A Message from Lisa Goodner, State Courts Administrator

This year, as the summer months approach, Tallahassee feels uncommonly quiet: since the 2012 legislative session convened two months earlier than usual, lawmakers have returned home, and the governor has completed his actions on all measures from the session.

Fortunately, the $446.2 million budget that the legislature allocated to the state courts system for fiscal year 2012 – 2013 includes no reductions from the current year’s budget. However, with the state budget confronting a $2.2 billion deficit, state employees saw no relief from the long, dry spell since the legislature last authorized across-the-board salary increases in 2006. While we have been fortunate to have avoided the layoffs and furloughs being experienced by employees in other segments of state and local government, I understand the frustrations you feel with stagnant salaries coupled with increased costs for benefits such as retirement. I sincerely hope improvement in this situation will come soon and remain committed to working with both of the other branches to address the significant concerns of judicial branch officers and employees.

Although we have very limited ability to increase the paychecks of court personnel, we have continued to try to improve the quality of everyone’s work day, and this newsletter has articles on some of these endeavors. For instance, to give court employees opportunities to enhance their professional and personal growth, the Florida Court Education Council (through the Court Education Trust Fund) has been subsidizing a wide range of education programs over the last few years. It has provided funding assistance to local courts as well as to specific personnel groups (e.g., trial court staff attorneys, judicial assistants, case managers) for trainings reflecting their particular needs. And, recently, the council’s first-ever Florida Court Personnel Institute brought together 87 court employees from across the state to participate in a three-track education program.

In addition, to facilitate certain kinds of tasks, the branch has been working to automate and streamline a number of court services and processes. Most readers are already familiar with our headline projects—e-filing, the Trial Court Integrated Management Solution, and the Electronic Florida Appellate Courts Technology Solution. This newsletter includes an article on four behind-the-scenes applications that OSCA’s Office of Information Systems Services is currently developing to free employees from repetitive work and save them time and energy (Time and Attendance, Contracts, Senior Judges, and the Judicial Branch Education Service Center).

We know these have been very challenging years for our court employees. Even though the constraints we face have been daunting, we can, and we will, keep devising ways to show our appreciation for your hard work, your invaluable contributions, and your commitment to the judicial branch.

Sincerely,
Lisa Goodner
Legislative Update

Court Budget and Benefits for State Employees

State Courts System Budget
This year, legislators convened two months early to address the issue of redistricting—as they do once every decade, when the new census data become available. Necessarily, the first item on the agenda was the redrawing of state legislative and congressional district boundaries. The second item was the budget.

Since fall 2007, lawmakers have faced acute general revenue shortfalls annually, and this year, with a $2.2 billion deficit, was no different. Ultimately, the legislature passed a $70 billion state budget for fiscal year 2012 – 2013. The state courts system appropriation is slightly higher than the current year’s—at $446.2 million. (Note: this budget includes $4 million to address the formidable foreclosure backlog.)

Since the legislature established the State Courts Revenue Trust Fund in January 2009, funding for the court system has been relatively stable—which was the reason for having instituted a trust fund. So even though general revenue has continued its decline, the court system’s budget has not suffered cuts because its operating costs have been supported predominantly by trust fund dollars (e.g., for this fiscal year, 2011 – 2012, the court budget has been 89.6 percent trust-funded and 10.4 percent general revenue-funded).

The State Courts Revenue Trust Fund has certainly steadied the court system’s funding level. However, concerns have surfaced about the trust fund’s revenue streams—in particular, the trust fund’s dependence on an extremely volatile source: foreclosure filing fees. When foreclosure filings began to rise, the legislature decided to fill the shortfall in the state budget by subsidizing the trust fund with revenue generated by an increase in foreclosure filing fees. When foreclosure filings were up, the trust fund enjoyed a healthy cash balance. But everything changed in fall 2010, when courts began encountering torrents of questionable paperwork—forged signatures, post-dated documents, lost documents—submitted by so-called “foreclosure mill” law firms. To get their processes and paperwork in order, most of the major mortgage lenders imposed a voluntary moratorium on foreclosures—which caused foreclosure filings to fall precipitously from a high of over 30,000 a month to under 9,000 a month, provoking a sizable shortfall in the trust fund. Since then, the revenue streams that infuse the trust fund have been insufficient to support the branch’s legislative appropriations. This fiscal year, for instance, to sustain court operations and make payroll without furloughs or layoffs, Chief Justice Canady had to secure $121.7 million in emergency funding from the governor and legislature.

During this year’s session, the legislature addressed the budget instability arising out of the trust fund’s reliance on mercurial mortgage foreclosure filing fees. Because of its size, general revenue can better withstand the volatile nature of the these filing fees, so, in the end, lawmakers decided to direct the preponderance of mortgage foreclosure filing fees from the court’s trust fund to general revenue and then to use general revenue as the primary funding source for the courts (for fiscal year 2012 – 2013, the courts will be 74 percent general revenue-funded and 26 percent trust-funded). Their aim is to provide greater equilibrium for the courts in the coming fiscal year and to avoid the cash-flow problems that have vexed the last two years.

Although the court budget was not reduced for 2012 – 2013, the same cannot be said for the clerks of court, whose budget took a $30 million, or roughly 6.5 percent, hit. This cut is expected to drive significant staff reductions and operational changes within the clerks’ offices, which are likely to affect services to the trial courts.

Benefits
Lawmakers considered a variety of changes to state employee benefits, but they ultimately made only one modification. Specifically, they reduced employer contributions into the defined contribution plan (i.e., the Investment Plan), resulting in an overall reduction of 30 percent in total contributions paid into the accounts of Investment Plan members. This change is effective July 1, 2012. (For more information, follow this link.)
Judicial Branch Governance

Strengthening the Governance and Policy Development Structures of the Branch

“The judicial branch will be governed in an effective and efficient manner.” These words articulate the first goal of issue #1, Strengthening Governance and Independence, in the judicial branch’s 2009 – 2015 long-range plan. Of the three strategies recommended for achieving this goal, the first is to “reform and strengthen the governance and policy development structures of the judicial branch.” The plan opines that “A more permanent and streamlined framework for decision-making and setting policy would benefit the branch as well as court system users and provide for greater consistency and continuity of administration.”

Prompted, in part, by this aspiration, then Chief Justice Quince, in an October 2009 administrative order (AO), declared that it is “appropriate and timely for the judicial branch to undertake a study of its present governance structure.” In addition to referencing the above words from the long-range plan in her AO, the chief justice called attention to several other issues that kindled her interest in re-examining the internal governance structure of the court system—in particular, the branch’s historically “diffuse governance and administrative structure”; the effects of the shift, from the local to the state level, of the greater responsibility for court funding; the growing complexity of issues coming before the courts; and the need to develop and implement responsive, consistent, and timely court policies. Combined, these factors impelled her to establish the Judicial Branch Governance Study Group.

Highlighting the significance of this project, she included two justices in this 11-member study group: Justice Polston, whom she appointed chair, and Justice Labarga. To serve as vice chair, she named Judge Joseph P. Farina, Eleventh Circuit—a judge who has held a leadership role in all the court system’s formal strategic planning endeavors. The rest of the membership was representational of Florida’s court structure: two DCA judges, two additional circuit court judges, two county court judges, and two Florida Bar representatives.

The AO called upon the study group to engage in “an in-depth study of the current governance system of the judicial branch of Florida.” (The AO defined governance, in this context, as “the system of exercising authority to provide direction and to undertake, coordinate, and regulate activities to achieve the vision and mission of the branch”; these activities include “policy-making, budgeting, rulemaking, leadership, decision-making, planning, and intergovernmental relations.”) Based on its findings, the group was directed to draft a report that included an examination of the structure and functions of the present governance system of the branch and an assessment of its effectiveness and efficiency; recommendations of actions or activities that would support improvement in the governance of the branch; and recommendations of any changes to the present governance structure that would improve the effective and efficient management of the branch. (Take this link to the AO.)

To perform this “in-depth study,” the group adopted a comprehensive, three-pronged approach. The first prong included in-person or phone interviews with more than 40 key court system experts—presiding and former justices, chairs of judicial conferences, chief judges, chairs of court committees, justice partners, and professional court staff—about governance practices currently in place. Second was a web-based survey of a representative sample of approximately 100 judges and 350 court staff about intra-branch communication. And, third, Justice Polston solicited comments regarding collaboration with court leadership on policy development, rulemaking processes, and legislative/funding issues from groups that have a stake in the court system’s governance structure (e.g., representatives and leaders of select Florida Bar sections and rules committees as well as statewide business associations). Meanwhile, OSCA’s Strategic Planning Unit, which was providing staff support, researched the judicial branch governance structures of 11 other...
states. With the support of a State Justice Institute grant, the study group hired consultants from the National Center for State Courts to help with this extensive collection of data and with the analysis and synthesis of materials gathered; consultants finalized the research results in a report to the study group.

