauren Sosa, Miami, was distinguished with the Young Lawyers Division Pro Bono Service Award.

And the following attorneys were commended with The Florida Bar President’s Pro Bono Service Awards:

Bridget Ann Berry, West Palm Beach
Bruce Beuford Blackwell, Orlando
Jennings Kemp Brinson, Lakeland
Mary Vanden Brook, Key West
Mary-Ellen Cross, Gainesville
Carolyn Davis Cummings, Tallahassee
Janice Joy “J.J.” Dahl, Clermont
William Kenan DeBraal, Vero Beach
Frederick J. Gant, Pensacola
Steven D. Kramer, Altamonte Springs
Janella Kayla Leibovitz, Sarasota
Maxine Master Long, Miami
Emerson Lotzia, Jacksonville
Steven Wayne Marcus, Ft. Lauderdale
James D. “Jim” McDonald, Venice
Robert Allan “Bob” Pell, Port St. Joe
Tania Romaine Schmidt-Alpers, St. Augustine
Leon Claudio Skornicki, New York, NY
David Elihu Steckler, Ft. Myers
Monica Taibl, Live Oak
Jeanne Trudeau Tate, Tampa
Jeannine Smith Williams, St. Petersburg

If you have information about judges and court personnel who have received awards or honors for their contributions to the bench, please forward it to the Full Court Press.
In Memoriam


**Judge Granville “Doc” Burgess** served on the bench in Nassau County from 2007 – 2012.

**Retired Judge Richard Frank** served on the bench in the Second District Court of Appeal from 1985 to 1999.


**Retired Justice Frederick B. Karl** served on the bench of the Florida Supreme Court from 1977 – 1978.


**Retired Judge Frank Upchurch, Jr.**, served on the bench in the Fifth District Court of Appeal from 1978 – 1988.


**Judge Karla Foreman Wright** served on the bench in Polk County from 2000 – 2005 and on the bench in the Tenth Judicial Circuit from 2005 – 2012.
**March**

4 – 8  Florida Judicial College Phase II, Orlando, FL
5  Legislative Session Convened
6 – 7  Task Force on Substance Abuse & Mental Health in the Courts Meeting, Tallahassee, FL
13 – 14  Steering Committee on Families & Children in the Courts Meeting, Tampa, FL
14 – 16  Florida Chapter Association of Family & Conciliation Courts 10th Annual Conference, Orlando, FL

**April**

7 – 11  Justice Teaching Institute, Tallahassee, FL
8  Quarterly DCA/Circuit Chief Judges Meeting, Tallahassee, FL
10 – 12  New Appellate Judges Program, Florida Judicial College, Tallahassee, FL

**May**

3  Legislative Session Ends—Sine Die
6 – 10  Florida College of Advanced Judicial Studies
8 – 10  Court Interpreter Oral Performance Exam, Tampa, FL
21 – 24  DRC Mediation Training, First Circuit (location TBA)

**June**

6 – 7  Court Interpreter Orientation Workshop, Ft. Lauderdale, FL
8  Court Interpreter Written Exam, Ft. Lauderdale, FL
18  Circuit Chief Judges Meeting (Location TBD)
20 – 21  Task Force on Substance Abuse & Mental Health in the Courts Meeting, Orlando, FL
20 – 21  Steering Committee on Families & Children in the Courts Meeting, Orlando, FL

Under the direction of
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State Courts Administrator Elisabeth H. Goodner
Deputy State Courts Administrator Blan L. Teagle
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