A Message from Lisa Goodner, State Courts Administrator

Without question, this is the most unusual, most challenging legislative session I’ve experienced in my 21 years of working in the court system. For those of us who are in Tallahassee, it’s nearly impossible to ignore, or to keep from getting stressed by, the recent headlines. And I imagine that’s true even if you’re not in the hub of the activity.

Much news media attention has focused on proposed legislation to reform the courts. But since the proposals are still in flux, it’s really too early to address them in this issue of the *Full Court Press*. Most of these reform proposals are in still-evolving joint resolutions, and if adopted would require constitutional amendment that at least 60% of the voters would have to approve, so we are potentially some time away from having any certainty concerning the various proposals.

It’s not surprising that we’re also hearing a lot about budget issues, given that the state faces a $3.83 billion deficit. We’re already preparing ourselves for a drop in the court system’s 2011 – 12 funding. But this year’s budget was also in trouble. For over a year, close to 80% of our trust fund dollars have come from foreclosure filings—a fact that caused us concern, and about which we spoke, long before these filings began their precipitous decline. This drop—from over 30,000 filings/month to under 9,000/month—created a $72.3 million shortfall in the trust fund. To secure emergency funding, we had to provide the governor with information about factors that led to the deficit. I want to thank OSCA Budget Services Manager Dorothy Wilson and her staff for working tirelessly to document our budgetary needs. I also want to acknowledge our strong and insightful judicial leaders. Thanks to their assistance—and the guidance provided by Chief Justice Canady, who has extensive knowledge of and experience in all three branches of state government—the branch was able to get the necessary funds, without which we would have faced furloughs and a curtailment of court services between April and June.

The sting of the budget crisis is bound to affect everyone who works for the state. Expect that we’ll all soon be making some kind of contribution to our pensions. And expect that we’ll all soon be paying more for our health insurance. Also being debated are DROP, the defined benefit pension plan, cost of living increases for retirees, and the health insurance subsidy for retirees. Anticipate that state employee positions are going to be cut—and that the branch is going to feel some of those cuts.

Session still has weeks to go; because the bills under consideration are subject to change, it’s hard to predict the outcome. I’m sharing my concerns because I think we all need to prepare ourselves mentally for some of the likely changes. “Hope for the best; plan for the worst” is my mantra; I don’t want anyone to be caught off guard.

In these stressful times, I think it’s also important to say that, despite the travails we continue to endure, we are still managing to realize some remarkable achievements, as this newsletter describes. We’ve made significant advances in our e-filing initiatives; we’ve produced a host of online publications and videos; we’ve coordinated numerous distance learning opportunities; and we’ve created some impressive online learning tools. It makes me very proud to work with people who, despite economic setbacks and constant budget worries, continue to do excellent work and show remarkable, steadfast dedication to the mission and vision of the branch.

Sincerely,
Lisa Goodner
Court Improvement

Drug Court News

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

Now in its second year, the drug court expansion program was designed to redirect a substantial population of non-violent drug offenders from prison into successful treatment and diversion programs—thereby saving taxpayers millions of dollars. This joint project of the court system, county government, the offices of the state attorneys and public defenders, the Department of Corrections, and substance abuse treatment providers is funded with $19 million in federal stimulus dollars that the legislature appropriated to the court system in 2009. Eight counties are participating in the program: Broward, Escambia, Hillsborough, Marion, Orange, Pinellas, Polk, and Volusia.

As originally envisioned, the goal of the drug court expansion program was to divert 4,000 prison-bound, non-violent felony offenders. With a participant retention rate projected at 50 percent, 2,000 offenders were expected to complete the program successfully. Studies estimated that the reduced recidivism of the drug court graduates would save the state $95 million—or the cost of one new prison.

The program has been operational in all eight counties since March 2010, and, as of the end of this March, 909 offenders have been admitted into the program. Although the admissions target of 4,000 is still a long way off, the participant retention rate is actually significantly higher than anticipated: at this point, the numbers are showing a retention rate of about 80 percent. This means that, even with the lower number of admissions, the program may get close to, or possibly even reach, its target of 2,000 successes.

In fact, the expansion drug courts have already been saving the state money. According to the Florida Department of Corrections, to house a non-violent offender in prison, it costs the state $58.36 per person per day. But expansion drug court costs only about $23 per person per day. Expansion drug courts have already saved Florida more than $4 million. And as admissions continue to climb, the savings will continue to increase.

In addition to saving tax dollars, the expansion drug courts are also saving lives. Participants and their families have shared many poignant “success stories” with court personnel; here are two particularly inspiring ones.

The first involves “John,” described by his mother as a wonderful, kind, smart young man who began taking drugs at a very young age during a horrible divorce and two custody battles. His father moved out, and his mother went from being a stay-at-home mom to working full time. John went from getting an award for never making below a B in elementary school to barely passing his classes. His mother no longer knew who he was and felt him slipping away, but all her efforts to help him only seemed to make matters worse.

After years of spending every dime she had on lawyers, bondsmen, fines, wrecked cars, rehab, and college that John didn’t attend, she felt her only other option was to try tough love; John ended up homeless and began living on the streets of Tampa. His mother was terrified for his life.

Eventually, he was arrested and was admitted into the drug court expansion program. He is now clean and sober, has a great attitude, and his mother can’t imagine him ever going back to that life. “I HAVE MY SON BACK!” she exclaimed. If he had gone to prison instead of getting the help he needed, the cycle would have continued, she stressed. Drug court took the steps needed not only to get him off of the drugs, but also to get to the bottom of the reasons he was taking them in the first place. “My precious son’s life was saved by the expansion program,” she emphasized.

The second success story is about “Sally,” who has been on probation since 2007 but never went more than four months without violating the conditions of
her supervision. She was addicted to cocaine and had very little drive to improve her life. However, since entering the expansion drug court program, she has had only one positive drug screen—and that happened in her first week in the program. Recently, she re-connected with a seventeen-year-old son, whom she had not seen in nine years, and she mended relationships with her daughter, mother, grandfather, ex-husband, and previous employer. Sally is now a full-time college student working on her AA in addictions counseling. She has become a strong, independent person who realizes that she, not her addiction, is in charge of her life.