Upon receiving this report, Justice Polston divided members of the study group into subcommittees to address and to make recommendations in response to the consultants’ conclusions. Then, the full group met in person to deliberate the recommendations presented by each subcommittee. Following vigorous discussion, the group carefully revised the subcommittee recommendations, voted (the vote was unanimous on most topics), and approved the proposed recommendations. It submitted its final report to the supreme court in January 2011. (This link goes to the study group’s final report.)

In response, this February, the supreme court issued In Re: Implementation of Judicial Branch Governance Study Group Recommendations—Amendments to The Florida Rules of Judicial Administration. The per curiam opinion begins by pointing out that the study group’s recommendations fall into six categories: the role and responsibilities of the supreme court and the roles, responsibilities, terms, and selection of the chief justice as well as the chief judges of the DCAs and trial courts; the role of OSCA; the role and structure of the Judicial Management Council; the authority of the conferences of judges; communication within the branch; and legislative advocacy on behalf of the branch. The opinion goes on to say, “After considering the Study Group’s report and recommendations, we adopt many of the rule changes as suggested, adopt some suggested changes with modifications, and adopt other rule changes on our own motion.” (Follow this link to the opinion.)

These amendments to the Florida Rules of Judicial Administration, the supreme court opinion emphasizes, “are intended to strengthen the governance and policy development structures of the Florida judicial branch, improve the effective and efficient management of the branch, and enhance communication within the branch.”

Among the weightier amendments adopted by the court are those that recognize the supreme court’s authority to establish policy for the entire judicial branch; clarify and strengthen the leadership role of the chief justice and allow for needed continuity in leadership; clarify and strengthen the leadership role of the chief judges of the DCAs and trial courts; call for regular opportunities for communication between the chief justice and chief judges to discuss and provide feedback for the implementation of policies and practices with statewide impact; uniformly charter, and clarify the roles and responsibilities of, the county, circuit, and DCA judicial conferences; and reconstitute the Judicial Management Council to serve as a focused advisory body to assist the chief justice and the supreme court in identifying trends, potential crisis situations, and strategies for addressing them. (For a history of Florida’s judicial councils, the first of which was established in 1953, see the following article.)

These amendments, the opinion emphasizes, “are intended to strengthen the governance and policy development structures of the Florida judicial branch, improve the effective and efficient management of the branch, and enhance communication within the branch.” And it adds, “These refinements will enable the judicial branch to better fulfill its mission to protect rights and liberties, uphold and interpret the law, and provide for peaceful resolution of disputes, and achieve its vision of accessible, fair, effective, responsive, and accountable courts, as stated in the branch’s long-range strategic plan.”

Although the rule changes became effective immediately in February, the supreme court gave interested parties 60 days from the date of the opinion to file comments. The court received numerous comments and set oral argument for September 5 at 9:00 a.m. (Take this link to the comments.)
Florida’s Judicial Councils: A History

As noted in the preceding article, the supreme court, in its recent per curiam opinion responding to the recommendations of the Judicial Branch Study Group, calls for the re-creation of the Judicial Management Council. Members of the court family are likely to remember the branch’s prior council, established by then Chief Justice Lewis in 2006 and operative until 2008. And some might recall an earlier version of the council, active between 1995 and 2002. In fact, these councils have a pair of even more distant ancestors: the first incarnation, called the Judicial Council of Florida, was created by the legislature in 1953 and served the court system until 1980; this was followed by the 1985 establishment, by court rule, of a second Judicial Council. This article will trace the unfolding of these advisory bodies—and the estimable foundation on which the newly-created council is being built.


The impetus to institute the state’s first judicial council actually came from The Florida Bar, which had been “long concerned about the congestion in the courts of the State, especially in the court of last resort, the Supreme Court, in which the number of cases had risen to about 1250 yearly, in contrast with a national average of about 333 cases in courts of final appellate jurisdiction” (former Justice Elwyn Thomas, “The Judicial Council of Florida,” 1958). Seeking strategies for remedying the overloaded court and for achieving a more efficient administration of justice generally, The Florida Bar, through its legislative committee, successfully sponsored a bill to create the council in the 1953 legislative session. That year, just over half the states in the nation had a judicial council: “Florida became the twenty-third state to have a Judicial Council by legislative enactment; five other states [had] a judicial council by constitution, court rule or other authority” (Herbert U. Feibelman, “Florida’s Judicial Council,” Florida Bar Journal, March 1954).

As defined in the statute, the governor made all appointments to that 17-member body, and membership included a supreme court justice or retired justice, who served as the presiding officer; a circuit judge; a county judge; the attorney general or designee; four Bar members; and nine laypeople.

The council’s overarching responsibility was to make a “continuous survey and study of the organization, procedure, practice, rules, and methods of administration and operation of each and all of the courts of this state, the volume and condition of business in said courts, the work accomplished and the results obtained.” Toward that end, it was specifically tasked with collecting and analyzing statistics showing the work of the various courts; gathering and considering criticism and suggestions from sources associated with the administration of justice; and recommending to lawmakers any changes in the organization, jurisdiction, operation, procedure, and methods of conducting the business of the courts that would require legislative action—and recommending to the courts any changes in the rules and practices or methods of administering judicial business that might simplify, improve, or expedite the administration of justice (section 43.15, Florida Statutes, 1953).

One of the council’s most notable accomplishments was its drafting of the 1956 amendment to the Florida Constitution. Adopted by the legislature and ratified by voters, this amendment created intermediate courts of appeal to alleviate the overburdened supreme court and to make appellate courts more accessible to litigants; defined the new jurisdiction of the supreme court; and empowered the chief justice to adopt uniform rules governing the practice and procedure in all the state courts. Soon after the amendment passed, the state’s first DCAs were established; housed in Tallahassee, Lakeland, and Miami, the three DCAs were each initially staffed with three judges. (The council had other visionary proposals that, in the end, were excluded from the 1956 amendment but were adopted in later periods of judicial reform; read about them in A. Bradford Smith’s “Progress in Florida: The Judicial Council and Its Work,” ABA Journal, June 1956.)

A less conspicuous accomplishment of the state’s first Judicial Council—but still very important, and now of historical interest—was its gathering of caseload statistics, publicized in its annual reports (it released 25 reports in all). Each year, and on each court, the council collected data on, among other things, the number and categories of cases on the docket, number of cases added, number of cases disposed of, and number of cases pending. Through the late 70s, these annual reports were the only repositories of these statewide
data. (Please note: OSCA did not begin capturing statewide data until 1978, so it cannot verify the accuracy of these numbers.)

The council was considered an active leader in judicial reform through 1972—the year that voters approved another set of dramatic revisions to Article V of the state constitution—this time, modernizing and bringing greater consistency and uniformity to the judicial branch. That year, all lower courts were placed under the administrative supervision of the chief justice. Also that year, to support its burgeoning administrative responsibilities, the supreme court created the Office of the State Courts Administrator, whose primary responsibility, at first, was the development of a uniform case reporting system (i.e., a mechanism for methodically capturing categories of cases, time required in the disposition of cases, and manner of disposition of cases); ultimately, the branch was seeking to establish uniform criteria to help it determine judicial need, best allocate its resources, and manage individual and collective dockets. With OSCA now responsible for the collection of judicial data, one of the Judicial Council’s major tasks had become redundant. For this, and several other reasons, the legislature decided to sunset the Judicial Council in 1980.

Then in 1985, in a per curiam opinion, the supreme court adopted rule 2.125 of the Florida Rules of Judicial Administration, establishing a “permanent judicial council.” The rule stipulated that the chief justice or a designee serve as presiding officer of the council; others on this 23-member body included three DCA judges (including the conference president), three circuit court judges (including the conference chair), three county court judges (including the conference president), a state attorney, a public defender, a clerk of the court, four Florida Bar members (including the Bar president), and six public members. Excepting the responsibility of collecting, analyzing, and publishing caseload statistics—which OSCA was now doing—the specifics of the council’s charges were articulated similarly to those of its predecessor: in essence, its job was to aid the judicial branch in managing its resources and to study and recommend to the supreme court changes to simplify, expedite, and improve the administration of justice in Florida. During its tenure, the Judicial Council released several reports. OSCA still retains copies of many of these reports. In addition, the Florida Supreme Court Library has copies of two of its annual reports (1986 and 1987). The first report reveals that one of the first major issues the council addressed was establishing time standards for disposing of cases in trial and appellate courts (it references the chief justice’s administrative orders implementing the council’s recommendations for time standards). The second report says that the council “made recommendations concerning the implementation of alternative dispute processes, child support matters, reducing costs and improving efficiency in court reporter services, the substantial need for increased funding for public defender offices, the need for a detailed study concerning consolidation of Florida’s trial courts, impeachment of judges, and procedures for selecting and terminating trial court administrators.” The council produced at least two other reports (available at the State Library of Florida): one, a study of the appropriate roles for state and local governments in financing the trial court system (1987), and the second, a review of Article V costs and revenues and proposals for financing the court system (1991). (Readers who have additional information about this council, or copies of reports detailing its work, are invited to contact Billie Blaine, librarian of the Florida Supreme Court Library, at blaineb@flcourts.org).

