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Summer 2010

FULL COURT PRESS

THE OFFICIAL NEWSLETTER OF THE STATE COURTS SYSTEM OF FLORIDA

Message from Lisa Goodner, State Courts Administrator

For branch leaders and OSCA staff, each year’s legislative session—and the months immediately preceding and following it—is extremely preoccupying. So it should come as no surprise that, over the last four months, our attention was largely fixed on the 2010 – 2011 state courts budget and a host of legislative issues of relevance to the judicial branch. (For information about the court budget and about changes in benefits for the coming fiscal year, see the article on p. 2; and for an impression of the focus, mood, and pace of life at the supreme court building during session, see the article on the work of OSCA’s Office of Community and Governmental Relations, p. 3.)

Given this intense level of springtime activity, it would be easy to think that not much else of significance was happening. But in fact these last few months abounded with other events and undertakings. One of the first that comes to mind is the justices’ unanimous selection, on March 10, of Justice Canady to become chief on July 1.

We have formal education programs for new trial judges and new appellate judges. But, even though our court system gets a new chief every two years, we have no formal education program to prepare the chief justice to serve as the chief administrative officer of the judicial branch. Instead, over the course of three months, the incoming chief participates in a series of extensive orientation sessions: supreme court staff describe their role in assisting the chief in the activities of the supreme court proper, and OSCA staff introduce the administrative responsibilities for which he or she will be responsible, and clarify the ways in which OSCA—created in 1972 to support the chief in carrying out those responsibilities—can assist.

This spring, the orientations for Chief Justice-Elect Canady took place with clockwork regularity. For the first time, however, the long-range plan played a crucial role both in the groupings of the OSCA units for the orientations and in the substance of the orientations (units were grouped to reflect topical/policy/functional areas in connection to the long-range plan, and units described their functions in relation to the plan’s goals). With the plan guiding the orientations, the justices sought to keep the mission and vision of the branch plainly at the forefront of everyone’s mind—and thereby to assure continuity in focus as we move from one administration to another.

Chief Justice-Elect Canady is also in the process of reviewing, and considering whether to re-authorize, the current court committees—and the long-range plan is playing a part in this process as well. As background for him, OSCA staff have detailed the ways in which the work of each committee relates to the plan’s objectives.

Chief Justice Quince’s creation of the Judicial Branch Governance Study Group—a response to the first issue and first goal of the long-range plan—offers additional evidence of the critical role of the long-range plan in setting the course of the court system for the next two years and beyond.

We all know that plans, no matter how appealing they look and sound, have a tendency to sit on shelves, gathering dust. We, however, are actively using our plan. On July 1, 2009, the plan was approved by the three veteran justices and the four new justices, and all accept the plan as a guide. Moreover, the incoming and future chief justices have shown their commitment to using the plan as a tool to create flow and cohesion and to set priorities as we move from the administration of one chief justice to the next. Clearly the court system will benefit from the shared vision demonstrated by the leadership of the justices.

Sincerely,

Lisa Goodner
Legislative Update

State Courts Budget & Changes in Benefits

On April 30, the last day of the legislative session, lawmakers approved a $70.4 billion budget for fiscal year 2010 – 2011—appropriating $462.4 million for the state courts system. Given the sobering economic environment of the last few years, the judicial branch actually fared better than expected. This budget does not include funding for additional judgeships (the supreme court certified the need for 37 new circuit judges and 53 new county court judges)—but further layoffs and salary reductions were avoided. Also, the court system suffered no reductions in its operating budget—infact, court funding will be up by about $10 million from the current year. As OSCA’s Director of Administrative Services Charlotte Jerrett emphasized, “I am 99 percent sure it would have been a different story if we didn’t have the State Courts Revenue Trust Fund. Everything was on the table at this year’s session—I’d never seen it as drastic as this before—so we were very lucky. This shows that the trust fund is working just as we had hoped.”

This trust fund, which supports most court operations, is fed by a portion of the filing fees and fines that the clerks take in for the courts. The current year’s budget is 70 percent trust-funded and 30 percent general revenue-funded. Next year’s budget will be 89.8 percent trust-funded and 10.2 percent general revenue-funded. The upside of this configuration is that the trust fund offers the court system a reliable, stable source of revenue that has a chance to grow over time and to offer the branch greater budget flexibility. The downside, however, is that the spike in mortgage foreclosure filings is responsible for 80 percent of the branch’s trust fund revenues; since these filings will, at some point, return to normal levels, this revenue source represents only a temporary gain.

Included in the 2010 – 2011 budget is funding to begin disposing of the mortgage foreclosure backlog: judicial leaders sought spending authority to use $9.6 million from the trust fund to hire senior judges and magistrates for this purpose; legislators granted the courts a one-time infusion of $6 million—and distributed the additional $3.6 million to the clerks. Also included in next year’s budget is $200,000 for the Innocence Commission—a panel of judges, prosecutors, public defenders, law enforcement leaders, academics, and victim advocates who will study past wrongful convictions in an effort to prevent the kinds of errors that lead to wrongful prosecution and incarceration. The Innocence Commission will be housed in the supreme court and will operate under the auspices of the chief justice.

Nonetheless, the courts did not escape completely unscathed: the legislature swept two other court trust funds—$4 million from the Mediation and Arbitration Trust Fund and $1.5 million from the Court Education Trust Fund were transferred to the state’s General Revenue Fund. As Ms Jerrett pointed out, however, the courts were certainly not singled out for these sweeps: “The legislature has the statutory authority to do this, and we were just one of many entities” that had to relinquish some portion of their unobligated cash balance amounts. She also noted that some variation of the current travel restrictions will likely remain in place.

Moreover, like everyone who works for the state, judges and court personnel will see some changes in benefits. As of July 1, for instance, the state will no longer pay Bar dues. Also, effective January 1, employer-paid term life insurance will be set at $25,000, although additional term insurance will be available for purchase. And while health insurance premiums will remain the same in the coming fiscal year for SCS employees who now pay premiums, employees who currently do not pay premiums (e.g., judicial assistants and managers) will begin paying one-sixth of the regular employee rates ($8.34/month for single coverage; $30/month for family coverage or $15/month each for joint spouse); this is effective July for August coverage. Moreover, as of January 1, pharmacy rates and a number of HMO and PPO copayments will increase. For more detailed information about these changes, employees should first contact their human resource office. Additional information is available through this link to the special legislative edition of the Division of State Group Insurance newsletter.

As for benefits for retirees, at least next year, the health insurance subsidy (up to $150/month) will remain in place. Also, Governor Crist vetoed the DROP bill that would have reduced the guaranteed 6.5 percent return to 3 percent. But, given Florida’s ongoing budget woes, in next year’s session, that bill is likely to resurface—along with many other bills contemplated this year regarding retirement benefits, the state employee pension, pay cuts, layoffs, and health insurance—proposals that did not quite gain enough traction this year to become law.

No one who works for the state can afford to be too sanguine. As OSCA Chief of Personnel Gary Phillips...
stressed, “A lot of bills relating to pay and benefits were proposed this year, but the outcome had minimal impact compared with what it could have been. However, next year, because of the continuing budget crisis, we expect to see a lot of legislation addressing pay and benefits.”

And, cautioned State Courts Administrator Lisa Goodner, “When you look at some of the bills that were proposed this year, you have to be concerned about next year.”