**Florida Drug Court Case Management System**

Soon after the legislature announced its appropriation of federal stimulus dollars to support the adult post-adjudicatory drug courts, OSCA staff began working to develop a comprehensive and secure case management system that could efficiently collect the considerable number and kinds of client-level data elements that the expansion drug courts must provide in order to comply with state and federal reporting requirements. (Data to be collected include arrest, offense, and sentencing information; demographics; progress in treatment; drug test results; incentives and sanctions; and positive outcomes—measured by comparing the before-and-after data reflecting, among other things, each participant’s academic status, employment status, income, housing status, and physical health status.)

OSCA staff constructed a provisional web-based data system to use while seeking an adaptable, “off the shelf” system that would best suit the branch’s needs. A vendor was recently selected; the contract is in draft; and soon the system will begin the “tweaking process” to accommodate the court system’s specific data requirements.

The implementation of this system “is a really big deal, a milestone” for several reasons, remarked Aaron Gerson, senior court analyst with OSCA’s Office of Court Improvement. First, “We’ve never had a statewide drug court data system, so collecting data has been a challenge; we’ve had to collect it piecemeal, and that’s been overwhelming.” But this system is fully automated and will provide uniform and comparable data both to satisfy state and federal queries and to support the supreme court’s policy and budget decisions. This system will also be a boon on the local level, he noted: case managers will be able to access the information they need to manage their cases more efficiently, and they will also be able to produce complex reports and statistical analyses on demand. A third advantage, added Mr. Gerson, is that this case management system will enable the branch to perform statewide evaluations of drug court—assessments that will reliably measure the efficacy of drug court: “National research has consistently shown that drug court works; this system will provide evidence of the specific success of Florida’s drug court programs,” he emphasized.

The case management system will be implemented in phases—with the expansion drug courts being the first to utilize it. As the year unfolds, OSCA anticipates extending the system to collect data from the rest of the state’s adult drug courts. Ultimately, the system will be expanded to include other drug court types such as juvenile and family dependency drug courts.

**Statewide Evaluation of Drug Courts**

Over the last few years, national research has shown that drug court reduces recidivism, increases public safety, returns former substance abusers to a life of productivity, restores families, and saves lives. However, to assess and authenticate their true effectiveness, Florida’s drug courts would have to undergo a statewide evaluation. In 2008, the supreme court’s Task Force on Treatment-Based Drug Courts recommended that Florida’s drug courts be evaluated both to substantiate their success and to reinforce the need for dedicated state funding to support and expand operations. With the aid of
OSCA’s Office of Court Improvement staff and with technical assistance from the National Center for State Courts, the task force developed a plan for evaluating drug courts across the state.

Last year, armed with a grant from the Bureau of Justice Assistance, OSCA sought proposals from qualified individuals and entities to perform a comprehensive, statewide evaluation; a nationally-recognized research organization was recently selected for the project.

In the first phase of the evaluation, which began in mid-March, the research team is performing an online assessment of all 48 of Florida’s adult felony drug courts, examining their implementation of the ten key components of drug court (for an explanation of the key components, follow this link to Defining Drug Court: The Key Components, by the Bureau of Justice Assistance). Also in the first phase, the research team will determine the extent to which the adult felony drug courts have implemented best practices. The results of these assessments will lead to the second phase of the evaluation: five adult felony drug courts will be selected to participate in a comprehensive evaluation that will include a process, outcome, impact, and cost effectiveness analysis.

In addition to providing the branch with an accurate statewide picture of how the drug court programs are operating, the evaluation will document the effectiveness of drug court versus traditional sentencing options for drug- and alcohol-addicted people who enter the criminal justice system; it will also identify elements of drug court that are related to successful outcomes and make recommendations about where to expand drug courts to include more offenders in need of services; and, finally, the information it uncovers will help the branch improve prospects for drug court funding.

Distance Learning Opportunities

Biennially, in more fiscally-stable times, OSCA, together with the Florida Association of Drug Court Professionals, coordinates a statewide training conference for drug court team members and related justice system personnel. Although live programming is not practicable in the current fiscal climate, distance learning certainly is. Utilizing videoconferencing and web conferencing, OSCA’s Office of Court Improvement staff have worked to ensure that judges, magistrates, court personnel, and community partners can continue to reap the benefits of educational workshops on a range of relevant topics.

Between August and October 2010, OSCA was instrumental in the presentation of four distance learning training opportunities. Funding from the Florida Department of Juvenile Justice subsidized the first three events; the fourth was supported with funding from the Florida Association of Drug Court Professionals.

The first, offered in mid-August, was a videoconference called Working with Resistant Parents in the Juvenile Justice Process; hosted by the Thirteenth Circuit, the workshop was presented by Nancy Hamilton, CEO of Operation PAR (Parental Awareness and Responsibilities).

The second, also a videoconference, took place in early September and was entitled Understanding and Motivating Today’s Youth in the Juvenile Justice System; hosted by the Ninth Circuit, the workshop was presented by Marc Fomby, CEO of FTC Prevention Services, and Sharon Sims, senior trainer and consultant with the same organization.

At the end of September, drug court professionals were treated to a web conference called The Promise of Juvenile Drug Courts: The Foundations; presenting was Susan A. Yeres, a consultant and adult educator with over two decades of experience in the areas of juvenile justice, training, and community development.

Finally, at the end of October, Michael Nerney, a consultant in substance abuse prevention and education, presented a day-long training opportunity on Current Drug Trends and Linkages to High Risk Behavior and on Challenges of Participants with Co-Occurring Disorders and Complicating Factors; this videoconference was hosted by the Seventh Circuit.

Converging electronically from around the state for these trainings, participants included judges, magistrates, court personnel, public defenders, state attorneys, and treatment providers. All four workshops garnered high praise. “Thank you for providing these training opportunities,” said one attendee; “They are convenient, extremely useful, and very relevant to our work!” Said another, “This was one of the best trainings that I’ve attended in my career.”
Statewide Drug Court Graduation
On Friday, May 13, in celebration of National Drug Court Month, Florida will hold its twelfth annual statewide drug court graduation ceremony. Starting at 2:30, this year’s event, hosted by the Sixteenth Circuit, will take place in Key West, and courts throughout the state will participate via videocast. Chief Justice Canady plans to attend.

Family Court News
In early February, when Justice Pariente, chair of the Steering Committee on Families and Children in the Court, brought members together for their second meeting of the term, they knew they’d be greeted with a brimming agenda. They began by separating for a few hours to participate in subcommittee breakouts, which gave them a chance to work intensively on the charges assigned to them. The next morning, they came together as a unit to work through the rest of the agenda items.