The Judicial Management Council, 1995 – 2004
In 1995, the court reorganized the Judicial Council. The 1995 rule amendment (now rule 2.225) completely replaced the previous rule, and, to reflect the council’s new focuses, the court made a name change, calling the new body the Judicial Management Council (JMC). The JMC had 21 official members (and varying numbers of ex-officio members over the years), all appointed by the chief justice; in addition to the membership spectrum of prior councils, this one included
someone from the governor’s legal office, two legislators, and a member of the Florida Council of 100. It was tasked with the comprehensive study and formulation of recommendations on issues related to the efficient and effective administration of justice that might have statewide impact, affect multiple levels of the court system, or affect multiple constituencies in the court and justice community; the development of the long-range strategic plan and an accountability program for the branch; the development of recommendations to the Constitutional Revision Commission; the review of other commissions, committees, etc., that consider matters with policy, funding, or operational implications for the judicial branch; and liaising with private sector entities with an interest in the court system.

The JMC’s first considerable undertaking was its development of the branch’s first long-range plan; in conjunction, it produced the first two-year operational plan. The JMC also undertook several initiatives to build public trust and confidence in the branch (e.g., through its Committee on Communications and Public Information, established in 1996, and through a series of discussion forums with representatives from the three branches of government, the legal community, and the general public). In addition, the JMC focused on branch performance and accountability (it established a Committee on District Court of Appeal Performance and Accountability in 1997 and a Committee on Trial Court Performance and Accountability in 1998—whose work became particularly pressing as the court system moved toward implementing Revision 7). The JMC remained active until 2002, when the court system’s top priority was the 2004 implementation of Revision 7. At that point, the JMC became dormant, and activity in critical areas was shifted to committees outside the JMC.


In 2006, with Revision 7 fully implemented and the branch having resumed a more quotidian rhythm once again, then Chief Justice Lewis declared, “It is appropriate to reauthorize and renew the Council.” In an administrative order, the JMC was “reconstituted as a judicial branch advisory council for the purposes of providing a formal mechanism for effective two-way communication about the justice system between major citizen constituencies and the courts, informing the public about the justice system, and providing a unique and broad perspective on significant court initiatives.” Taking a “collaborative approach,” this 27-member JMC, whose membership configuration was similar to its immediate predecessor’s, was designed to provide branch leaders “with a broad perspective on the myriad of administrative challenges facing the Florida courts.”

Like its antecedents, the goals of this JMC were indisputably admirable and important. But time, unfortunately, was not on the council’s side. For not long after it was established, Florida—along with the rest of the nation—began struggling with the ramifications of the escalating recession. Between fiscal years 2007/08 and 2008/09, the court system’s budget suffered a dramatic decline: beginning at $491 million, it was reduced to $478 million, then to $438 million, and finally settled at $433 million—a 12% drop. Meanwhile, 290.5 court positions across the state were eliminated; a hiring freeze and travel freeze were instituted; court education programs were curtailed; and many committees and task forces were temporarily suspended. At the same time, caseloads, particularly mortgage foreclosure filings, began soaring. This was not the sort of climate in which the JMC could flourish, and it was put in abeyance in 2008.

Nonetheless, this JMC clearly re-galvanized interest among branch leaders in having an advisory council in place. With the economy beginning to recover and court funding beginning to show signs of stabilizing, the supreme court is now working to re-create the JMC.

The Judicial Management Council, 2012

These four incarnations of the council figure as the eminent understructure on which the new Judicial Management Council is being erected—though this council will have a more limited membership and more circumscribed responsibilities than its forebears. The chief justice will chair it, and the 15 voting members will comprise the chief justice and another justice, representatives from each level of court, and public members; the state courts administrator will be a nonvoting member. On a temporary, as-needed basis, the council may invite others to participate as nonvoting members.
The recent per curiam opinion envisions the new council as becoming “part of a loop that will assist the Court with forward-looking vision, while the Court gets feedback from the trial and district courts, the chief judges, and the conferences.” Meeting at least quarterly, the council will focus on five areas of responsibility: it will identify potential crisis situations affecting the branch and develop strategies for addressing them; identify and evaluate information that will assist in improving the performance and effectiveness of the branch; develop and monitor progress related to the branch’s long-range planning endeavors; review the charges of the various court and Florida Bar commissions and commissions, recommending consolidation or revision, and propose a method for coordinating the work of these bodies; and address issues that the court brings to the council.

### Education and Outreach

#### The Inaugural Florida Court Personnel Institute Garners Glowing Reviews

In mid-February, Tampa played host to the first Florida Court Personnel Institute, a three-track, day-and-a-half long education program designed exclusively for court employees. Organized around the theme of Communications and Interpersonal Skills, the institute brought together 87 court employees from across the state. From administrative assistants to court administrators, from family court personnel to technology officers, from human resources managers to court reporters, participants reflected most all walks of court personnel life; collectively, they radiated a rich synergy of backgrounds, knowledge, and skills.

Altogether, 31 court employees participated in the first track, Fundamentals for Court Leads and Seniors, which delved into administrative and management topics. The track was taught by Maggie Cimino, manager of the Design and Consulting Unit of the Education Division of California’s analog to OSCA. In this 12-hour version of Ms Cimino’s Core 40 Training for Court Managers and Supervisors, participants were treated to a classroom experience in which a limited amount of lecture framed class-wide discussion, group-based exercises, and problem-solving activities. Classmates were introduced to, and practiced, strategies for Demonstrating Accountability; Analyzing Workflow and Evaluating Work Quality; Giving and Receiving Feedback; Identifying Fairness and Ethical Issues; Documenting Procedures and Creating Job Aids; and Documenting Performance.

The second track, which was divided into three discrete sessions and featured seven instructors, had 44 attendees. In the first session, on Communications and Interpersonal Skills, Judge Scott Brownell, Twelfth Circuit, focused on How Temperament Can Affect Communication; Judge Kathleen Kroll, Fifteenth Circuit, discussed Effective Communication Skills, particularly the power of body language; and Beth Schwartz, PhD, OSCA court publications writer, concentrated on Effective and Professional Written Communication. Judge Scott Bernstein, Eleventh Circuit, and former Eleventh Circuit Judge David Young taught the second session, on Everyday Ethics for Court Personnel. And the final session, Handling Challenging Situations, had two instructors from the Fifteenth Circuit: General Magistrate Diane Kirigin and Administrative Traffic Hearing Officer Sara Blumberg.

The third track, Train the Trainer, was taught by Gordon Zimmerman, PhD, of Zimmerman Consulting, and had 12 students. Designed for court personnel who had already taken a faculty training course, this program equipped participants to train others to become instructors. After examining adult learning styles and the steps to follow in developing a training program, attendees got hands-on experience designing, preparing, and demonstrating a segment of a faculty training course they could offer for aspiring instructors.

Although each track had a distinct focus, their formats were similar in that each was highly interactive in nature. The participatory nature of each track and the shared breaks, coupled with the communal breakfasts
and lunches, gave attendees ample opportunities to introduce themselves to and network with their counterparts across the state. This was one of the many esteemed features of the conference, noted Patty Harris, a senior court operations consultant with OSCA: “What I love most about having a Florida Court Personnel Institute is that it brings together peers from around the state. It was great getting to meet others within the court system at similar professional levels. And from an OSCA standpoint,” she added, “it is interesting and tremendously helpful to hear work experiences and perspectives from my trial court peers.”

Institute participants were also very satisfied with the level of instruction they received. Kimberly Kosch and Lisa Bell, both OSCA senior court operations consultants, relished their Track 1 experience. Ms Kosch emphasized that “The training was outstanding, educational, and excellently delivered; Maggie Cimino is in a league of her own.” And Ms Bell agreed, saying, “Maggie Cimino was extremely dynamic, and the material was informative. The learning environment was particularly well-suited to adult learning, and perhaps most importantly, it fostered collaboration amongst the participants. This was a wonderful forum for sharing ideas with colleagues from around the state and gaining problem-solving tips that we can implement in our jobs.”

Responses to Track 2 were also glowing. Andrea Small, a family court manager in the Tenth Circuit, called the program “very beneficial….Having this type of official training can help us to do an even better job. Great instructors, great conference;” she concluded. And Andrew Johns, a senior court operations consultant with OSCA, stressed that “The program offered practical material for use in daily court operations and explored theoretical concepts which generated lively conversation among attendees.” Finally, Rob Bains, the director of court services in the Ninth Circuit, called this track “a great session that allowed us to share ideas and real world experiences involving everyday operations of the court. Overall, the program helped me to refocus on the importance of ethics and the benefits of good communications and customer service to both the general public and fellow employees.”