The Work of the Office of Community & Intergovernmental Relations

During the two months the legislature is in session each year, if one happens to venture by the office of Brenda Johnson, director of OSCA’s Office of Community and Intergovernmental Relations, it’s not unusual to discover a crucible of fruitful bustling: the legislative calendar splayed on the desk, Ms Johnson is trying to determine which meetings she should attend that day; with one ear, she’s listening to the House in session on her computer, and, somehow, with her other, she’s monitoring the Senate on the TV behind her; simultaneously, she’s emailing a judge who’s voiced concerns about a bill and wants to know its status; suddenly, the phone rings—it’s one of OSCA’s topical experts who has a question about a judicial impact statement on which she’s working; in the midst of all this, a judge pops his head into her office with a question about his upcoming meeting with a legislator—prompting Ms Johnson to call out to her two staff members, senior court analysts Sean Burnfin and Alexis Fleck, about the whereabouts of a document she needs.

All of this heightened activity animates a contained corner of the supreme court building that harbors the offices of Ms Johnson, Court Administrator Lisa Goodner, and their staff—along with a meeting room for the judges for whom Tallahassee becomes a second home while legislation is being contemplated, drafted, debated, and decided. Especially when lawmakers are in town—but during the rest of the year as well—this small domain is indisputably the nerve center of the judicial branch’s liaison endeavors. From this hub, judges and OSCA staff interact on a daily basis with each other and with legislators and their staff, communicating about the issues on which lawmakers are working that will affect, or are likely to affect, the judicial branch.

The Office of Community and Intergovernmental Relations is described as “the general liaison for the courts.” More specifically, on behalf of the entire state courts system, this office is the central coordinating entity for statewide community, intergovernmental, legislative, and communications initiatives.

The office embraces three major areas of responsibility. First, it seeks to coordinate effective communications—both internally, with judges and court employees across the state, as well as externally, with the other two branches of government—about the branch and its concerns. These communications include publications such as fact sheets, the Weekly Review newsletter, status reports, and other documents for judges and court administrators; conference calls with judicial branch leaders; presentations at judicial conferences and meetings; and, for distribution to lawmakers and their staff, informational papers, brochures, and reports about the branch.

The office also has an outreach function: it partners with other governmental entities (e.g., the Department of Children and Families, the Department of Juvenile Justice), The Florida Bar, and business communities to address issues of mutual concern.

But the office’s leading task is serving as the liaison between the judicial branch and the legislative and executive branches. The Office of Community and Intergovernmental Relations keeps branch leadership informed about legislative activities that will directly or indirectly have an impact on the courts, and it provides information to the legislature and the governor’s office about the ramifications for the judicial branch of potential legislation.

Although activity in and around this office is feverishly ramped up while the legislature is in session (March and April of each year), Ms Johnson and her staff are, in fact, intensely busy throughout the year. Here are some of the highlights of their annual orbit of activities.

The cycle begins anew each June. If it’s an election year, Ms Johnson researches the background of candidates who have qualified to run for legislative office, getting a sense of the priorities of those with
whom the branch might be working. Meanwhile, her office works with incoming legislative members who will be on committees that deal with branch interests, providing them with educational materials about the court system. If there are new rules in the House and Senate, Ms Johnson familiarizes herself with them so that she’ll be in the best position to navigate, and to help judicial leaders navigate, the system. Her office also provides information to the circuits about their local representatives so judges can do grassroots outreach in their home counties. Moreover, throughout the summer months, her office works with legislative staff on the House and Senate interim projects dealing with matters that might become the basis for legislation.

Beginning in August and continuing until session starts in March, the legislature holds its interim committee meetings. From this point on, Ms Johnson’s office has to work under strict, legislature-mandated timeframes: “If you wait too long to provide the information the legislators need, then you’re too late—it’s law!” Ms Johnson warned. So, during this seven-month stretch, among a polyphony of tasks, her office pays keen attention to relevant legislative projects; contacts judges for their assessment of the impact of potential legislation and forwards this information to legislative staff; answers questions from legislators and their staff, educating them about issues of interest to the judiciary; coordinates with bill sponsors for key legislation; monitors staff and committee changes in the House and Senate; and attends innumerable committee meetings to keep abreast of possible legislation. Then, once session begins, Ms Johnson’s office reviews all the bills that have been filed, determining their substantive and/or fiscal impact on the branch, and, with the help of the OSCA topical experts, she supplies judicial impact statements on any bills that could affect the courts. This way, judicial branch concerns are reflected in the analyses of legislative staff. “It’s so much easier dealing with problems on the front end rather than the back end,” she stressed. “Legislative staff find this information valuable; the legislators also welcome it—they appreciate it,” she added. Then her office closely tracks all the bills that could affect the branch, watching their progress as they make their way through the legislative process. This year, for instance, the House and Senate filed 2,477 bills; OSCA tracked 780 of import to the courts; 89 could become law. Her Weekly Review newsletter keeps judges and court personnel informed about all bills of significance to the branch and their status as the session unfolds.

When session is finally over, Ms Johnson’s office monitors the governor’s actions on enrolled legislation and, once the dust settles, she compiles a document of legislative abstracts for that year—a comprehensive review of all the new legislation that will affect the court system. At last, just when most people would be ready for a well-deserved vacation, it’s time for the cycle to begin again.

Clearly, the hard work and professionalism of Ms Johnson and her staff are deeply appreciated by branch leaders. “There is probably no more stressful time for the courts as a whole than during the legislative session,” noted Walt Smith, trial court administrator for the Twelfth Circuit and Trial Court Budget Commission member. “During this time, things are constantly changing, and communicating accurate information is a huge undertaking. Brenda and the Office of Community and Intergovernmental Relations are the information lifeline to all of us working in the court. I don’t know how we would get by without them,” he declared.

Calling himself “a big fan of that office,” Duval County Judge Gary Flower, president of the Conference of County Court Judges of Florida, said, “Having been a lobbyist before and during law school and while in private practice, I understand the time pressures and sensitivity and highly political nature of the work done by Brenda Johnson, Sean Burnfin, and Alexis Fleck, and I really appreciate their professionalism.” He also appreciates their work ethic: “I was constantly there; I saw the hours Brenda and her staff put in; it was tremendously stressful, and the work they did was immeasurable.” Another great asset of that office is Ms Johnson’s “institutional memory”; because of “her knowledge of the issues, she has the ability to respond quickly to the fast pace that the legislative process sets,” he noted. But perhaps most important, they all have “an ownership interest in the branch’s mission, which is what you need to
succeed in this kind of work; she and her staff have a very high level of commitment," he emphasized. Calling himself “an end-user,” he is certain that he “became more efficient and more focused and more committed to the mission of the branch because of Brenda’s contributions.”

After working with Brenda Johnson and her staff this past legislative session, Eleventh Circuit Judge Kevin Emas, chair-elect of the Florida Conference of Circuit Judges, joked, “The name of the department should be changed to ‘the Office of Everything You Need to Know about Every Piece of Legislation Affecting the Judicial Branch.’ Even that name does not do justice to this dedicated group of people,” he emphasized.