After members shared the harvests of their subcommittee breakout sessions and finalized plans for completing some of their charges, they heard a presentation on the Georgetown Model, also known as the Breakthrough Series Collaborative Team Model. Phoning in to give the presentation was Shay Bilchik, founder and director of the Center for Juvenile Justice Reform at the Georgetown University Public Policy Institute; also present, via videoconference, were representatives from the three circuits that are currently piloting the model in Florida (the Tenth, Eleventh, and Seventeenth Circuits). As Mr. Bilchik explained, the Georgetown Model is designed to provide a collaborative framework for courts dealing with crossover children (i.e., children who are under the dual jurisdiction of the delinquency and dependency courts). The model guides the courts and the agencies to work together and share information and responsibilities. This model also encourages family participation, Mr. Bilchik pointed out, and he emphasized that crossover children and their families have strengths that, if tapped properly, can create improved services for the children.

Exchanges about the benefits of a collaborative framework segued smoothly into an update on the work of the statewide, multidisciplinary Dependency Court Improvement Panel, whose chair, Judge Jeri B. Cohen, Eleventh Circuit, also serves on the steering committee and acts as the liaison between the two entities. The panel, which is required by the court system’s federal dependency grants, was established by former Chief Justice Quince to rectify some of the deficiencies discovered during Florida’s second federal Child and Families Services Review (note: the Department of Children and Families is responsible for addressing most of the deficiencies that the review uncovered, but the court system, recognizing the need to take concurrent actions, developed a work plan to improve the dependency division of family court). At stake are millions of federal dollars that significantly support Florida’s foster care system.

Since its creation in 2008, the Dependency Court Improvement Panel, with the help of OSCA staff, has worked tirelessly to improve courtroom practice and decision-making in dependency cases. Among its accomplishments, the panel developed a model shelter hearing, family time (visitation) protocols, stability practices, safety tools, materials related to involving children in court, and judicial checklists for physical, mental, and dental health; in addition, panel members have offered regional training programs as well as courses for several judicial education programs. Perhaps the culmination of the panel’s work is its revision of the Dependency Benchbook, which will be published this April; based on state-of-the-art science and child welfare knowledge, the benchbook identifies promising and evidence-based practices geared to support the efforts of judges and magistrates who address the safety, permanency, and well-being of children involved in Florida’s court system.

As Judge Cohen explained to the steering committee, the panel produced a profusion of useful, practical, and handy documents for dependency judges and
magistrates. But panel members recognized that this information is useful only if it is actually being used—so they came up with a way to promulgate the best practices and make sure they’re being employed. With the support of Chief Justice Canady, they set out to establish a “model court” in each circuit. The

National Council of Juvenile and Family Court Judges defines model courts as “laboratories of change”; through a network of these “laboratories” across the state, each with a team of five to six stakeholders, the panel aims to ensure the implementation of best practices in every jurisdiction.

To inaugurate this initiative, in January, the panel sponsored a Model Courts Kickoff—a three-day conference that brought together the branch-based and community-based players committed to implementing a model dependency court in their circuits. With assistance from and faculty provided by the National Council of Juvenile and Family Court Judges, this event—an "historic conference," Justice Pariente called it—offered specialized training under the Unified Family Court umbrella.

The conference was divided into two distinct components. The first day and a half, designed for the 46 judges and magistrates in attendance, focused on developing off-the-bench leadership skills (Judicial Leadership for Effective Systems Change: Setting the Stage; Leadership Self-Reflection; Leadership Challenges and Solutions; Leading with Other Leaders; The Nuts and Bolts of Leading Best Practice Court Teams; and Leading Teams with an Outcome-Focus). On the third day, the judges and magistrates were joined by 130 community partners to learn how to build, and to work together in, teams (Building, Supporting, and Sustaining Effective Best Practice Court Teams; and Leading Teams with an Outcome-Focus). On the third day, the judges and magistrates were joined by 130 community partners to learn how to build, and to work together in, teams (Building, Supporting, and Sustaining Effective Best Practice Court Teams; and Leading Teams with an Outcome-Focus). On the third day, the judges and magistrates were joined by 130 community partners to learn how to build, and to work together in, teams (Building, Supporting, and Sustaining Effective Best Practice Court Teams; and Putting the Pieces Together: Goal-Setting and Action Planning).

Altogether, team members from 17 circuits participated in the kickoff, Judge Cohen reported. To keep the momentum going, an OSCA liaison has been assigned to each model court judge and magistrate; the liaisons will correspond monthly with their judges/magistrates, promote and assist in the implementation of the benchbook practices, assess the current practices and training needs of each circuit, and serve as links to technical assistance. Already, OSCA has received numerous requests for technical help, and conversations and information-sharing and collaborations are beginning to burgeon. And while participants shared some valid concerns—mostly about the “immensity of the task” and about the need for uniform, reliable, and meaningful data so that improvements can be measured—on the whole, “people were very excited, and there was a lot of energy,” Judge Cohen said.

Ultimately, collaboration is the key to the success of this initiative. As Justice Pariente emphasized, “I am convinced that when we come together with common goals of doing the very best we can for our children who need us the most—those who have been the subject of abuse, neglect, or abandonment—we create a synergy—a collective energy—to be change agents to improve the lives of the children who come before us.”

Family Court Online Learning Opportunities

Educational Videos
Over the last seven years, with input from a host of family court judges, staff with OSCA’s Office of Court Improvement have scripted, coordinated, and even agreed to act in seven educational video projects. While some of the videos were designed for audiences of judges and court personnel, others were developed for parties involved in, or about to be involved in, specific courtroom procedures.

The first project is called A Crisis Carol and was produced in 2004. This takeoff on Charles Dickens’ Christmas Carol tells the story of a rather set-in-his-ways judge who is shown the benefits of a unified family court system and gradually begins to embrace its concepts.

Next came Tales from Delinquency Court, which provides an overview of the juvenile delinquency court system for juveniles and their parents.
A Family Guide to Dependency Court followed; this video presents an overview of the dependency court system for parents.

The next two video projects were Florida Injunctions for Protection: An Overview and Florida Injunctions for Protection: The Hearing. The first, geared toward parties who are considering a petition for protection, assists petitioners and respondents in understanding Florida’s four orders of protection and the requirements for filing a petition. The second is an orientation to civil domestic violence court, and it describes courtroom procedures, deciphers the participants at the hearing, and answers many of the questions raised by people who are involved in domestic violence court.