Feedback on Track 3 was enthusiastic as well. John Couch, court operations consultant with OSCA, found it especially useful that “Participants were given the opportunity to demonstrate what they had learned by teaching selected topics to the other session participants. The feedback provided by Judge Kathleen Kroll and Dr. Zimmerman during the participant demonstrations was also very helpful,” he added, “and, overall, the session was an enriching and enjoyable experience.”

In addition to valuing the level of instruction, participants appreciated having been selected for this program. Ms Bell captured that feeling when she stated, “First and foremost, I felt really honored to be chosen to attend the first ever training at the Florida Court Personnel Institute.” Mr. Johns sees the institute as a powerful way of acknowledging the hard work of court employees: “It is a pleasure to see the judiciary recognize the valuable contributions made by court staff,” he said. And Mr. Bains probably summed up everyone’s thoughts when he concluded, “The institute is a fantastic program that supports individual growth and promotes professionalism. It should be made available to all court employees.”

Since the 2008 – 09 fiscal year, the Florida Court Personnel Committee, established by the Florida Court Education Council and chaired by Judge Kathleen Kroll, Fifteenth Circuit, has been awarding funding assistance to select education programs proposed and developed by local courts and personnel groups. (This link goes to information about these programs.) The Florida Court Personnel Institute is the committee’s most recent brainchild. The institute, together with the funding for court personnel groups, can be seen as complementary approaches for making education and training opportunities available to the greatest possible number of court employees across the state. Funding permitting, the committee aims to make the Florida Court Personnel Institute an annual event.
Ethics for Court Personnel

In their session on Everyday Ethics for Court Personnel for the recent Florida Court Personnel Institute (see prior article), Judge Scott Bernstein, Eleventh Circuit, and former Eleventh Circuit Judge David Young inspired some very animated discussion about appropriate conduct for non-judicial employees, using questions like the following to give participants an opportunity to test and hone their court ethics acumen:

~In your spare time, you volunteer for a charitable organization. May you use the court photocopy machine to make fliers for an upcoming project?
A) You may use the copy machine as long as you do it on your own time.
B) You may use the copy machine as long as you supply your own paper and toner.
C) You may not use court equipment for personal business.

~You are planning to take a “mental health” day and want to charge it to your sick leave so as not to diminish your vacation time. Would this violate the principles of ethical conduct?
A) No, it would not.
B) Yes, it would; you should charge the time to annual leave.

~You are responsible for ordering all supplies for your unit. The company from which you order automatically sends gifts when an order meets a threshold amount. Your last order met that amount, and the company sent you a gift, a portable media player. What is the appropriate response?
A) It’s inappropriate to keep the gift at work, but you may take it home.
B) You may keep it as long as you make it available to everyone in your unit.
C) You must return the gift and inform the company that your office has a policy against accepting gifts from vendors.

~An incumbent judge who is running for re-election asks you to place her campaign literature on the counter, and you agree. Is this an ethical violation?
A) Not if you get your supervisor’s approval first.
B) Yes, but only the judge is committing an ethical violation; you are just doing your job.
C) Yes: both you and the judge are committing an ethical violation.

Florida’s judicial branch has a statewide code of conduct for judges—the Florida Code of Judicial Conduct—but nothing comparable for court personnel, Judges Bernstein and Young pointed out. Although court employees can be guided by the ethical constraints enumerated in the code, the help it can offer is rather limited, for it makes only eight references (some direct, some indirect) to judicial staff or others who may be authorized to carry out certain responsibilities for a judge or who are subject to a judge’s direction and control. (Take this link to the Code of Judicial Conduct.) So what is a court employee to do when facing an ethical quandary that is not covered in the code?

Deputy State Courts Administrator Blan L. Teagle, author of the Judicial Ethics Benchguide and former director of The Florida Bar’s Center for Professionalism, noted that many of the ethics concerns that court personnel might have to address, like those above, are fairly clear cut, and the correct answer is not difficult to determine. For other ethics issues—for questions regarding personal use of a work computer or the use of social media technologies, for instance—most courts have local policies detailing what is and is not permissible. “When in doubt,” Mr. Teagle advised, “court employees should always ask the chief judge or the manager or judge who has supervisory authority over them.”

Admittedly, most ethics matters are decidedly murky, and court personnel might need some guidance in navigating these gray areas. Political expression is one such area. Mr. Teagle emphasized that, “As a non-judge court employee, you definitely have political free speech rights.” In short, as long as it’s on your own time, entirely independent of the state courts system, and without reference to a judge or the judge’s office, you can engage in political expression (he derived this from Opinions 97-3 and 93-45 of the Judicial Ethics Advisory Committee,
a supreme court-created body that helps judges determine whether certain conduct would violate the Code of Judicial Conduct. (Take this link to the JEAC Opinions).

“Nevertheless,” he stressed, “your free speech rights are not unbridled in the workplace. Common sense suggests that none of us should engage in political activity or speech that could reasonably be construed as somehow connected with...the state courts system.”

Mr. Teagle gave the example of a court employee who wants to decorate her office with “political wallpaper”—various political cartoons, posters, bumper stickers, and the like. Can she? The first question to address is whether this wallpaper is political speech or merely artistic expression. It would seem to be political speech, which carries a major constitutional protection. However, it is also in the workplace. Therefore, before redecorating her office walls, this employee should ask herself the following question: “Will this political wallpaper give the appearance of partiality on issues that may come before the court?” She’ll also want to consider carefully her roles and responsibilities in the court system: “You must always guard against the perception that you would take any official action, including advocating positions to the legislature or making someone’s employment or advancement contingent upon consonance of an employee’s political views with your own,” Mr. Teagle cautioned.

That’s an example of a political speech issue that literally takes place in the workplace. But what about possible restrictions to political speech when employees are off the premises and on their own time? For instance, what if an employee is interested in participating in a protest march on an issue currently before the court? The march will be taking place after work; the employee will not be using court resources to make fliers or posters; during work hours, he will not be trying to persuade his co-workers to participate; and he will not be invoking any judges, or the court, in any way. Can he participate? “Yes, he can” Mr. Teagle remarked—“as long as he doesn’t bring it into the office.”

However, he warned, “In the real world, it also matters who the employee is.” For instance, if the employee has a behind-the-scenes job, and his position is relatively anonymous, it’s not too likely that his participation in the march will have work-related ramifications. But if his position frequently puts him in the public eye, his participation in this march could convey the impression of a lack of impartiality on behalf of the court or the state courts system, or it could intimated that this employee is in a special position to wield influence over an issue that is before the court. Either way, his participation in the march could undermine the community’s trust and confidence in the court system.

So is it constitutionally-permissibly for him to participate in this march? Probably. Is it a violation of ethics rules and policies? Probably not. But, given the possibility that others might not be able to separate who this employee is in his work life from who he is in his private life, the most germane question is, Is it smart to participate? Even though something is permissible to do, that doesn’t mean that it’s necessarily the professional thing to do: in short, Mr. Teagle pointed out, “Just because you can is not a reason that you should engage in this form of political expression.”

Most of the time, the answer to these kinds of ethical concerns is truly not clear cut. So, ideally, court employees should endeavor to become proficient at “self-governing,” Mr. Teagle suggested, each developing his or her own personal way of analyzing and determining the best course of action for these kinds of ethical dilemmas. The American Judicature Society’s Model Code of Conduct for Nonjudicial Court Employees can serve as a useful starting point. (Take this link to the model code.) However, even if one becomes adroit, he noted, court employees are likely, over time, to face some thorny ethical issues that leave them reeling. And for questions like these, he urges court personnel to discuss the matter with their immediate supervisor, their trial court administrator or marshal, or their chief judge.
Justice Teaching Institute Mentors Another Generation of Teachers

Moments after returning from the supreme court courtroom where they had just completed their mock oral argument, some of the teachers participating in this year’s Justice Teaching Institute huddled together to talk about the educational journey on which this jam-packed, five-day program had been taking them. “I’ve been through a lot of training programs in my life, but this has been the best, most helpful, most well-run program I’ve ever participated in,” enthused Brian Firtell, from Lawson Chiles Middle School in Pembroke Pines. What especially impressed Ramesh Nyberg, from Coral Reef Senior High, was that “Every justice took time to be with us, to teach us. And all of them are very approachable.” “Yes,” Mr. Firtell chimed in, “and at an incredibly busy time for them, especially with redistricting going on. Yet they still made time to mingle with us.” That prompted Harold Rutledge, from Clay High School in Middleburg, to remark on “how human the justices are, personal and warm.” Offering yet another perspective, Nicole Hannah, from Pompano Beach High School, pointed out that “This program also reinvigorates teachers. And it tells us we’re supported and appreciated.” Punctuating their exchange, the four teachers agreed that “This was by far the best program; nothing else can compare.”

The Justice Teaching Institute was first offered in 1997, when then Chief Justice Gerald Kogan introduced it as part of the Florida Supreme Court’s Sesquicentennial Celebration. For many years now, the institute, an annual event, has been under the leadership of Justice R. Fred Lewis. Sponsored by the supreme court, subsidized by The Florida Bar Foundation, and coordinated by the Florida Law Related Education Association, the program gives 25 secondary school teachers from across the state a chance to delve deeply into the fundamentals of the judicial branch.