“Brenda and her staff are, in a word, tireless,” he continued. “They begin preparing for the legislative session as early as July. By the time the 60-day session arrives, they are working 23 hours a day (everyone deserves a lunch break). Each of them is a consummate multi-tasker: tracking and poring over hundreds of bills at any one time, attending committee hearings, meeting with Senate and House staffers to provide input and feedback on how pending or proposed legislation might impact the judiciary, and coordinating their efforts with judicial conference representatives, Trial Court Budget Commission members, Lisa Goodner, and other OSCA staff. As soon as session is ‘over,’ they are already gearing up for next year’s session, whether it is reaching out to incoming legislative leadership and their staff, establishing relationships with newly-elected legislators, working on interim projects, or creating legislative summaries and educational opportunities for judges to familiarize themselves with newly-enacted legislation.”

Judge Emas’ conclusion would no doubt be echoed by many in the branch: “They are an essential component of our third branch, and we are indeed fortunate to have them as part of our team.”

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**Court Improvement**

**Addressing the Residential Mortgage Foreclosure Crisis with Managed Mediation**

After 20 labor-intensive weeks of meetings (mostly conference calls) and information-gathering marked by budget constraints, a travel freeze, and a firm deadline, the 15-member Task Force on Residential Mortgage Foreclosure Cases published its final report in August 2009. The Final Report and Recommendations on Residential Mortgage Foreclosure Cases begins with a figure of speech that skillfully accomplishes precisely what a good metaphor is supposed to: it facilitates understanding by employing the familiar, the imaginable, to communicate the unfamiliar—or, in this case, the almost unimaginable: the scope and ramifications of the foreclosure emergency in Florida. Here is the opening paragraph of the report:

Picture this: the biggest road out of town. Now imagine it is rush hour. In a thunderstorm. Add that it is also a hurricane evacuation. A lane is closed due to construction delayed by budget impacts. Imagine the traffic jam.

Through this metaphor, the task force strove to offer “the clearest description of the impact of the foreclosure crisis and the following recession on Florida’s courts.” In normal years, foreclosure filings in this state average around 70,000—but, in fiscal year 2008/09, they strained to 403,477. And, this fiscal year, it is estimated that they will decrease only marginally. In these budget-stressed times, when court positions have been cut and the legislature has not approved funding for additional judgeships, the bottleneck of foreclosure filings has overwhelmed judicial resources—described in the report as the “capacity of judges, of court staff, of clerks, of filing space, of hearing time, of courtrooms, even of hours in the day”—causing “a caseload traffic jam that the infrastructure cannot meet in a timely and efficient manner” (to access this report, follow this link).

Established by administrative order in March 2009, the task force was charged with “recommend[ing] to the Supreme Court policies, procedures, strategies, and methods for easing the backlog of pending residential mortgage foreclosure cases while protecting the rights of parties.” Chief Justice Quince named Judge Jennifer Bailey, Eleventh Circuit, as chair, and, due to the emergency nature of the foreclosure situation,
she directed the task force to submit its final report and recommendations by mid-August 2009 (to see the administrative order, follow this link).

Through press releases, articles, interviews, and announcements in local newspapers, in The Florida Bar News, and on the state courts website, the task force broadcast its work and solicited feedback. The task force also developed an online survey for lenders/servicers/holders, attorneys, judges, and borrowers (the latter of which was available in English, Spanish, and Haitian Creole). All told, 141 people mailed or emailed responses to requests for comments, and 1,018 individuals participated in the online survey: 40 mortgage holders/servicers, 405 attorneys, 63 judges, and 510 borrowers.

Based on their research and on the feedback they received, task force members identified the lack of communication between plaintiffs and borrowers as the biggest impediment to the early resolution of foreclosure cases: in its report, the task force emphasized that “The real problem here was capturing an opportunity for communication; for the borrower and the lender to convene in an informal and non-adversarial session to determine what could be worked out if anything.”

“The real problem here was capturing an opportunity for communication; for the borrower and the lender to convene in an informal and non-adversarial session to determine what could be worked out if anything.” ~The Final Report and Recommendations on Residential Mortgage Foreclosure Cases

It was happening. This way, we make sure that every case that goes before a judge, goes before a judge because it has to, saving judicial resources for those cases that weren’t going to settle.”

The report therefore recommended the adoption of a uniform, statewide, managed mediation program, implemented through a model administrative order issued by each circuit chief judge. With few exceptions, the task force recommended that all foreclosure cases that involve residential homestead property be referred to mediation. And, since trial courts are not permitted to collect fees to provide circuit civil mediation services, to manage the mediations, the report proposed the use of outside entities—which must meet specific criteria (the entities must be independent of the branch; they must be politically and professionally neutral; the program must have no fiscal impact on the courts, etc.). Although the managed mediation program will not prevent cases from being filed, the hope is that, by being referred to mediation, these cases can be worked out, thereby avoiding prolonged legal battles that are costly to the parties, the court system, and the economy generally.

In a December 2009 administrative order, the supreme court approved the vast majority of the task force’s recommendations, including the task force’s model administrative order, which it adopted with only minor changes. Based on this model, each circuit chief judge has been working on developing his or her own administrative order; as they become available, they are posted on the supreme court website (follow this link to view the supreme court and the local administrative orders).

In fact, for three circuits, the order-signing ceremony became an historic event: thanks to videoconference technology, on February 26, the chief judges of the First, Eleventh, and Nineteenth Judicial Circuits simultaneously signed administrative orders implementing managed mediation for all owner-occupied residential cases filed in their circuits; never
before did Florida’s courts have a joint ceremony of this nature.

The next step, in which many of the circuits are already engaged, is to select and contract with a managed mediation provider who will oversee and administer the managed mediation program within the circuit. Meanwhile, a number of organizations and individuals have begun to offer the specialized training in foreclosure mediation required under the model administrative order for mediators who wish to participate in the managed mediation programs. Many circuits reported that they will have their programs up and running this summer.

Meanwhile, still pressing is this extraordinary “traffic jam” of pending foreclosure cases—currently over 400,000. To protect the needs and interests of the affected homeowners and lenders, to mitigate the strain on the courts, and ultimately to help animate Florida’s economic recovery, these cases must be resolved as expeditiously as possible. To begin addressing the backlog, the branch requested that the legislature authorize a one-time allocation of $9.6 million to hire additional senior judges, magistrates, and case managers. The legislature gave the branch spending authority to use $6 million from the State Courts Revenue Trust Fund; it also gave the clerks of court $3.6 million to support the court system’s efforts. “These additional resources will permit us to case manage those foreclosure cases that have experienced procedural delays or that must be litigated,” Judge Bailey observed.

Court Interpreter Certification Board Develops Continuing Ed Requirements

To help judges and trial court administrators appraise the aptitude of court interpreters seeking appointment, the supreme court established the Court Interpreter Certification Board in 2006, making it responsible for certifying, regulating, and disciplining court-appointed foreign language court interpreters as well as for suspending and revoking certification. Soon after it was created, the board, chaired by Thirteenth Judicial Circuit Judge Ronald Ficarrotta, began developing comprehensive certification guidelines, which were implemented in May 2008. Since July of that year, trial judges have been required, whenever possible, to appoint certified or duly qualified court interpreters for people with limited English proficiency who are involved in criminal, juvenile, and select civil proceedings.

Among the requirements for remaining certified, every two years, court interpreters must obtain 16 hours of continuing education, which includes two hours of ethics-related programs or activities. The benefits of continuing education are incontrovertible: professional development plays a leading role in helping interpreters maintain and enhance the knowledge, skills, and abilities they need to perform their duties competently, fairly, and efficiently—and it supports them in their efforts to aspire toward the loftiest ideals of personal and professional conduct.