Then came Make Your Voice Heard: A Guide to Dependency Court. This video, for young people between the ages of 12 and 18, explains what happens in dependency court and encourages its audience to participate in their hearings.

Mythbreakers: Chapter 39 Injunctions is the most recent video project, and it became available this spring. Funded with a STOP Violence Against Women grant, this professionally-produced video was created for judges and court personnel as well as for other parties interested in the chapter 39 injunction process. The 16-minute video has an ambitious agenda: not only does it explain some of the basics—like what a chapter 39 injunction is and how it’s different from a chapter 741 injunction, what its primary purpose is, whom it protects, and who is typically present at a hearing—but it also dispels four dangerous myths about these injunctions.

According to project lead Andy Wentzell, “The goal of this video was to create an accessible video that communicates important information while keeping the viewer engaged with the material.” Both enlightening and entertaining, the video has been distributed on DVD and is also available for online viewing. To access Mythbreakers—or any of the above videos—follow this link.

“Virtual Court” Trainings
In addition to Mythbreakers, Court Improvement staff have been working on two new “virtual court” trainings, using as a template their Domestic Violence Virtual Court, an online training program that introduces judges and court staff to the issues and challenges that often arise in civil domestic violence injunction cases. Like their model, which became available in 2009, the new trainings will be highly-interactive and will make use of video scenarios and the presentation and explanation of relevant legal documents to communicate their content. Also like their model, the new trainings will be high-quality, professional productions.
judges recently transferred to the dependency docket, and duty judges, is expected to be online in July. After completing the program, participants will be eligible for CJE or CLE credit and a certificate.

Education and Outreach

Justice Teaching Institute

By Faith Lowe, intern with the Supreme Court’s Public Information Office

Each year, the Florida Supreme Court contributes to the state’s education system by hosting the Justice Teaching Institute (JTI). JTI was established in 1997 by former Chief Justice Gerald Kogan for the Sesquicentennial Celebration of the Florida Supreme Court. The institute offers an in-depth series of workshops tailored to teach social studies and civics teachers from across the Sunshine State about the inner-workings of the judicial system. This year, 24 secondary public and private school teachers from the Panhandle to the southern parts of Florida were selected to participate in JTI, held February 13 – 17.

The program is funded by The Florida Bar Foundation, sponsored by the Florida Supreme Court, and coordinated by the Florida Law Related Education Association, which also provides the program with faculty and staff support.

Upon their arrival, teachers were greeted by Justice R. Fred Lewis, took a tour of the Florida Supreme Court, and participated in a Fourth Amendment moot court simulation.

The second day marked the beginning of a series of workshops that allowed teachers to become students and justices to become teachers. The workshops are considered vital to the program because they are personal and informative, and the teachers-turned-students gain a better understanding of the Florida courts’ mission, which is to “protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolutions of disputes.” JTI “transforms mere words on paper to an interactive presentation of our core documents and our core values for the teachers to return to their classrooms with a renewed sense of purpose and greater understanding of our government,” Justice Lewis explained.

Participants were introduced to Chief Justice Charles T. Canady, who dissected the structure, function, and funding of the Florida courts system during his workshop. Justice Ricky Polston talked about alternative dispute resolution and gave a comparative overview of the federal and state court systems. With help from the Florida Supreme Court Law Librarian Billie Blaine, Justice Peggy Quince participated in a library session that explored the resources that aid in the legal research process. And teachers participated in an eye-opening workshop held by Justice Barbara Pariente, who discussed governmental tensions and the responsibilities of the judicial branch. Justice Labarga shared his personal experience as a justice on the court and explained the importance of judicial independence and the vitality of the judicial selection process. And Justice Lewis led case studies throughout the week; he gave an overview of Fourth Amendment law, the Florida Constitution, and the statutory law regarding search warrants. On the last day of the institute, Justice Perry led a review of what the fellows learned throughout the week.

Throughout the week, the fellows worked diligently to compose compelling oral arguments for a Fourth Amendment case. At the conclusion of their mock oral argument, the fellows were able to watch the supreme court preside over the actual case they had simulated and to witness the attorneys present their arguments.

The last evening, the fellows attended an awards banquet where they were recognized for their successful completion of the program and their dedication to education.

During the four-day event, participants were constantly reminded of the goal of JTI, which is to equip teachers...
with the tools necessary to successfully teach civics in their classrooms. “The Justice Teaching Institute for over ten years has supported civic education in Florida by bringing teachers from all parts of Florida to Tallahassee to do interactive, educational sessions,” said Justice Lewis. “They return to their home cities and multiply, by geometric progression, the civic education delivered to the children of Florida,” he added. Moreover, teacher response is always positive. “After each Justice Teaching Institute, we receive numerous letters from the teachers who participated stating that the institute is the best in-service or professional development program they have ever attended,” said Justice Lewis. The teachers are encouraged to return to their schools not only to educate their students about the judicial system, but also to share what they learned with other teachers.

When Kayla Brownell Myers, an eighth grade teacher from Clearwater, was asked how JTI is contributing to the betterment of civic education, she said: “JTI has given us a better insight on how things work rather than how we assume it works. We are able to see justices as real figures. It gives us the opportunity to tell the community positive things about the justices.”

And high school teacher Tangela Ramos, from Law Enforcement Officers Memorial High School in Miami, said, “The institute has changed the way I teach civics; it has opened up a lot of doors and has given me a different perspective and has provided multiple ways for me to teach.”

Annette Boyd Pitts, executive director of the Florida Law Related Education Association, said the long term benefits of the program on civic education are endless. “Our students need to know our Constitution. The students who will be running this government need to know civics,” she said. “The program not only builds knowledge but also confidence in our court system.”

Whether one sits on the highest court in Florida or in the seat of a classroom, the Justice Teaching Institute is a program from which everyone benefits.

Personnel Matters

Social Networking Policy Developed for OSCA

Launched in February 2004, Facebook now has over 600 million active users, each of whom enjoys, on average, 130 “friends.” And Twitter, which went live in July 2006, has more than 190 million visitors each month—altogether generating roughly 65 million “tweets” a day. Other social media tools are also gathering momentum—among them, video-sharing, wiki postings, chat rooms, blogs, and online journals, diaries, and personal newsletters. Not surprisingly, the number of people participating in this profusion of online communities is escalating.