To participate in this engrossing, intense, and highly demanding program, teachers must undergo a rigorous selection process. But all concur that the application process is well worth the effort. For participants have an opportunity to learn from, and to interact informally with, each of the seven justices. And they receive additional instruction from Ms Annette Boyd Pitts, executive director of the Florida Law Related Education Association; two “mentor judges”—this year, Judge Michael Genden, Eleventh Circuit, and Judge Jonathan Gerber, Fourth DCA; and supreme court library staff.

Over the course of the five days, this remarkable lineup of instructors offers the teachers insight into the structure and function of the state courts system, the criminal court process, the significance of an independent judiciary, the Florida constitution, the case study method, alternative dispute resolution methods, accessing legal resources from the library and the Internet, the oral argument process, and the constitutional issues underlying an actual case that is about to be argued before the court. The capstone of the program is the teachers’ own mock oral argument on the very case for which the justices themselves are preparing.

This year, probably the most gratifying moment for the teachers followed upon their mock oral argument. After everyone reconvened in the classroom, it was clear that the teachers were still feeling the “rush” of having successfully met the challenge for which they had been passionately preparing for three exhausting days. When the excitement settled down, the mentor judges began the debriefing, and Judge Gerber summed up the teachers’ efforts as follows: “I remember seeing all of you on Sunday [the first day of the program], fumbling through the process, fumbling through the law, fumbling through the facts. In just 72 hours, you digested all this information—the law, the facts, the procedure you have to follow. This was a typical oral argument in the level of skill I saw today.” It’s hard to imagine a greater tribute to the teachers’ industry.
The Justice Teaching Institute is the kind of gift that keeps on giving. For when the teachers return to their schools, most of them will develop a courts unit for classroom use. And many will facilitate training programs for other teachers at their school. Thanks to the teachers’ energy and commitment, each institute has a ripple effect, creating an ever-increasing number of opportunities for students to develop an understanding of and appreciation for the role and functions of the Third Branch. (Follow this link to the Justice Teaching Institute website.)

**Court Improvement**

**Veterans Dockets Consider the “Invisible Wounds of War”**

The US is home to approximately 21 million veterans. The Sunshine State has the third largest population in the country, with over 1.65 million veterans. Florida’s veterans span the generations. Residing here are an estimated 164,000 World War II veterans—the greatest number of any state in the nation. In addition, of the nearly 1.7 million service members and veterans deployed in support of Operation Enduring Freedom (in Afghanistan) and Operation Iraqi Freedom, more than 156,000 live in Florida.

Once they return home, veterans often continue to “carry” with them the aftershocks of war. The most manifest injuries to veterans of recent US military operations are joint and back disorders and other musculoskeletal ailments. However, as “Invisible Wounds of War,” a recent RAND Corporation study, explains, “Early evidence suggests that the psychological toll of these deployments—many involving prolonged exposure to combat-related stress over multiple rotations—may be disproportionately high compared with the physical injuries of combat.” Two combat-related injuries in particular—post-traumatic stress disorder and traumatic brain injury, the so-called “signature injuries”—have been drawing the most attention of late: the National Council on Disability estimates that 25 – 40 % of veterans suffer from psychological and neurological injuries associated with post-traumatic stress disorder or traumatic brain injury. In addition to these “invisible wounds,” the RAND study points out that concern about depression is growing, especially given the increase in incidence of suicide and suicide attempts among returning veterans.

Post-traumatic stress disorder and depression are also risk factors for substance abuse, emphasize the Substance Abuse and Mental Health Services Administration and the National Institute for Drug Abuse. So it is not uncommon for veterans to suffer from alcohol and drug use disorders as well. Indeed, according to the US Department of Veterans Affairs, substance abuse is one of the three top diagnoses in the VA system.

The ramifications of these disorders can be staggering. In its 2009 green paper, Florida’s Department of Veterans Affairs stresses that “Returning veterans with mental health and substance abuse problems may run into problems in other areas of their lives such as homelessness and unemployment, or worse, crime or suicide. One-third of the nation’s homeless individuals are veterans.” Not only are these veterans and their families suffering—but so are the communities in which they reside: “Left untreated, individuals with substance abuse and/or mental health disorders, pose significant financial risks to communities that are already in the midst of budget reductions,” the report notes. (To read the green paper, follow this link.)

Judges have long recognized that veterans who are involved in the criminal justice system have unique needs. In January 2008, in an effort to address those needs effectively, The Honorable Robert Russell, a
drug court/mental health court judge in Buffalo, NY, established the first veterans treatment court in the nation. Veterans treatment court is a hybrid drug and mental health court that diverts to a specialized criminal court docket eligible veteran-defendants with substance dependency and/or mental illness who are charged with non-violent criminal offenses. Currently, 88 veterans treatment courts are operating in the US. Eight of these are in Florida—in Brevard, Broward, Duval, Okaloosa, Hillsborough, Miami-Dade, Palm Beach, and Pinellas Counties; Florida has an additional six in the planning stages.

Judge Russell combined the 10 key components of drug court and the 10 essential elements of mental health court to develop 10 key components of veterans treatment court. Among them, veterans dockets integrate drug and alcohol and mental health treatment services with justice system case processing; they use a non-adversarial approach to promote public safety while protecting participants’ due process rights; they provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services; they enforce frequent alcohol and other drug testing to monitor abstinence; they provide ongoing judicial interaction with each participant; and they forge partnerships among the court, public agencies, and community-based organizations to generate local support and enhance the treatment court’s effectiveness. (Take this link to read about the 10 components.)

Although the veterans docket borrows extensively from the strengths and successes both of drug court and mental health court, it is distinct from them in some ways as well. For instance, veterans dockets are founded on an extraordinary partnership between the court and the US Department of Veterans Affairs; present when veterans dockets are called, a department representative can immediately confirm benefits for participants. The Department of Veterans Affairs also provides treatment resources for veteran-defendants. Another integral feature of veterans dockets is the presence of mentors; seen as allies and friends, mentors, usually court-trained volunteers who have served in the US military, support the veterans as they maneuver through the court and treatment process. In some veterans treatment dockets, each veteran is also assigned a certified recovery peer specialist-veteran (to be a CRPS-V, one has to meet certain minimum standards and become credentialed by the Florida Certification Board). CRPS-Vs are true peers—that is, they are veterans who have themselves utilized public or private mental health, substance abuse, or trauma services. Among their many roles, they advocate for the needs of the veteran and his/her family; teach the veteran how to develop skills necessary to advocate for him/herself; serve as a mentor and instill a sense of hope that resiliency and recovery are achievable goals; and assist the veteran in navigating multiple service systems, including obtaining veterans benefits, if eligible.

Ultimately, veterans dockets strive to identify, as early as possible, those veterans who are suffering from neurological and psychological injuries; to introduce veterans to an ongoing process of recovery designed to help them become stable, employed, and substance-free while continuing mental health care through community/peer counseling groups or the US Department of Veterans Affairs; to reduce veterans’ contacts with the criminal justice system; and to reduce costs associated with criminal case processing and re-arrest.

As mentioned above, Florida currently has eight veterans dockets, and, so far, the results have been very promising. Michelle Spangenberg, the director of case management for the Fifteenth Judicial Circuit, assisted Chief Judge Peter Blanc with the implementation of their veterans court, which launched in November 2010 and handles felony, misdemeanor, and traffic crimes. “Since inception,” she noted, “our VA court has had 53 veterans who have successfully completed all court requirements.”
offered two reasons for the success of their veterans court. First is “Judge Ted Booras, a Marine veteran, [who] presides over this court and has a unique way of immediately engaging veterans and creating a level of trust and confidence, which has transformed so many lives.” Second is “the support and collaboration of our community partners.” And she added, “It has been a rewarding experience to be a part of a system that ensures that justice is served while helping those who have sacrificed so much to protect our freedom.”

And Nick Bridenback, drug court program manager for the Sixth Judicial Circuit, has great expectations for his circuit’s year-old veterans docket, which operates as part of the felony drug court and deals with drug and drug-related charges. “The Sixth Circuit established its drug court in 2001, and we’ve been seeing the need for veterans services since then,” he explained. But, in order to make those services available, the court first had to forge a connection with the VA. “Through our drug court, we were able to establish a link with the VA. For about a year now, we’ve had a dedicated VA representative, who helps veterans access their VA benefits, as well as a dedicated docket.” He described this collaboration between the VA and the court as “the best way to meet veterans’ needs” because, “through the VA, the veterans are able to access services like substance abuse treatment, mental health counseling, and homeless services.” “And the transformations have been amazing,” he emphasized: “Within months, many of these veterans find a residence, find employment, and become productive once again.” Presided over by Judge Dee Anna Farnell, the veterans docket has “overseen the cases of about 45 veterans already; 11 have completed substance abuse treatment, and 10 have graduated from the program.”