In August of this year, it will be two years since the first group of court interpreters achieved certification, so the members of that group will soon have to begin the process of renewing their certification—which means they will need to start thinking about satisfying their continuing education requirements. Recognizing the time-sensitivity of this endeavor, the board’s Continuing Education Committee, chaired by Sixth Circuit Trial Court Administrator Gay Inskeep, worked assiduously to ensure that continuing education requirements will be in place before any of the 132 certified court interpreters have to renew.

In designing its continuing interpreter education compliance requirements, the committee began by carefully evaluating the requirements developed by the court systems of states that have well-entrenched certification processes, and it also pondered the Dispute Resolution Center’s continuing education requirements for certified mediators. The result of its research is a document that clearly spells out what Florida’s certified court interpreters need to know in order to maintain certification and earn continuing education credits—and what education providers need to know in order to apply for approval for their programs.

For the certified court interpreter seeking information about continuing education, Court Interpreter Certification and Regulation Program Biennial Renewal and Continuing Interpreter Education Compliance Requirements defines the purpose of continuing education; the criteria that educational programs must meet; the kinds of activities that do— and do not—receive credit; the providers that are pre-approved for offering continuing education; the computation of credit; the procedures for certification renewal; and the ways in which credit can be earned through activities other than in-person attendance at educational events (e.g., distance learning, self-study, and group-study). For providers endeavoring
to offer workshops, courses, programs, or other educational activities, the document explains the application and approval process; the qualifications for instructors; and responsibilities that providers are expected to meet.

While developing the requirements, the committee, and the board generally, kept several principles in mind. According to Lisa Bell, OSCA court operations consultant and coordinator of the Court Interpreter Program, the board sought to “avoid cost-prohibitive fees from vendors applying to become providers.” Moreover, especially now, while court interpreters don’t yet have many options for satisfying continuing education requirements, the board “tried to come up with requirements that are reasonable and not to make them so taxing that interpreters can’t comply with them”—hence the opportunity to satisfy a portion (up to 25 percent) of the continuing education requirements through distance learning, self-study, or group-study activities.

The committee also constructed an enticing list of possible course topics for continuing education study. To build their skills areas, interpreters might want to take courses in consecutive or simultaneous interpreting skills; or they might want to study vocabulary building, voice protection, public speaking, or etymology. To expand their knowledge areas, interpreters might want to learn about street slang, DNA or medical terms, gangs, sex offenses, or law enforcement jargon. And to expand their understanding of general law, interpreters might seek instruction in criminal procedure, sentencing procedures, domestic violence, elder abuse, or legal advice versus legal information. Through supplementary study of this nature, certified interpreters will surely fortify both the science and the art of their craft.

Praising “the hard work of our Court Interpreter Certification Board—and particularly of Lisa Bell and everyone at OSCA who has put forth a great deal of effort in trying to make our court interpreter certification process as simple as possible,” Judge Ficarrotta emphasized that the board’s goal has been “to guarantee the citizens of the state of Florida their due process rights while having the best court interpreters available to work for our court system.”

The continuing education requirements will become effective July 1 of this year, and notification will soon be sent out to certified court interpreters. Interpreters with questions are invited to send them to interpreters@flcourts.org or to call (850) 922-5107.

Seventh Circuit Hosts the Eleventh Annual Statewide Drug Court Graduation

On Tuesday, May 11, the Seventh Judicial Circuit hosted Florida’s eleventh annual statewide drug court graduation ceremony. Chief Justice Quince was the keynote speaker at this event, held at Embry-Riddle Aeronautical University in Daytona Beach. Distinguished speakers also included Bruce D. Grant, the director of Florida’s Office of Drug Control Policy. The statewide graduation ceremony is celebrated each May in honor of National Drug Court Month.

Altogether, over 300 drug court graduates from 27 drug courts in 12 counties participated in this program. While a crowd of 250 watched the graduation ceremony unfold in the university auditorium, thousands of other spectators from across Florida were present via videocast. After the statewide portion of the ceremony, many of the drug courts went on to conduct their own local graduation ceremonies.

Referring to it as the “crown jewel” of Florida’s treatment strategy, Director Grant extolled drug court for combining “good, solid, evidence-based treatment with accountability,” emphasizing that “Accountability plus treatment equals success.” And Chief Justice Quince, who revealed that she is “inspired by the people who go through the rigors of drug court,” thanked the graduates for their “courage, discipline, and perseverance.” She concluded with, “Congratulations to all of you. We look forward to great things from you!”

According to the National Association of Drug Court Professionals, five independent meta-analyses concluded that, compared to traditional case dispositions, drug court significantly reduces crime by as much as 35 percent. Drug court, which was conceived in Miami-Dade County, just marked its twenty-first anniversary.
Save This Date

Florida’s 2010 Statewide Dependency Summit will be held in Orlando
August 24 – 26 (Tuesday – Thursday)

For more information about the summit, follow this link:
http://www.dcf.state.fl.us/initiatives/dependency/

The Sixth Circuit Explores the Potential of Homeless Court

Florida has the third largest homeless population in the US. According to the Department of Children and Families, as best as can be gauged, approximately 58,000 men, women, and children are homeless—i.e., living on the streets or housed in emergency shelter facilities—in Florida on any given day. A confluence of factors is likely to augment this number: the sluggish national economy; Florida’s growing number of foreclosure filings; the increasing requests for cash assistance, food stamps, and other benefits; the rising demand for local food and feeding programs; and diminishing revenues for local and state government human services and housing programs (for DCF’s Homeless Conditions in Florida 2009, follow this link).

The costs of homelessness are incalculably high, both for the homeless person and for the taxpayer. When a person becomes homeless, his or her risks of illness, injury, and death are significantly elevated, for instance. Also factored into the costs are the loss of current and future job productivity for homeless adults as well as impediments to education, and thus to decent job opportunities in the future, for homeless children.

Homeless people also face a stronger likelihood of arrest and incarceration than people who are domiciled. It’s often minor misdemeanors for which they are arrested—victimless crimes like trespassing, open container possession, unauthorized removal of a shopping cart, loitering, disorderly conduct, public drunkenness, and sleeping on a sidewalk or on the beach. Then, once arrested, they face a Hobson’s choice. If they show up for their court date, they worry that they’ll be sent to jail and will lose their possessions. But if they don’t show up, a warrant is issued for their arrest; as long as they have an outstanding warrant, they’re reluctant to utilize any much-needed social services for fear of being found by the police. Thus, with outstanding warrants, they’re effectively hampered from taking steps like getting a drivers license, filling out a job application, and entering into a rental agreement—thereby further weakening their likelihood of escaping from homelessness.

For the communities in which homeless people reside, the costs are great as well: tax dollars go toward supporting emergency shelters and other community-based services as well as medical care—the latter of which can be steep because the conditions under which homeless people live often cause them to need expensive health care services. Another cost of homelessness is the considerable financial burden on the criminal justice system: court case-processing backlogs, outstanding warrants, law enforcement demands, overcrowded jails—all at a great expense to taxpayers.

If these minor criminal cases were resolved, however, not only would the defendants be in a better position to try to emerge from homelessness, but court and jail costs would be reduced—translating into substantial savings for taxpayers. This was the thinking of two Pinellas County judges, James Pierce and Lorraine Kelly. (With its population of more than 920,000, Pinellas County has an estimated 6,235 homeless people—a 20% increase since 2007.) Since homeless defendants are reluctant to—or, due to transportation issues, unable to—come to court, Judges Pierce and Kelly had the idea of “taking court to the people” through monthly satellite court sessions. Thus the Sixth Judicial Circuit Homeless Court Project was born. The concept of homeless court has been around since 1989 (the first one was in San Diego), and communities in at least eight other states now have homeless courts, but this was to be the first regularly-scheduled homeless court in Florida.