With the line between business and personal use of social media being somewhat blurry to begin with, and with a rise in social media-related lawsuits on the horizon, State Courts Administrator Lisa Goodner tasked Gary R. Phillips, OSCA chief of personnel, with developing for OSCA a social networking policy—a set of principles that would “provide guidance for both business and personal use of social media to clarify the boundaries between the two.”

Crafting policies that address pressing social issues requires care, thoughtfulness, sound judgment, and consensus—and this was the strategy adopted in developing the OSCA social networking policy. Mr. Phillips began by scrutinizing existing policies and doing extensive research, finding especially helpful various articles posted on the Society for Human Resource Management website; he also attended a lecture on the subject given by a society speaker. His next step was to distribute a questionnaire to OSCA managers to elicit their opinions on various policy options (e.g., should employees be allowed to use social media at work? Should we require written permission prior to posting employee pictures on networking sites?). At a Management Team meeting, after a lively discussion on the policy issues on which opinions were split, the managers reached a consensus.

Based on the consensus, Mr. Phillips constructed a draft policy, working with OSCA’s Office of the General Counsel and Information Systems Services to ensure
that the policy addressed potential legal and Internet security issues. After he incorporated feedback from Ms Goodner, Deputy State Courts Administrator Blan Teagle, and General Counsel Laura Rush, he presented the policy to the managers one last time. After a final bit of tweaking by the managers, the policy was adopted. In mid-January, he sent out an email to all OSCA employees announcing the new policy, asking everyone to read it and sign an acknowledgement form saying they understood it.

The policy covers a wide range of issues, starting with Definitions, Ethical Restrictions Applicable to Social Networking, and Official Business Use: Authorized Social Networking. Following these is a substantial section on Personal Use, which covers four matters: Employees Identifying Themselves as OSCA or Court Employees; Public Comments Concerning OSCA or the Court; Postings of Documents, Photographs or Information Concerning OSCA or the Court; and Use of Court Technology Resources. The document ends with sections on Reporting Violations and Discipline for Violations. The policy is a living document that will no doubt require periodic updates to reflect new technologies and the latest trends in social networking.

"This policy is kind of cutting edge," Mr. Phillips exclaimed: "While this technology has been around for a while now, this is relatively new ground in terms of governmental policy development," he explained. And although this policy was designed to apply only to OSCA personnel, he believes it could easily be adapted to serve as a model statewide: "Every organization has a unique culture, so other courts would have to modify it or add to it to reflect their particular culture. But this is a good starting point," he noted.

Core 40 Training for Court Managers and Supervisors

Define the role of the supervisor. Define a high performing work group. Create ground rules that reflect shared values. Recognize the signals and/or indicators that possible discrimination is present in the workplace. Distinguish between the employer's rights and the employee's right to privacy. Describe the relationship between individual and organizational performance. Identify the elements of effective performance management. Describe the roles and responsibilities of the supervisor before, during, and after a training intervention....

This is just a small sampling of the subjects keenly pondered by the 28 Second Circuit and OSCA court personnel who recently participated in a "Core 40" training developed by educational professionals from the California Center for Judicial Education and Research and taught by Maggie Cimino, manager of the center’s Design Consulting Unit. Held at the Second Circuit, this three-day training delved into 40 basics of group development and performance management: on the first day, the focus was the Role of the Supervisor; Employment Law was the subject of the second morning; and that afternoon—and the following day—were devoted to Performance Management.

As one of her first orders of business, Ms Cimino divided participants into groups of four, each peopled with two Second Circuit and two OSCA employees—making "group development" a significant part both of the training’s message and its medium. Every group’s first responsibility was to set its own ground rules, e.g., who would be the recorder, who would be the reporter—and would the role rotate among the four group members. Many of the training activities modeled good workplace practices.

It soon became evident that lecturing would have very little place in this learning environment; on the contrary, the training involved abundant stretches of class-wide discussion punctuated by multiple group-based exercises and problem-solving activities. Groups got points for having the right, or the best, answers to puzzles or questions, and, from working collaboratively to compete against the other groups, each group developed a strong sense of cohesiveness and identity over the three days members spent together. Participants described the style of this training event as “very relevant,” “highly interactive,” “intense,” and “competitive, but in a very comfortable learning environment,” and they attributed much of the success of the training to the instructor, whom...
they called “very dynamic,” “an experienced presenter,” and “accessible.”

To subsidize this event, the Second Circuit applied for, and was awarded, a grant from the Florida Court Education Council, whose Florida Court Personnel Committee supports instructional programs for court staff; very generously, the Second Circuit shared the 28 student slots with OSCA.

“The long-term hope is that we can bring Ms Cimino back to do a ‘train-the-trainer’ program,” said Gary Phillips, OSCA’s chief of Personnel Services, for “This would be a very inexpensive way to potentially get branch-wide, uniform supervisory training in place,” he remarked. In short, if several people from each circuit and DCA gather together to go through a train-the-trainer program, they’ll be able to replicate what they learned at their own courts on an as-needed basis, thus “perpetuating the training through time.”

Fairness and Diversity

Standing Committee on Fairness and Diversity Embraces Its New Charges

In welcoming the new and the continuing members of the Standing Committee on Fairness and Diversity to their first meeting of the 2010 – 2012 term, committee chair Judge Scott Bernstein, Eleventh Circuit, noted that, “For over 20 years, the supreme court has had some sort of diversity committee.” He was referring to the Gender Bias Study Commission, established in 1987, which was followed by the Racial and Ethnic Bias Study Commission, the Committee on the Court-Related Needs of Elders and Persons with Disabilities, the Commission on Fairness, and, of course, the three prior terms of the committee he is now chairing. “We have made progress over the years,” he emphasized, immediately adding, “But I think it’s fair to say we still have a long way to go.”

Since its inception in 2004, the standing committee has realized some remarkable accomplishments: it created an online court diversity information resource center; researched and prepared a report called Promoting and Ensuring the Diversity of Judicial Staff, Attorneys and Law Clerks and began implementing the report’s recommendations; coordinated an extensive outreach project on perceptions of fairness in Florida’s courts and prepared and distributed a report called Perceptions of Fairness in the Florida Court System; supported the creation of local court diversity and sensitivity awareness programs for judges and court staff; coordinated the development of a courts-specific survey instrument used to evaluate all state court facilities to determine their accessibility to people with disabilities; strengthened court-community relationships; developed practical educational materials to help judges, court staff, and lawyers recognize, respond to, and understand their role in eradicating bias in the courtroom; and worked with the Florida Court Education Council to identify and recommend resources for implementing permanent fairness and diversity training for judges and court personnel at the local and state level.