Even though Florida’s courts have had the ability to create these dockets, state lawmakers recently passed legislation to encourage more courts to develop special dockets and diversion programs for their veterans. Named in honor of Okaloosa County’s Judge Maney, who was a brigadier general with the Army Reserves and established one of the state’s first veterans dockets, the T. Patt Maney Veterans Intervention Act provides that the chief judge of each circuit may establish court dockets under which judges may sentence veterans and service members who are convicted of a criminal offense and who suffer from certain military service-related disorders (i.e., mental illness, traumatic brain injury, substance abuse disorder, or psychological problems) in a manner that addresses the disorders through services tailored to each participant’s individual needs. This legislation also allows for the creation of misdemeanor and felony pretrial diversion programs.

The grounds for establishing, and the benefits of having, veterans dockets are most poignantly articulated by Judge Maney himself: “Every combat veteran and every veteran eligible for VA services has done one thing that many defendants haven’t: they accomplished something positive in their lives by completing military training. They have agreed to serve and have served our country. If, as a result of that experience, they commit a wrongful act and if the VA has programs that will arguably address the reason for the wrongful act, it makes sense to leverage federal programs to address the underlying conditions that caused the wrongful act. The expenditure of state and local funds is minimized, recidivism is lowered, and a grateful nation improves the quality of justice. That said,” he continued, “it is important to note that most veterans and most combat veterans do not have behavior problems resulting from their service, but for those who do, veterans treatment dockets are a powerful tool.” For facilitating the passage of this legislation, Judge Maney expressed special appreciation to Judge Steven Leifman, Miami-Dade County, who chairs the Task Force on Substance Abuse and Mental Health; OSCA's Office of Court Improvement, which staffs the task force; and Eric Maclure, director of OSCA's Community and Intergovernmental Relations.
Drug Court Updates

**Adult Post-Adjudicatory Drug Court Expansion Program**

Florida’s Adult Post-Adjudicatory Drug Court Expansion Program, now in its third year, was conceived as a measure for redirecting non-violent drug offenders from prison into successful treatment and diversion programs, thereby saving the state millions of dollars. Funded with $18.6 million in federal stimulus money that the legislature appropriated to the court system in 2009, the program has eight participating counties: Broward, Escambia, Hillsborough, Marion, Orange, Pinellas, Polk, and Volusia.

The program has been operational in all eight counties since March 2010, and as of May 18 of this year, it has admitted 1,618 offenders—and has graduated 351 of them (the treatment typically takes between 9 and 18 months to complete, so the number of graduates has just begun to climb).

The eight expansion drug courts have already saved the state money. Florida’s Department of Corrections calculates that the cost of housing a non-violent offender in prison is $53.34 per day. On the other hand, expansion drug courts cost, on average, only $22 per person per day. Thus far, the expansion drug courts have spared the state more than $13 million in prison costs. And because drug court graduates have lower recidivism rates than former prisoners, the program will reap long-term cost savings as well.

The federal grant period expires next year, in June 2013, at which point the state will have to decide whether to continue funding the program.

**Florida Drug Court Case Management System**

To receive the federal stimulus funding for the Adult Post-Adjudicatory Drug Court Expansion Program, participating drug courts have had to comply with state and federal reporting requirements involving the collection of a wide range of client-level data (e.g., arrest, offense, and sentencing information; demographics; progress in treatment; drug test results; and incentives and sanctions). Initially, OSCA staff constructed a provisional, web-based system to facilitate the data collection; at the same time, they began seeking a comprehensive, “off the shelf” case management system that could be customized to collect the required data efficiently and securely. Last spring, OSCA contracted with a vendor to adapt its system to the branch’s specific drug court needs.

The system, dubbed the Florida Drug Court Case Management System (FDCCMS), was tested in Escambia County in early December, and in the middle of that month, drug court managers and case managers from the eight expansion drug court counties received training on it. Currently, the data system is being used exclusively in those eight adult post-adjudicatory drug courts, but OSCA is in the process of rolling it out to additional adult drug courts statewide. Eventually, the system will be augmented to manage cases from the other types of drug and problem-solving courts as well, like juvenile and dependency drug courts, DUI courts, mental health courts, and veterans courts.

The FDCCMS will be a boon for each of the state’s 105 drug courts as well as for the court system as a whole. On the local level, case managers will have access to information that will help them manage their cases more efficiently, and they will be able to produce reports and statistical analyses as needed to monitor program operations. More globally, the system will provide uniform and comparable data that can be used to inform the supreme court’s policy and budget decisions. And it will also enable the branch to perform local and statewide evaluations of drug court, affording a reliable measure of its effectiveness.

**Recent Legislation**

During this year’s regular session, the legislature passed, and the governor signed into law, a bill with ramifications for drug court judges and personnel and their community partners. The new law expands...
the eligibility criteria for voluntary admission into a misdemeanor pretrial substance abuse education and treatment intervention program. In the past, eligibility was limited to people charged with a misdemeanor for possession of a controlled substance or drug paraphernalia who had not previously been convicted of a felony or been admitted to a pretrial program. Now, eligibility has been expanded to include 1) people charged with any nonviolent, non-traffic-related misdemeanor if they are identified as having a substance abuse problem; and 2) people charged with a misdemeanor for prostitution, possession of alcohol while under 21 years of age, or possession of a controlled substance without a valid prescription. In addition, it is now possible to seek admission to a pretrial program even if one had been admitted into a program in the past.

**National Drug Court Month, May 2012**

In a proclamation issued on April 18, Chief Justice Canady and the Florida Supreme Court marked May 2012 as National Drug Court Month. The proclamation acknowledges the continuing achievements of Florida's drug court program, which combines mandatory substance abuse treatment, sanctions and incentives, and focused judicial supervision to break the cycle of drug addiction and associated crime. The proclamation also recognizes the practitioners and participants who help reduce drug use and crime and make drug courts a success. On the first of May, the governor and his cabinet issued a similar resolution. To read the proclamation and resolution, and to watch a video of the chief justice’s acknowledgement of National Drug Court Month, [follow this link](https://www.floridacourts.org/).  

**Technology**

**New Technology Applications Facilitate Some Tasks for Judges and Court Personnel**

Over the last few years, much attention has focused on several bold and ambitious technology projects on which the judicial branch has embarked in order to reduce costs, increase efficiencies, and support court access. Probably the first that comes to most people’s minds is the electronic filing portal, which went live in January 2011. Thanks to the portal, electronic filing has begun to grow at a fiery pace across the state and will soon be mandatory both in the trial and appellate courts. Also in the limelight has been the Electronic Florida Appellate Courts Technology Solution (eFACTS)—a project that, in addition to seamlessly integrating e-filing through the portal, will also accommodate other automated court processes like case management, document management, and workflow management. And, lately, the Trial Court Integrated Management Solution (TIMS) has been earning headlines as well. For this, the court system is developing specifications and a recommended implementation plan for automating two major needs of the trial courts—case processing and performance monitoring—and for serving as the backbone of a statewide integrated data system that will yield information useful for guiding the supreme court’s policy decisions. The goal is that e-filing, eFACTS, and TIMS will eventually work together to constitute a comprehensive electronic courts structure, so it is no wonder that these three initiatives are getting so much publicity.

Meanwhile, quietly, in the background, the branch has continued its work on a host of other IT projects that, though more modest, still have significant ramifications. Ms Denise Overstreet, applications and database manager with OSCA’s Information Systems Services Unit (ISS), called attention to four in particular on which her staff have been focusing: the Time and Attendance Application, the Contracts Application, the Senior Judge Application, and the Judicial Branch Education Service Center. These projects have all been devised to simplify and expedite certain automated processes that court personnel, and occasionally judges, have to perform, thereby saving them time and energy for their more demanding tasks.

“OSCA’s Information Systems Services Unit is service-oriented; its purpose in general is to automate services that will make everyone’s job easier.” In addition to facilitating certain tasks, automating services also means that “people don’t have to spend their time doing ‘clerical work.’ Instead, they can focus on what they really need to be doing,” explained the unit’s applications and database manager, Ms Denise Overstreet.
**Time and Attendance**
The court system’s Time and Attendance Application, which has been operating for several years now, provides time-keeping and leave-keeping functionality for staff in the supreme court, OSCA, the five DCAs, and the 20 circuits. Last August, OSCA staff from ISS, Personnel, and Finance and Accounting teamed together to work on upgrading, re-engineering, and enhancing the application. The upgrade is a two-stage process: first, the application will be moved to the latest versions of the Microsoft platform; second, it will be installed in OSCA’s virtualized/clustered environment to make it easier to maintain and to ensure that users can consistently and reliably access the application when they need it. Enhancements will include timekeeping for OPS staff, changes to more readily accommodate annual leave liability calculations, enhanced security features, and integration with People First (the state’s web-based personnel information system).