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For the project to be successful, Judges Pierce and Kelly realized that they would need to involve a great many partners, among them, court administration, the state attorney’s and public defender’s offices, legal services organizations, pro bono attorneys, law students, law enforcement officers, and a wide range of homeless services providers. After coordinating with these partners, they scheduled the first two sessions of homeless court, both on Saturdays: the first, at Pinellas County’s Project Homeless Connect, on January 30; the second, at the Salvation Army in St. Petersburg, on February 27.

Project Homeless Connect is an annual, one-day, one-stop event at the St. Petersburg Coliseum that offers free health screenings and other health services, social services, legal services, and various miscellaneous ministrations (e.g., grooming, educational opportunities, bicycle repair, spiritual services) to homeless individuals and families, people at risk of becoming homeless, and other low-income, indigent, uninsured people in the county. The goal of Project Homeless Connect is to connect people with services that can help them become housed and stable. Of the more than 1,240 people who were served this year, 160 people sought legal assistance, and the inaugural session of homeless court resolved 11 cases.

Present at the second session, held from 9 a.m. until noon, were four judges, several private attorneys, lawyers from the state attorney’s office, and security officers from the sheriff’s office. Twenty cases were heard.

Unfortunately, response from the homeless population was tepid. Chances are that, over time, homeless court would be able to develop the trust of the people it aims to help. But the number of resolved cases was simply not substantial enough to justify the continuation of this program on a regular basis.

In a letter thanking the private bar and others for participating in the homeless court sessions, Judge Pierce explained, “There is a great deal of good being accomplished on behalf of people who find themselves in difficult circumstances, but for now, given current budget constraints and the small number of cases resolved, we are going to take a break from regular sessions. We will continue to keep you posted on developments.” And, in the meanwhile, said Judge Kelly, “Homeless court will still be available at large regularly scheduled events for the homeless, such as Pinellas Homeless Connect and the Veterans’ Stand Down.”

Added Ron Stuart, public information officer for the Sixth Circuit, “The legal needs of the homeless are not being ignored. Already in place are a number of programs facilitated by the public defender’s office and state attorney’s office that bring orders before the courts to withdraw warrants and provide bus passes and alternative court dates for people who may have missed a court date because of a lack of transportation. In addition, the public defender’s office will continue its weekly trips to numerous homeless locations to help folks with legal matters.” He also noted that “The city of Saint Petersburg and now Pinellas Park have initiatives that allow persons to perform community service hours in exchange for having local ordinance violations dismissed.” As for the prospects for homeless court, neither judge ruled out the possibility of resuming regularly-scheduled homeless court sessions in the future.

Education and Outreach

Judicial Education Programs Embrace Several Changes

Since the late 1970s, the Florida Judicial College (FJC) has helped new trial court judges equip themselves to assume their judicial responsibilities. In addition to a year-long mentor program, FJC comprises two other educational phases, each lasting a five-day stretch. Phase one (FJC I), in January of each year, addresses both the science and the art of judging through a series of orientation sessions and a trial skills workshop. The curriculum for phase two (FJC II), which takes place in March, focuses on more complex substantive and procedural matters. All new trial judges are required to participate in the mentor program and in both phases of FJC.

In the past, over the course of the five days of FJC II, new judges received a broad-based education that introduced them to a great variety of trial court
skills and essentials and a significant amount of substantive law, regardless of the division to which they were assigned. But, beginning last year, in March 2009, the focus of FJC II shifted: now the judges cover general course work such as evidence and ethics for two days, and, over the other three days, they do intensive coursework ("fundamentals") in the division in which they are serving.

FJC II offers six areas of fundamentals: Circuit Civil, County Civil, Circuit Criminal, County Criminal, Juvenile (Dependence and Delinquency), and Domestic Relations. By offering these different division tracks, FJC II now gives new judges an opportunity to develop greater expertise in the area of their immediate assignment; in addition to delving more deeply into their assigned area, they also build more robust relationships with the faculty and other new judges in their division. At the same time that FJC II inaugurated its three-day fundamentals course for new judges, it also opened the course up to veteran judges who had recently switched, or were about to switch, to a new division, giving them a chance to familiarize themselves with the particulars of their new realm of responsibility.

FJC Dean Judge Frederick J. Lauten, Ninth Circuit, explained the reasons for this change: "In the past, the feedback from new judges was that they paid particular attention to the material that was of immediate concern to them"—the area of their current assignment—"so we decided to try this approach of three days of more intensive information for the new judges." Meanwhile, chief judges had been expressing a need for an education program for judges who were switching divisions; therefore, "We decided to combine the two" in the fundamentals portion of FJC II. Attendees have given FJC II very positive evaluations: "The feedback from both the new judges and the judges who have switched divisions is that the information has been invaluable—they’ve given us high marks," Judge Lauten pointed out. As for what makes FJC so successful in general, "The college has been blessed with excellent faculty members," Judge Lauten declared: The program “is so first rate because the faculty who are volunteering to teach new judges are first class.”

All told, this year’s FJC I had 26 new judge participants, and 27 new trial judges attended FJC II. In addition, the fundamentals courses in FJC II drew six judges who moved from the county to the circuit bench; 37 judges who had changed, or were about to change, divisions; and two general magistrates who were changing divisions.

New and division-switching trial court judges are not the only FJC II attendees—also present are new appellate judges, who are there to take the New Appellate Judges Course. For many years, new DCA judges and new supreme court justices have been required to participate in this course. Presenting practical solutions to everyday problems encountered by new appellate judges, this comprehensive, three-day course also explores legal areas particular to the appellate bench and offers special instruction in appellate opinion writing.

In the near future, new appellate judges will also experience some changes in their education program. At its March meeting, the Florida Court Educational Council adopted a policy requiring DCA chief judges, working with the dean of the appellate judges program—currently Judge Chris Altenbernd, Second DCA—to appoint a mentor judge for each new appellate judge (in the past, the mentor program was exclusively for trial court judges); a mentor justice will be appointed for each new supreme court justice as well. In addition, the council adopted a policy requiring new appellate judges who have never sat as a trial court judge to attend FJC I during their first year on the appellate bench. The council decided that this would be a good addition to the education of appellate judges, and two appellate judges who were present at the meeting and had voluntarily attended this program concurred.

This spring, at the same venue as the Florida College of Advanced Judicial Studies (AJS), so-called "old new judges" were also able to take advantage of a unique educational experience. In February, judges who attended FJC in 2004 and 2005 received an email welcoming them to register for a pioneering program called Enhancing Judicial Bench Skills. The intended audience had studied many of the course topics when they were first introduced to the science and art of judging at FJC, so the curriculum no doubt sounded familiar (e.g., communication and listening skills, civility, contempt and trial disruption, dealing with difficult people in the courtroom, ethics, decision-making, diversity issues, juries, making the record, court security, self-represented litigants, moving cases judiciously, and stress management). But, having been on the bench a few years now, these old new judges have had time to develop their own judicial skills, philosophy, and style, to expand their juridical horizons abundantly—time even, perhaps, to make a few mistakes. So course organizers reasoned that this would be an ideal juncture for offering a
“post-judicial college refresher”—an opportunity for re-visiting some of these topics and delving into them in new ways, with more experienced eyes. Offered by OSCA’s Court Education Section in conjunction with the National Judicial College, this course was funded by a grant from the State Justice Institute. Martha Martin, chief of the Court Education Section, called it “a worthwhile experience to partner with the NJC; the entire experience will help us to shape our own program should we decide to do that in the future.”