Even so, as Judge Bernstein pointed out, there is still more work to be done. Chief Justice Canady recognizes this as well: in his administrative order re-authorizing the standing committee, he remarks, “There are a number of activities that might be undertaken to continue advancing the Florida court system’s efforts to eliminate from court operations bias that is based on race, gender, ethnicity, age, disability, financial status, sexual orientation, gender identity, or any characteristic that is without legal relevance.” His administrative order directs the committee—which consists of 13 veteran members and 6 newcomers from a variety of justice system callings—to focus on three activities over the next two years: identify and explore various opportunities to encourage and support continuous learning and development on fairness and diversity topics; engage in public education about the Florida court system; and identify programs and seek partnerships with organizations striving to advance fairness and diversity initiatives within the legal profession. Given the current economic climate, he also cautions that
the standing committee, like all court committees, must be “cognizant of the limitations on the resources available” as it works to accomplish its important tasks.

To address the charges, Judge Bernstein established three subcommittees, one to devote itself to each one of the tasks, each with six members (with Judge Bernstein serving unofficially on all three). At the first meeting, members participated in a “subcommittee breakout,” during which each group created a work plan for its particular charge.

Also at the meeting, Judge Bernstein announced that, so far, over 90 percent of judges in Florida have been through a full day-long, stand-alone diversity training with no more than 30 participants. “I think that’s incredible,” he exclaimed. And with the supreme court’s December 2010 Amendments to Florida Rule of Judicial Administration 2.320, diversity training will soon become institutionalized: in response to recommendations of the Florida Court Education Council, the amendments increase the number of continuing judicial education credit hours required in ethics from two to four hours in each three-year reporting period—and also add language to clarify that approved courses in fairness and diversity can be used to fulfill the ethics requirement (this link goes to the supreme court opinion). To help judges satisfy this new requirement, committee members talked about creating programs in diversity education for the various judicial conferences and colleges. Members also considered recommending that court personnel be required to take fairness and diversity training as well.

However, as Judge Bernstein also pointed out, a diversity training session will not, and cannot, “change people overnight; it doesn’t work that way.” Added former committee chair Judge Gill Freeman, Eleventh Circuit, “We all have our biases. The training is a learning and recognition process through which we learn how to manage the biases and ultimately change our behaviors. A lot of this behavior is part of our hard-wiring, so we can’t necessarily let go of the biases,” she continued. “But we can become aware of them and learn how to shut them off so they’re not being projected onto others.” Because it involves an ongoing process, diversity training is what Judge Bernstein calls a “lifelong dialog, the goal of which is to be fair.”

And it’s evident that everyone on the committee shares this goal. The Standing Committee on Fairness and Diversity “brings together people who are really committed and are always ready to do work,” declared Ms Karen Samuel, human resource officer with OSCA who has been lead staff to the committee for three years now; “And their passion—it’s contagious!”

**Technology**

**E-Filing Updates**

The move toward electronic filing in Florida’s courts has been a measured and deliberate passage. Although many elements had to line up to make e-filing possible, July 2009 can be seen as the turning point; for that’s when the supreme court approved the Florida Supreme Court Statewide Standards for Electronic Access to the Courts. In this report, the Florida Courts Technology Commission (FCTC), chaired by Eleventh Circuit Judge Judith L. Kreeger, and the Electronic Filing Committee, chaired by Thirteenth Circuit Chief Judge Manuel Menendez, presented a plan for the creation of an e-filing portal, along with policies and standards to govern the portal.

After the standards were approved, the FCTC’s inevitable next step was the construction or acquisition of a portal, a single, uniform point of access for all electronic court filing across the state. In the fall of 2009, the Florida Association of Court Clerks and Comptrollers (FACC) announced that it had developed a portal that would serve the purposes both of the courts and the clerks. (In anticipation of statewide e-filing through the portal, the Electronic Filing Committee recognized the need to update the standards; updates were approved by the FCTC at its February 2011 meeting.)
In the next phase of the migration toward e-filing, the terms of two foundational agreements had to be negotiated between the supreme court and FACC: the first was an interlocal agreement to establish the Florida Courts E-Filing Authority Board (the public entity that owns the portal and makes the business decisions regarding its operation); the second was a development agreement between the authority and FACC, providing that FACC would design, develop, implement, operate, upgrade, support, and maintain the portal for the benefit of the authority. (In the winter 2010 Full Court Press is a more detailed article on the court system's gradual progression toward e-filing; to read the article, follow this link and to go p. 3.)

For e-filing to become a reality, other issues have since needed to be addressed. For instance, for each of the 10 trial court divisions, OSCA’s ISS Unit has been working to develop a distinct e-filing envelope, an electronic “container” of sorts that filers must populate with the various data needed to support the creation of a new case in the court’s case management information system. So far, data envelopes have been created for five of the divisions (probate, circuit civil, county civil, family, and dependency), and ISS is currently working on the data envelopes for the other five, which should be completed by May (civil traffic, criminal traffic, juvenile delinquency, county criminal, and circuit criminal).

In addition, the clerks of court are required to develop and get FCTC approval for an e-filing plan before they can begin e-filing. Once a plan is approved, technology staff have to build an interface with the portal and provide the necessary codes (i.e., division codes and statutory fees) for FACC to program. And, finally, when all the technology is in place, the system is ready to undergo end-to-end testing, and the program needs to be piloted with the help of interested attorneys.

The portal went “live” in January, and, currently, attorneys can e-file in 10 counties: Collier, Columbia, Duval, Gulf, Holmes, Lake, Lee, Miami-Dade, Putnam, and Walton. By mid-March, 1,447 documents had been filed using the statewide portal. Soon, another eight counties will be moving to “live” status: now in the test phase are Broward, Franklin, Hillsborough, Jackson, Leon, Marion, Palm Beach, and Polk. Within the year, e-filing is expected to be available in all 67 counties, in all 10 trial court divisions. And, in the future, self-represented litigants will also be able to file documents electronically.