**Contracts**
Since May 2010, OSCA’s General Services Unit has been using a version of the Contracts Application, which ISS designed to enable staff to add scanned images of all court-related contracts to its database, thereby eliminating the need for hard copies (and, in turn, saving trees). OSCA significantly updated the application in April 2011: since then, the Finance & Accounting Unit has been able to record its contract invoice payment information and directly correlate its payments with the contracts. The application has recently undergone another major change, this time to comply with a legislative mandate requiring all state government entities to integrate their contracts applications with the state’s accounting system (FLAIR). Transparency is the goal: the state wants contracts to be available for public viewing. This update was completed in March.

**Senior Judge**
Currently, Florida has 172 active senior judges. Senior judges are an important judicial resource—and that is especially true in times of budget austerity, filing spikes, and exigencies like the formidable foreclosure backlog. The Senior Judge Application presently in use (since 2003) allows senior judges to file an electronic report of the hours of work they have performed and be paid for services rendered. As a result of recent rule changes and additional reporting requirements, however, ISS has been directed to make some extensive changes to the application. Now in the development phase, the modified application will improve circuit-level reporting on senior judge usage, thereby enabling the branch to better capture and quantify how senior judges are utilized and to deploy them as effectively as possible.

**Judicial Branch Education Service Center**
Twenty-five years ago (1987), the supreme court mandated continuing judicial education hours for all judges. Almost as old as the mandate is the Court Education Section’s database, which staff have been using all these years to track judges’ education credits and their evaluations of the education programs they attend. In computer years, this system is certainly an antique, urgently in need of rejuvenation. To remedy the situation, ISS has been developing a new web application called the Judicial Branch Education Service Center, an interactive online system based in the latest Microsoft platform. The “internal piece” of this new application will lend significant support to the Court Education staff who manage education programming and educational events. For instance, it will collect data that fall into seven categories: participant, program, faculty, facility, registration, evaluation, and financial. All data will be searchable, and the system will also readily generate various reports, lists, and correspondence, giving Court Education staff easy access to the information they need. This application will also include an “external piece” for judges and court personnel—a web-based portal through which they can easily register for programming, submit evaluations of courses, and track their education requirements. The goal is to have the application online and available both to internal and external users sometime within the 2012 – 13 fiscal year.

Ms Overstreet, who is supervising the design/re-design of these four applications, emphasizes that “ISS is service-oriented; its purpose in general is to automate services that will make everyone’s job easier.” In addition to facilitating certain tasks, automating services also means that “people don’t have to spend their time doing ‘clerical work.’ Instead, they can focus on what they really need to be doing,” she explained. Although getting accustomed to a new application can definitely take some time, improved automation is a worthy goal, for it generally leads to a pronounced savings in resources—both human and financial—in the long term.
A Serendipitous Find: The Diaries of Former Justice Armstead Brown

From the Latin word for daily allowance, diaries are private, day-to-day records of a person’s experiences, observations, attitudes, and feelings. The world’s oldest extant diaries, which originated in the Middle East and East Asia, date back to the ninth century; although these Asian travel journals and Japanese “pillow books” are not quite like our diaries of today, they definitely share a family resemblance. For centuries, only men and women of the middle and upper classes kept diaries. But, thanks to the development of techniques to produce relatively inexpensive, wood-based paper in the nineteenth century, and to the movement, beginning in the early twentieth century, to advance world-wide literacy, diary writing was, for awhile, a popular medium for self-expression. And with the growing interest in blogging, which started to gain ground in the late 90s, it has become fashionable again.

Given the prevalence of diary-keeping for both men and women in the past, it’s safe to assume that some of Florida’s justices were diarists. But none bequeathed their diaries to the supreme court. According to Erik Robinson, archivist for the supreme court library, donations to the supreme court generally fall into two broad categories. The first, “office files,” includes justices’ administrative papers (documents dealing with hiring, salaries, travel, meetings, and the like); their professional correspondence; texts of their speeches; notes from their work on court commissions and committees; jottings from their work relating to the legal profession (in conjunction with bar associations or other professional organizations, for instance); and, occasionally, documents of a more personal nature, like papers on their interests or hobbies. The second category of donations, “opinion files,” includes work products of the court. In all these years, justices’ diaries simply hadn’t been a part of the equation.

But that changed in March 2011, when the court received five volumes of diaries penned by former Justice Armstead Brown, who was on the supreme court bench from 1925 to 1946. Although it’s impossible to know how many volumes once existed, that these five were even discovered and salvaged is rather extraordinary. Justice Brown passed away in 1951, but his wife lived another 19 years, remaining in the home they shared in Tallahassee. They had no children, and after Mrs. Brown’s demise in 1970, distant relatives put the house up for sale. The house was purchased by a local attorney, Mr. Julian Proctor. As he was moving into his new abode, items to which no family member had laid claim were still being taken out to the curb for trash pick-up. Among those items were some of Justice Brown’s diaries. Recognizing their value, Mr. Proctor rescued five years’ worth of the justice’s musings from Lethe.

Born in 1875 in Talbotton, Georgia, to a family that had fallen victim to harsh financial times, Armstead Brown eventually studied law, was admitted to the Alabama Bar in 1897, was appointed to fill a vacancy as a trial court judge in Montgomery in 1909—and then successfully ran for a six-year term the next year. In 1915, he and his wife relocated to Florida—a move they made to try to combat his chronic health problems. He was soon admitted to The Florida Bar and practiced corporate law first in Jacksonville and then in Miami Beach; he also served as president of The Florida Bar from 1922 – 23 and is said to have become one of Miami’s “leading citizens.” In 1925, Governor John Martin appointed him to the supreme court, where he remained—as chief justice from 1925 – 27 and again from 1941 – 43—until his retirement in 1946. (See The Supreme Court of Florida, 1917 – 1972, by Walter W. Manley II and Canter Brown Jr.)

The five volumes that Mr. Proctor was able to save cover three of Justice Brown’s years on the bench—1925, 1945, and 1946—and two years after he retired, 1948 and 1949. Immediately evident to readers are the justice’s unaffected voice and his modest reflections, which impart a distinct sense of the man behind the robe.
For instance, like most humans, he was profoundly attuned to the weather, and his entries typically begin with a description of the day’s atmospheric conditions. He introduces each passage with observations like the following: “Cloudy. Rained off and on all day. Dirt roads quite a mess,” or “Another brilliantly clear and delightful day,” or “We had a hard short shower at 1 p.m. today—harder at Supreme Court Bldg. than out at home. Lasted only about 15 or 20 minutes, but did some good. Cooled off the atmosphere. Tonight is very pleasant. Guess I’ll sleep in my room tonight, instead of on the glider out on our front porch.”

He deeply relished his golf, and he invariably makes mention of when he played, with whom, and how well he did. For example, “Played golf in late afternoon with my old friend Lewis Thompson. I was terribly off my game. The heavy humid weather has got me down to some extent. But I enjoyed the game,” and “This afternoon Judge C. & I played golf. Both off our games, and yet I made a birdie in the 18th hole,” he writes.

The warm social life he and his wife shared was very dear to him as well. He loved to write about the movies they saw, the skill of the actors, and the friends who accompanied them. For instance, “Tonight Lizzie & Annie & I went to see Ingrid Bergman & Gary Cooper in ‘Saratoga Trunk.’ Very good but not as good as ‘The Bells of St. Mary’s.’ Entirely different. Ingrid Bergman is a great actress and very versatile. We didn’t get home till 11:45.” And “Tonight we went to see the picture ‘Sun Valley Serenade’ a delightful picture starring Sonja Henie—one of my favorite actresses. It was a clean comedy, with good music and beautiful skating & dancing.”

Leon County was “dry” at the time, and the justice clearly enjoyed the occasional excursion with his wife and friends to Taylor or Madison County, where alcohol could be procured: “This aft., I worked till about 5 p.m. Then Lizzie, Annie and Mary Maud and myself drove down the Perry Road about 39 miles and got a little liquid refreshments at Mr. Halden’s place,” he records.

Hardly an entry fails to include his reflections on the most important political issues, both national and international, of the day. Perhaps most fascinating are his careful chroniclings of and thoughts about the war—from the build-up of Germany’s power, the Axis advances, the invasion of the Soviet Union, and the British incursion into North Africa, to the attack on Pearl Harbor, the building momentum of the Allies, V-J Day, and, finally, the peace treaties.