Distance Learning Courses for Court Personnel

Particularly in these seasons of fiscal inclemency, the Florida Court Education Council and OSCA’s Court Education Section are working to supplement live education programs with distance learning opportunities. These distance learning programs—usually videoconference events—rely on the court system’s technology infrastructure, which can concurrently connect the supreme court building, the five DCAs, and the 20 circuits. Through Integrated Services Digital Network (ISDN) and Internet Protocol (IP), the infrastructure also supports videoconference connections between the courts and outside entities.

Ever investigating technology options that promote greater efficiencies, the courts recently began experimenting with a new method of voice transmission—streaming audio, which uses the Internet to deliver an audio signal directly to people’s desktops or other locations. Streaming audio eliminates the need for participants to travel to a site, or a room, with videoconference equipment—ideally, they can listen from the comfort of their office. Streaming audio also has advantages over non-streaming audio: instead of having to download a file completely before being able to listen to it, people can listen to the audio as it arrives at their computers—allowing for an immediacy and a simultaneity not possible with downloaded files. This spring, Florida court attorneys and other interested court personnel were treated to two distance learning programs that utilized videoconferencing while also launching the court’s first experiments with streaming audio.

The first program, called Dependency 101, was available to appellate law clerks and staff attorneys across the state. Altogether, 76 attorneys participated in the course, which was taught by Avron Bernstein, senior attorney with OSCA’s Office of Court Improvement. Appellate law clerks and staff attorneys typically “only get dependency and termination of parental rights cases as they naturally arise on appeal. They probably don’t ever have the opportunity to get a global view of how dependency cases progress at the trial level from start to finish,” he explained. His presentation described the dependency case process from the initial abuse report call, to removal of the child from the home, to the filing of a dependency petition, to the various permanency options available under Chapter 39. Evaluations were very positive: participants commented on Mr. Bernstein’s “extensive knowledge of the subject” and his “engaging presentation.” Through videoconferencing, Mr. Bernstein’s program connected the supreme court building with the five DCAs, but ISS also experimented with streaming audio to a few test locations.

For the second distance learning program, from the University of California Irvine School of Law, Dean Erwin Chemerinsky presented a 2010 US Constitutional Law Update, focusing on recent decisions and pending cases before the US Supreme Court, including opinions released just days earlier. Two years ago, he gave a US Constitutional Law Update to 120 Florida appellate law clerks and staff attorneys via videoconference. But because his presentations also hold great appeal to trial court attorneys, the Court Education Section scheduled the videoconference for the appellate courts and provided streaming audio to circuit locations. Participants listening to the audio were not able to ask questions while Dean Chemerinsky was talking, but they were invited to submit questions during course registration and were given an email address...
for sending queries during the presentation. All told, 225 people (including 42 judges) either attended the videoconference or listened to the session via streaming audio.

Regarding the streaming audio tryout, Susan Morley, senior attorney with OSCA’s Court Education Section and lead attorney for court personnel programming, declared, “Overall, the experiment was successful.” She referenced a few technical glitches—e.g., some delays at the beginning of the program; somewhat impaired sound quality from the presenter location—so several issues will have to be resolved before the use of streaming audio can be more widespread. But on the whole, Ms Morley concluded, “Anecdotal evidence suggests that many feel the format is a promising one for their courts.”

“The Justice Teaching Institute: Teachers Explore the Administration of Justice”

By Nikita Rocawich, intern with the supreme court’s PIO Office

Each year, the Justice Teaching Institute (JTI) gives selected Florida teachers an inside look at the world of the Third Branch. With the help of institute faculty and mentors, participants leave with a deeper understanding of the law and justice system to pass on to their students and colleagues.

The JTI has been a highlight of the court’s education program since it was first conceptualized by former Chief Justice Kogan in 1997. That year, the institute was a feature of the Sesquicentennial Celebration and has since become an annual event.

The JTI is a collaborative effort sponsored by the Florida Supreme Court, underwritten by the Florida Bar Foundation, and coordinated by the Florida Law Related Education Association. Between 20 and 25 teachers from Florida secondary schools are chosen to participate in the week-long workshop.

Each day is long with a full itinerary. Institute fellows explore the Third Branch not only with the help of judicial faculty but also with the guidance of the justices of the Florida Supreme Court, who lead sessions in intimate, small-group settings.

This year’s program kicked off with opening remarks from Annette Boyd Pitts, executive director of the Florida Law Related Education Association, and Third Judicial Circuit Judge Leandra G. Johnson. Chief Justice Quince took the fellows on a personal tour of the Florida Supreme Court and led their case study in the courtroom.

The attention from the justices made the experience exceptionally memorable for the fellows. “To talk one-on-one with the justices, how many people get to do that?” said Laurie Greco, of Sickles High School in Tampa. “Especially having Chief Justice Quince walk us through so much of the program—it was an amazing experience.”

“An Introduction to the State Courts System” Is Now Online

Designed by OSCA’s Court Education Section, “An Introduction to the State Courts System”—a short, interactive education program designed to familiarize new court employees with the structure and functions of the state courts and with the judicial branch as a whole—is now available on the Florida State Courts intranet site and can be accessed at the following address:

https://intranet.flcourts.org/osca/Judicial_Education/online_learning.html

If you have any questions or would like to offer feedback, please contact Dan Rettig (rettigd@flcourts.org) in the Court Education office.
The next day began with a discussion on the structure and function of the state court system by Justice Polston. Afterward, Chief Justice Quince led a session on the death penalty and applicable law, then returned later in the week to discuss court funding. Justice Canady guided a coaching session focused on the mental and material preparation necessary for oral argument. Justice Pariente presided over a lecture and discussion on the importance of an independent judiciary. Justice Labarga introduced a simulated mediation experience in a session focused on alternative dispute resolution. Justice Perry also participated, interacting informally with the teachers and answering their questions when the institute broke for meals.

Participants also had several opportunities to learn more about various law-related teaching methods. Supreme Court Librarian Billie Blaine and her staff taught fellows about legal research and methods for retrieving law-related resources. A few of the sessions focused on lesson plans and extensions for teachers to try in their own classrooms.

These workshops left most of the teachers with a sense of greater confidence to teach about the justice system. “I actually feel prepared and confident about teaching the justice system and law—I certainly didn’t feel ready prior to attending this professional development workshop,” said Denise Phillips, a seventh grade social studies teacher from Jewett Academy Middle School in Winter Haven. “Mrs. Annette Pitts and her staff were so accommodating and still are there to answer any question that might come up or to help with solutions to any problems I might come across in the future. I feel very confident that if I don’t know an answer, I certainly have a ‘safe place’ to find the answer,” said Ms Phillips.

Perhaps the capstone of the whole experience is the intensive case study woven through each portion of the program leading up to their oral argument experience. Each lecture is tied to the real life case the fellows studied before assuming the roles of lawyers and justices to present the case in a mock oral argument. Vincent Newman, a teacher from Driftwood Middle School in Hollywood, thought this connection was brilliant. After the mock version, participants observed the real Florida Supreme Court hear the same case in a special session. “The way they tied the whole workshop to an actual case that we got to act out and observe was extraordinary,” he said. Some teachers, including Mr. Newman, plan to develop similar lesson plans that follow a significant case through the justice system.