Eventually, Florida’s appellate courts will also be able to accept e-filings through the portal. Currently, a new software application is being piloted at the supreme court and the Second DCA, and Tom Hall, clerk of the supreme court and E-Filing Authority Board member, anticipates that attorneys will be able to begin filing documents electronically at all the appellate courts soon, perhaps as early as this fall. In the meantime, FACC is working to develop the appellate courts interface with the filing portal; a small group of appellate court judges and staff has been selected to preview and make recommendations about the interface.

Not surprisingly, at this still-early stage in Florida’s e-filing history, issues that need addressing, modifying, or massaging continue to surface—but the FCTC and the E-Filing Authority are responding quickly to anything needing attention. For instance, the two bodies recently formed a committee to review and make recommendations about what e-filings can properly be rejected by clerks. If a file is infected with a virus, or if it is incomplete, or if it has the incorrect case number, should clerks be able to reject it? In the scheme of things, these kinds of questions might not seem especially important, but as Mr. Hall pointed out, “It’s actually a big deal because we need consistency in what can be accepted or rejected.” And the E-Filing Authority also established a committee to make suggestions about ways to improve the layout of the e-filing portal website. Currently, one can get into the site only if one is eligible for registering (i.e., attorneys and law firm administrators). Not only does the committee want to give the site a more compelling look, but it is also working to expand the site to include more features—for instance, e-filing news, training videos, minutes of E-Filing Authority meetings, a FAQ section, a suggestion box—and to make all of these features accessible to anyone who visits the site (at https://www.myflcourtaccess.com/).

Even though e-filing is still somewhat embryonic in Florida, the attorneys who have started filing through the e-portal have been decidedly enthusiastic. Remarked Laird A. Lile, an estate and trust lawyer in Collier County, “With the roll-out of the portal earlier this year, I am thrilled to be able to e-file probate documents. My assistants are even more excited about this development....Using the statewide courts...
e-filing portal has been seamless for my practice—we create the document electronically; we submit the document to the clerk electronically through the portal; and now we file the document internally at my office electronically. No paper required. No envelopes. No postage. No problems! My practice is more efficient as a result of the opening of the portal.”

Also e-filing probate documents is Mark Davis, an attorney in Walton County, who called the e-filing process “easy, convenient, and very reliable” and added, “In addition to having an office next to the courthouse, I have an office 50 miles away. Especially for that location, just the cost of stamps and distance has saved me time and money.” And Lake County attorney Michael J. Rogers noted, “The clerk’s office provided my office an opportunity to participate in a pilot program for e-filing documents. The clerk’s staff was informative and responsive to all of our questions. When we filed our first pilot document live, we were amazed. We remain amazed with each e-file....The process is simple, efficient, and effective. We receive confirmation and acceptance from the clerk’s office in a matter of minutes. E-filing saves us time and the expense of traveling back and forth to the courthouse for documents.”

And clerks of the circuit court are no less enthusiastic. Said Collier County Clerk Dwight Brock, “We see the system working just fine. It gives our local attorneys the ability to transact business without leaving their office. We see it as a great time and money-saver for those who use the court system. That can only serve to ultimately benefit the taxpayers; it will be a win-win for everyone.” Observed Walton County Clerk Martha Ingle, “The e-portal will eventually mean the clerk will no longer need to prepare paper court files, which will result in a more efficient operation.” And Lake County Clerk Neil Kelly emphasized, “As we continue to work our way through the implementation and transition process of e-filing, it is proving to be a reliable, efficient, and cost-effective way to file court documents. Once implemented, there will be significant savings of time and money. The implementation of e-filing continues to be an exciting and interesting process to follow. I look forward to the day when it is the routine method of filing court documents.”

Announcements

Recent Publications

New Manual on Self-Represented Litigants


Court cases that involve self-represented litigants invite a different set of challenges from those in which attorneys are involved. This manual was designed to help Florida judges understand those differences and to assist judges in meeting the ethical, legal, and practical challenges presented by the increasing number of Florida litigants who represent themselves. The manual discusses characteristics and needs of self-represented litigants; provides suggestions for controlling case flow and calendar management and for managing a courtroom where at least one litigant is self-represented; and includes tools for communicating with participants in a hearing or trial involving self-represented litigants, for avoiding unintended bias, and for providing judicial leadership. The manual was adapted from a national publication to focus on Florida law and practice.

Handling Florida Cases Involving Self-Represented Litigants is posted on the Florida State Courts intranet at https://intranet.flcourts.org/osca/Judicial_Education/Library/bin/SRLManual.pdf

New Web-Based Education Program for Family Court Judges

Fundamentals for Family Court Judges is a web-based education program designed to satisfy the supreme court requirement that judges who are new to the family division, and judges who
haven't served in the division in two years, take a course in family fundamentals before assuming the assignment or within 60 days after assuming the assignment. The curriculum is divided into four modules—Dissolution of Marriage, Domestic Violence, Juvenile Delinquency, and Juvenile Dependency.

This interactive program uses text, sample forms, hypotheticals, videotaped scenarios simulating court hearings, and links to statutes, rules, and additional resources to introduce learners to the issues and challenges that frequently arise in family court. Exercises and questions are peppered throughout the four sections to give participants an opportunity to gauge what they have learned along the way.

The three OSCA units that spearheaded this project—the Publications Unit, Court Education Section, and Office of Court Improvement—chose to utilize a protean medium that would allow for regular and economical revisions: Blackboard technology, an online learning platform, can be refreshed easily and inexpensively, thus ensuring the currency of the information.

Ms Rashaunda Williams, with OSCA’s Publications Unit, will take care of registering people who need or wish to take this course; please email her at williamsr@flcourts.org

**Updated Benchguides**

The Publications Committee has also recently updated three of its online benchguides:

The *Judicial Ethics Benchguide* is available on the Florida State Courts Internet at [http://www.flcourts.org/gen_public/courted/bin/JudicialEthicsBenchguide.pdf](http://www.flcourts.org/gen_public/courted/bin/JudicialEthicsBenchguide.pdf)

The *Criminal Benchguide for Circuit Judges* is available on the Florida State Courts intranet at [https://intranet.flcourts.org/osca/Judicial_Education/Library/bin/CircuitCriminalBenchguide.pdf](https://intranet.flcourts.org/osca/Judicial_Education/Library/bin/CircuitCriminalBenchguide.pdf)

And the *Contempt Benchguide* is available on the Florida State Courts intranet at [https://intranet.flcourts.org/osca/Judicial_Education/ContemptBenchguide.pdf](https://intranet.flcourts.org/osca/Judicial_Education/ContemptBenchguide.pdf)

If you have questions about any of the above educational resources, please contact Susan Leseman, managing attorney for OSCA’s Publications Unit, at lesemans@flcourts.org or (850) 922-5085.