A peek into two of Justice Brown’s 1945 diary entries reveals descriptions of the weather, some generic references to his work on the bench, a few words about the Worlds Series (the Detroit Tigers vs. the Chicago Cubs that year), a remark about the war, and some anecdotes about his golf game.
Probably for ethical reasons, Justice Brown does not write in much detail about his cases, work-related issues, or even his bench colleagues. But he does offer readers some intriguing glimpses into the daily rhythms of the professional life of a supreme court justice during his years on the bench. For instance, it wasn’t until 1940 that the supreme court comprised seven justices; when he began his service, the court had only six. And during his court tenure, the DCAs had not yet been established (they were instituted in 1957), so the supreme court was responsible for all appeals, large and small. It’s no wonder, then, that the justices had to work six days a week. Except for “whole court cases,” which usually addressed constitutional issues, the justices generally met as two divisions, each with three justices: Division A met on Tuesdays, Thursdays, and Saturdays, and Division B met on Mondays, Wednesdays, and Fridays. Oral arguments took place throughout the month (except Saturdays); immediately after oral arguments, the justices met in conference to discuss at length the very cases they had just heard. Although he periodically references a case about which he’s thinking or an opinion with which he’s struggling, on the whole, Justice Brown tends to write about court-related matters rather generically.

Periodically, though, he does describe some of the administrative challenges he faced as chief. For instance, in 1941, during his second term as chief, in seven diary entries over a period of eight months, he dwells on the task of persuading his colleagues to authorize the purchase of a new carpet for the courtroom. But he really never has a mean word for anyone; he graciously makes time for everyone who wants to visit with him, and even though he sometimes finds these interruptions bothersome, he merely notes when they impeded his work—expressing no bitterness about them.

In *The Supreme Court of Florida, 1917 – 1972*, authors Walter W. Manley II and Canter Brown Jr. succinctly sum up Justice Brown’s career on the bench:

> During his court tenure Brown emerged as one of the most ardent proponents on the panel for the relief of its workload and improvements in its administration. He argued for an increase in the court’s size and the creation of intermediate courts of appeal, with a concomitant reduction of the supreme court’s appellate jurisdiction. He urged the tribunal to wield its rule-making power more aggressively in the absence of legislative reforms of the judicial system. In 1930 he drafted revisions of the court’s rules governing the form and content of appellate briefs. In the area of criminal procedure, he... advocated increased speed and efficiency in criminal processing to ‘increase the deterrent effect of the administration of justice.’ Later, he turned his energies to modernizing the professional standards of the Florida Bar, advocating, as he had as bar president in 1922 – 1923, an integrated bar. He also urged the state bar association to adopt formally the Canons of Ethics promulgated by the American Bar Association (p. 56).

The five volumes of Justice Brown’s diaries offer a rich and disarming complement to this official portrait.

The diaries are available for perusing by library visitors. They were fully transcribed recently and are now available online as well. (To access the diaries, [take this link to the Archives Inventory.](#) Please direct any inquiries about the diaries, or other supreme court library treasures, to archivist Erik Robinson at (850) 414-8050 or robinsoe@flcourts.org

### Supreme Court Grapefruit Tree

A quite casual and spontaneous gesture in the mid-90s gave rise to a lofty evergreen that is now fondly referred to as the supreme court grapefruit tree. Lunching at her desk at work one day, Ms Pam Moody Stewart, then the judicial assistant for Justice Charles T. Wells, was savoring a white grapefruit she had bought at a local supermarket. “It tasted really good,” she recalls, and she remembers saying to herself, “Wouldn’t it be great to have grapefruit growing in my backyard?” Without giving it much thought, she reflexively popped a seed into the soil of a potted plant she kept in front of the window by her desk.
A few weeks later, she suddenly noticed a weed growing in her pot. How could her domestic plant, which had never even been outside, have a weed, she wondered? At that moment, she remembered relishing that delicious grapefruit a while back and then tossing one of its pips into that pot.

Curious about whether this little sprout could come to anything, she asked around, but all the experts she talked to assured her that, in Tallahassee, she'd never be able to grow a fruit-bearing grapefruit tree from seed. Not that that stopped Ms Stewart. She transplanted the seedling, which had already rooted itself pretty deeply into the soil of its host, into a larger pot and left it to enjoy its window view. It continued to thrive, so about a year later, she took the seedling home and put it on her porch.

It quickly made itself rather comfortable, its slim trunk stretching and expanding, and soon began producing some quite impressive thorns—not unusual in citrus trees grown “in the wild” (citrus trees from nurseries are usually hybrids and are bred not to have thorns). Realizing these thorns could be a danger to her grandchildren, Ms Stewart thought it would be best to move this precocious sapling outside. So in 1999, she liberated the baby tree from its pot, giving it the alluring freedom of her backyard.

There, it unequivocally flourished, its trunk lengthening and thickening while its canopy leafed and broadened. Time marched on fairly uneventfully until, unexpectedly, after about nine years, the tree produced its very first fruit. From that first harvest, which was four years ago, Ms Stewart recalls having reaped 10 or 12 grapefruit. The following year, the tree gave her about 50 fruits. Last year, after picking 800 grapefruit, she stopped counting. And this year, she stopped picking at just over 500: the tree has become so tall, she explained, that even with a ladder and a long-handled fruit picker, she can’t reach the great bounty still thriving at the top.

She estimates that her tree is now somewhere “between 25 and 30 feet tall, and it has a beautiful shape to it.” Yet she has never done anything in particular to nurture or encourage its abundance: she didn’t fertilize it or use pesticides, and, when it was a more manageable size, she never threw a sheet over it to shelter it from a hard freeze. In fact, the periodic bouts of bitter Tallahassee weather haven’t seemed to faze it at all—an oddity that she attributes to the cold tolerance it’s developed from having been outdoors since its first birthday. The tree doesn’t even lose its leaves when it freezes, she added.

What she particularly loves about this tree is the way it brings people together. For instance, many of her court friends join her in the work of harvesting and sharing the rewards. And, the past two years, the yield was so prodigious that she brought cartloads of boxes of the uncharacteristically large and sweet fruits to work, where she invited everyone in the supreme court and OSCA to stop by for some of the succulent crop (each grapefruit yields about a full cup of juice, she noted). Many of these folks have pushed seeds into pots of their own, and grapefruit babies are now sprouting all over Tallahassee. What she’s found most amazing about this experience is that “One tiny little seed had everything it needed to produce hundreds and hundreds of grapefruit that I can share with everyone,” she reflected.

Another reason Ms Stewart appreciates her supreme court grapefruit tree is that it connects her with the outdoors: “I love being outside, especially after spending so much time indoors at work.” The tree also connects her with her family—with her grandmother, “a great gardener who grew flowers for florists in town,” and with her grandchildren, who “love being able to eat something they pick themselves,” she remarked.

Ms Stewart has been with the supreme court, and the court system generally, for many years. In 1979, she became the judicial assistant for Judge Anne C. Booth, First DCA. Then she moved across the street in 1994, when Justice Wells was appointed to the supreme court bench. After Justice Charles T. Canady assumed his duties as a justice in September 2008, she worked for both men until Justice Wells’ retirement (March 2009). Now, she’s exclusively Chief Justice Canady’s judicial assistant. Given her long history with the courts, it’s not surprising that when she discovered she can trademark this grapefruit variety because she grew it from seed and it bore fruit, she thought it would be most appropriate to call it “Pam’s Supreme.”
Awards and Honors

Michael L. Bridenback, trial court administrator for the Thirteenth Circuit, received the Hillsborough County Bar Association’s Liberty Bell Award; presented annually around the country in conjunction with Law Day, this award honors a citizen who does not practice law but has worked to preserve and strengthen the justice system.

Judge Fred A. Hazouri, Fourth DCA, was honored with the Outstanding Jurist of the Year Award for 2011 – 2012 by the Craig S. Barnard American Inn of Court.

Judge Walter L. “Skip” Schafer, Jr., Sixth Circuit, was lauded with the Justice Award, presented annually by the West Pasco Bar “to recognize and appreciate individuals who have made outstanding contributions to the cause of justice in Florida.”

Chief Judge Peter M. Weinstein, Seventeenth Circuit, was distinguished with the Judge of the Year Award by the American Board of Trial Advocates, Fort Lauderdale Chapter.

Judge Karla Foreman Wright, Tenth Circuit, was commended with the 2012 Gertrude E. Rush Award, which honors individuals who manifest the pioneering spirit epitomized by Rush; demonstrate community leadership and concern for human and civil rights; and model excellence in legal education and perseverance in the law, public policy, and social activism.

At the Florida Supreme Court on February 9, after opening remarks from Chief Justice Canady and a keynote address by Judge Richard Orfinger, Fifth DCA, State Courts Administrator Lisa Goodner honored the following at the annual OSCA Employee Recognition Ceremony:

Arlene Johnson, Court Services, received the Annual Award of Excellence;

The Office of Court Improvement’s Drug Court Expansion Program Team—Aaron Gerson, Chris Korn, Nathan Moon, Nicole Scialabba, and team leader Jennifer Grandal—received the Annual Teamwork Award;

And the 2011 Employee of the Quarter Awards went to Barbara Farmer, Finance and Accounting; Kathleen Tailer, Office of Court Improvement; Carrie Toy, Office of Court Improvement; and Lucy Wang, Information Systems Services.

In Memoriam


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
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Under the direction of
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State Courts Administrator Elisabeth H. Goodner
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