But cases don’t begin in the state’s high court. So prior to their oral argument, participants had to follow the trail of justice. The group visited the Leon County Courthouse, where they received a presentation on the criminal court process and death penalty cases from Second Judicial Circuit Judge Terry Lewis, Public Defender Nancy Daniels, and State Attorney Willie Meggs. The three performed a simulation of the closing arguments presented during the penalty phase of the case the fellows were studying.

Institute veteran Cory Alvaro, from Timber Creek High School in Orlando, who returned from a previous class to work as a mentor this year, felt this exercise was the highlight of the whole program. “It helped to simplify how the justice system works, and it’s a great resource to see our case happen,” said Mr. Alvaro. “Watching the attorneys and judge reenact the trial is a great experience.”

The program as a whole equipped the teachers to bring thorough justice education to their schools—sometimes to students who may need it the most. Participant Josey Dugas, who teaches at the Ghazvini Learning Center, a second chance school for expelled students in Leon County, feels that spreading awareness of the justice system is one of the greatest ways she can positively influence her classes. “These students have no respect for the law, why it’s in place, and what its function is,” said Ms Dugas. “This institute has introduced me to many different ways I can teach them about the law and open their eyes to its importance. I foresee myself teaching about the justices and the system for the rest of my career and hopefully influence my students to go down the right path.”

Though only 25 teachers may participate in the institute each year, the program has potential to impact the education of thousands of students. Each of the fellows may instruct as many as 150 students a year, and that number quickly adds up, especially when participants share their experience and knowledge with fellow teachers.

Participants continue to praise the JTI and seem to unanimously agree that it is an unparalleled program.
Fellows described the institute as “remarkable,” “fulfilling,” “innovative,” “eye-opening,” and “exciting.” Laurie Greco, a 23-year teaching veteran, simply said she wants to come back. Others, like James Ragusa, of Golden Gate High School in Naples, said the institute surpassed their expectations. “I heard it would be the best I would ever attend, and it really was,” said Mr. Ragusa.

Strategic Planning

The Next Step: Constructing an Operational Plan

Since spring 2006, the Full Court Press and the Florida State Courts Annual Reports have featured a tide of articles chronicling the branch’s journey to revise its long-range plan (14 articles in all). In short, the process of revising the plan was steered by the Task Force on Judicial Branch Planning, chaired by Judge Joseph P. Farina, Eleventh Circuit, with the support of OSCA’s Strategic Planning Unit. Taking a little over three years, the revisionary process was formally inaugurated with a two-day Judicial Branch Planning Forum in May 2006, at which 100 justice system stakeholders reviewed, and validated, key aspects of the original long-range plan and offered suggestions for modification.

The next stage involved a comprehensive information-gathering initiative consisting of a public opinion telephone survey of over 2,000 randomly-selected residents; surveys of more than 8,700 court users, attorneys, judges, court staff, and clerks of court; nine public meetings around the state, at which 87 attendees spoke; and a day-long meeting with 27 justice system partners.

Then, in early spring 2009, focus groups analyzed all the data, which had been gathered into a briefing document, and helped to articulate goals and strategies for the long-range plan. After drafting the plan and disseminating it to focus group participants for final feedback, the task force submitted the revision to the supreme court, which approved it on July 1, 2009. (For a more detailed description of the process of updating the plan, follow this link to the 2008 – 2009 Florida State Courts Annual Report, and go to p. 8.)

The purpose of the long-range plan is “to articulate a comprehensive plan of action to guide the judicial branch of Florida as it seeks to advance its mission and vision over the next six years.” Crafted with the wisdom endowed by hindsight—and with mindful anticipation of the trends and challenges that lie ahead—the plan embodies the court system’s efforts to assess where it is, contemplate where it strives to be, and outline methods for getting there. Simultaneously aspirational and pragmatic, it consists of five fundamental long-range issues on which the branch must focus to move toward fulfilling its mission and vision—as well as 16 big-picture goals and 71 practical strategies for addressing each of the long-range issues. (Take this link to access The Long-Range Strategic Plan for the Florida Judicial Branch: 2009 – 2015.)

So, since the start of this fiscal year, the court system has had a laboriously-revised long-range plan. But what exactly are judges and court personnel supposed to do with this document? And how can the plan help the branch move in its desired direction? A long-range plan is often likened to a roadmap: it illuminates the general geography of an organization’s journey. But it doesn’t map out the details of how to arrive at the destination. For that, an organization needs an operational plan. The operational plan—which is directly linked to the issues, goals, and strategies identified in the long-range plan—spells out an organization’s short-term priorities and guides its major activities.

With the input of OSCA managers, the Strategic Planning Unit is currently at work on constructing the operational plan for the branch. In the past, these operational plans covered a two-year span that paralleled the term of each chief justice. But, for the first time, the plan will actually cover a three-year stretch—in order to provide continuity as the branch transitions from one chief justice to the next. This operational plan will identify the activities on which the court system will be concentrating in order to support the branch’s endeavors to achieve its strategic goals.

Dr. Barbara French, chief of the Strategic Planning Unit, champions the significance of having an operational plan. It will help us set our priorities, laying out the concrete, practical steps we need to take in order to help the judicial branch reach its goals, she points out. She also emphasizes that it will set the stage for measuring and evaluating our progress: knowing specifically what we aim to accomplish, we will be able to ask ourselves, at any juncture, did we perform this task? To what
extent? How well? In what timeframe? In addition to connecting an organization’s daily activities to the strategic plan, operational plans help an organization determine what resources it needs to perform these activities and how to distribute those resources. So, eventually, she anticipates, the operational plan will also be connected to OSCA’s budget process.

Finally, Dr. French stresses, a well-wrought operational plan embodies an organization’s guiding principles, its norms, its values, its culture. And because it gives people a clear and definitive sense of how their particular job responsibilities—no matter how grand or modest—fit into the big picture of the organization for which they work, a strong operational plan enables people to see, and appreciate, that they are working toward a common goal. Thus she emphasizes that our operational plan will play a part in everyone’s life in this quite personal, visceral way as well, giving each of us a palpable sense of our role in relation to the achievement of justice in Florida. “People are more motivated when they understand their role and what it’s connected to and what it means,” she explains, and having an operational plan that guides everyone’s daily occupations will offer precisely this kind of clarification, orientation, and inspiration.

By way of an example, she relayed the (probably apocryphal) story of when President Kennedy—or some say President Johnson—visited a NASA site and asked a janitor what his job was—to which the worker replied, “I’m helping to put a man on the moon.” Her point is that, no matter what our job in the court system, like the NASA janitor, we are all a part of something bigger than ourselves—in our case, the mission and vision of the judicial branch. The operational plan will be a steadfast reminder to each of us of our role in helping to make that mission and vision a reality.

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Play Ball: Understanding Operational Planning Through the Eyes of a Few Yankees Fans

(With special thanks to OSCA’s Gary Phillips, personnel services chief, and David Pepper, court operations consultant)

“You’ve got to be very careful if you don’t know where you are going because you might not get there.”