**New Online Compendium of Standards of Operation and Best Practices**

The Commission on Trial Court Performance and Accountability has just developed a comprehensive *Compendium of Standards of Operation and Best Practices* for the trial court elements—which are classifications of resources that are essential to operate a modern court system. In addition to the supreme court-approved standards of operation (mandatory practices that must be implemented by the trial courts) and best practices (suggested practices intended to improve operations but not required), the *Compendium* provides links to applicable statutes, court rules, Trial Court Performance and Accountability reports, and other useful resources.

Organized by trial court element or topical area, the *Compendium* currently includes *Alternative Dispute Resolution Standards of Operation and Best Practices* and *Court Reporting Standards of Operation and Best Practices*. The commission, which will continue to add elements as they’re approved by the supreme court, is now focusing on court interpreting services. Find the *Compendium* at [http://www.flcourts.org/gen_public/court-services/compendium.shtml](http://www.flcourts.org/gen_public/court-services/compendium.shtml)
Awards and Honors

**Chief Judge Lee Haworth**, Twelfth Circuit, was presented with the Thomas Paine Award by the nonprofit Florida Veterans for Common Sense for starting, and finding funding for, Courts Assisting Veterans, a program that diverts qualified veterans from the criminal justice system into programs that focus on alcohol or drug abuse treatment, post-traumatic stress disorder, or traumatic brain injury.

On January 27, at the 2011 Pro Bono Service Awards Ceremony at the Florida Supreme Court, the following attorneys were commended for their exemplary commitment to meeting the legal needs of the poor, the disadvantaged, and the most vulnerable of Florida’s citizens:

**Robert G. Kerrigan**, First Circuit, was honored with the Tobias Simon Pro Bono Service Award;

**Judge Susan G. Sexton**, Thirteenth Circuit, was presented with the Distinguished Judicial Service Award;

**Foley & Lardner LLP** received the Chief Justice’s Law Firm Commendation;

**Tallahassee Women Lawyers**, Second Circuit, was awarded the Chief Justice’s Voluntary Bar Association Pro Bono Service Award;

**Rachel May Zysk**, Thirteenth Circuit, received the Florida Bar’s Young Lawyers Division Pro Bono Service Award;

And Florida Bar President Mayanne Downs bestowed The Florida Bar President’s Pro Bono Service Award on the following attorneys:

- **Valerie Erwin Prevatte**, First Circuit
- **Elizabeth Willard Willis**, Second Circuit
- **D. Todd Doss**, Third Circuit
- **Bryan Scott Gowdy**, Fourth Circuit
- **Daniel Lee Hightower**, Fifth Circuit
- **Murray Bruce Silverstein**, Sixth Circuit
- **Shimene Ashlie Shepard-Ryan**, Seventh Circuit
- **Troy Harold Myers, Jr.**, Twelfth Circuit
- **Rosemary E. Armstrong**, Thirteenth Circuit
- **Rudolph Carroll Shepard, Jr.**, Fourteenth Circuit
- **Alan Roy Crane**, Fifteenth Circuit
- **Michael Halpern**, Sixteenth Circuit
- **Lawrence G. Marin**, Seventeenth Circuit
- **William W. Fernandez**, Eighteenth Circuit
- **Thomas Warren Tierney**, Nineteenth Circuit
- **Russell Thomas Kirshy**, Twentieth Circuit
- **Noah Clements**, Out-of-State Florida Bar Member, Washington, DC
On January 28, at the Florida Supreme Court, the following were honored at the annual OSCA Employee Recognition Ceremony:

**Jennifer Grandal**, Office of Court Improvement, received the Annual Award of Excellence;

**The Trial Court Performance & Accountability’s Court Interpreting Project Team**—Maggie Geraci, Lisa Bell, Sharon Buckingham, Debbie Howells, and Lester Garringer—received the Annual Teamwork Award;

And the 2010 Employee of the Quarter Awards went to **Jennifer Gray**, Information Systems Services; **Sandy Neidert**, Office of Court Improvement; **Georgia Franklin**, Office of Personnel Services; and **Denise Overstreet**, Information Systems Services.

**Lieutenant Colonel Rodger Reynolds**, distributed systems network coordinator for OSCA, assumed command of the 146th Expeditionary Signal Battalion of the Florida Army National Guard on April 3, 2011. His command comprises approximately 400 soldiers from all over the state. The battalion is one of only seven expeditionary signal battalions in the Army—and the only one of its kind in the National Guard. As part of its mission, the battalion operates state-of-the-art communications equipment to transmit data, voice, video teleconferencing, and secure Internet, which allows military units to communicate in a theater of operations.

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**In Memoriam**


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If you have information about judges and court personnel who have received awards or honors for their contributions to the branch, please forward it to the **Full Court Press**.
May
2  Florida Court Personnel Meeting, Tampa, FL
2  New Attorney Induction Ceremony, Florida Supreme Court,
   Tallahassee, FL
3 – 4  Florida Courts Technology Commission Meeting, Tallahassee, FL
12 – 13  Court Interpreter Orientation Workshop, Palm Beach, FL
13  12th Annual Statewide Drug Court Graduation, Key West, FL
14  Court Interpreter Written Exam, Palm Beach, FL
20  Court ADA Coordinators Conference Call, 12:00 – 1:00 PM
23 – 24  Chief Judges & Trial Court Administrators Education Program,
   location TBD

June
14 – 17  Dispute Resolution Center County Mediation Training, Ft. Myers, FL
16  Substance Abuse/Mental Health Task Force Meeting, Tampa, FL
22 – 25  Florida Bar Annual Convention, Orlando, FL

July
4 – 7  Conference of County Court Judges of Florida Annual Education
   Program, Boca Raton, FL
5 – 7  Trial Court Administrators Education Program, Boca Raton, FL
15  Court ADA Coordinators Conference Call, 12:00 – 1:00 PM
20 – 22  Court Interpreter Oral Language Exams, Palm Beach, FL

Under the direction of
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