~Yogi Berra

Two adages come to mind about high-performing organizations: first, those who fail to plan, plan to fail, and, second, there is no “I” in teamwork. When organizational goals and objectives are developed in a strategic manner and are tied to individual and unit performance, an organization can truly move in a positive direction, with everybody working in unison. Anyone who has worked in this type of environment knows how invigorating and satisfying it can be.

This experience of everyone working in concert occurs when each person in an organization understands the importance of his or her contributions—and how those contributions affect the organization’s ability to meet its goals and achieve its mission. In all high-performing organizations, this clear nexus is present, equipping employees with what is called “line of sight.”

For an organization to succeed, planning and teamwork are indeed essential. For a compelling example, consider the New York Yankees organization, winner of the most pennants and World Series championships in Major League Baseball history, including the 2009 World Series. Winning the 2009 World Series can be attributed to efforts planned long before the start of the baseball season—and near flawless execution of the plan by people who understood how important their performance was in achieving that goal.

Baseball operations can be broken down into several functions, with each playing a significant role toward achieving the team’s mission and goal. These functions, which must be carried out within certain boundaries, include scouting, player evaluation, coaching, maintaining professionalism, team evaluation, and anticipating and preparing for obstacles. Without too much of a strain on credibility, baseball operations can offer some valuable insights into our own planning process.
The Mission (a broad statement of purpose that articulates why an organization exists)

**Yankees Mission:** To give the fans of the New York Yankees the best baseball team in the major leagues.

**Judicial Branch Mission:** To protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

The Goals (desired end states)

**Yankees Goal:** The team strives to win the World Series championship each year.

**Judicial Branch Goals:** The branch has 16 big-picture goals that address the strategic plan’s five long-range issues. Among these goals are the following: “The judicial branch will be governed in an effective and efficient manner”; “Cases will be processed effectively, efficiently, and in a timely manner”; and “The State Courts System will be accountable to the public for its use of public resources and overall performance.”

Working within Prescribed Boundaries

**Yankees League Rules and Funding:** As with all organizations, the team has to work within the parameters of league rules and funding. The rules assure that each team operates under the same conditions; for instance, rules determine the number of players, size of the stadium, how much money may be spent, and how changes in personnel may be made. And funding is the great separator between good and great teams, for it affects the quality and skills of the players each team can field.

**Judicial Branch Rules and Funding:** Florida’s court system must operate within parameters established by the Florida Constitution; federal and state laws and statutes; internal rules, regulations, and administrative orders; and legislative appropriations. For example, the state constitution established the court system, defines the level and jurisdiction of each court, and sets the qualifications for serving as a judge. Federal and state statutes such as the Fair Labor Standards Act, the Americans with Disabilities Act, and the Civil Rights Act direct everyday activities including recruitment and selection, minority hiring, and pay. And annual legislative appropriations that fund the court system have a significant impact on court programs, services, and pay policy, often requiring court leaders and managers to reassess priorities and reevaluate the court system’s goals in any given year. Clearly, the planning process is affected by, and thus must be connected to, the budget process.

Seeking Out the Best Talent

**Yankees Scouting:** Scouts identify baseball talent throughout the US and foreign countries, including Latin America and Asia. Scouts attend games played at all levels from middle school through college, from Little League through Babe Ruth League, from American Legion through the US Armed Forces. Players are recruited and signed to play for the Yankees organization based on a scout’s recommendation. Identifying the best players is the first step toward meeting the organization’s goals.

**Judicial Branch Recruitment and Selection:** Court managers seek out the best talent to fill each job vacancy. After defining the scope of a position, its essential duties, and any special qualifications required, managers draft a position description; by matching job candidates’ competencies with a job position’s demands, court managers strive to hire the candidate who is the best fit.

As for the selection of judges, voters choose Florida’s trial court judges through non-partisan elections—but if a vacancy occurs before an elected judge’s term is finished, a Judicial Nominating Commission (JNC) screens, interviews, and narrows the field of applicants, providing the governor of a list of three to six names from which to choose. No matter when a vacancy occurs in a DCA or on the supreme court, applicants must go through a JNC to be considered for the judgeship (Florida has Yankees great Mickey Mantle signs an autograph for Dr. David Pepper, OSCA court operations consultant, as son Scott Pepper looks on.}
26 JNCs: one JNC for the supreme court, one for each of the five DCAs, and one for each of the 20 circuit courts). In addition, to ensure strength and continuity in judicial branch leadership, the court system has begun to place emphasis on succession planning for chief judges, commission and committee chairs, etc.

Appraising the Workforce

**Yankees Player Evaluation:** Players are evaluated at each step in the process, from scouting through the team’s minor league system (leagues of professional players for teams associated with a major league team), to determine if they have the skills to play at higher levels and eventually for the Yankees. Players are also evaluated to gauge the position they should play to best help the organization. A player’s age, health, and physical condition are also considered.

**Judicial Branch Performance Planning and Review:** To promote the achievement of the branch’s mission, court managers should explain job expectations, performance goals, and operational plan activities and tasks to staff through regular and systematic two-way communication. Regular performance reviews are also essential, for they give both court managers and their staff a chance to evaluate the goals that staff met, additional training they might need, and exceptional accomplishments they achieved in the performance of their duties.

Florida voters have an opportunity to review their county, circuit, and DCA judges, as well as the supreme court justices, all of whom serve six-year terms. Whether they are elected or appointed, they eventually face the voters, who determine whether they should remain in office. Trial court judges have to run for election/re-election; DCA judges and supreme court justices go up for a “yes” or “no” merit retention vote.

Training the Workforce

**Yankees Coaching:** The field manager and coaching staff play a major role in player development and day-to-day game strategies. Coaches teach players the fundamentals of the game, including batting techniques, field positioning, proper base running, strength and stamina building, throwing, playing defense, and stealing bases. Regardless of the experience and status of a player, repetitive skills training, teaching, and practice are essential to the team’s success. In addition, the manager and coaches plan game strategies to increase the chances for winning.

**Judicial Branch Training and Development:** Judges and court employees are expected to have the knowledge, skills, and abilities to serve and perform at the highest professional levels. Therefore, within existing resources, the branch provides judges and court staff with opportunities for advanced levels of training and development. Continuing judicial education has been mandatory since 1988; every three years, Florida judges are required to take a minimum of 30 approved credit hours of court education, with additional requirements for new judges. Through face-to-face programs, distance learning formats, and self-learning resources, the branch also endeavors to enhance and improve employees’ skills so that they can work better and more effectively, take on more responsibility, and strengthen the abilities needed to accomplish the tasks outlined in the operational plan.

Aspiring Toward the Highest Standards of Professionalism

**Yankees Players Ethics:** Players are responsible for their behavior on and off the field. Players make sacrifices, give maximum effort, and support their teammates and the organization during the entire season.

**Judicial Branch Ethics:** Judges and court personnel are expected to be of good character and adhere to high standards of professionalism and ethics at all times.

Assessing the Big Picture

**Yankees Team Evaluation:** In addition to scouts, minor league managers, coaches, and the Yankees’ field manager, the Yankees, like all major league teams, has executive officers and an operations manager who assess the whole picture and evaluate the team and the organization from top to bottom. This evaluation includes finances (what the team can afford); player skills (who is good enough to play and at which position); team chemistry (the best players do not always work together to make the best team); and the gaps that need to be filled for the coming season. They also evaluate which players they can acquire (within finances); which players in lower levels are ready to help the major league team; which players can be...
traded for other players; and which free agents (players who are free to negotiate with any team) can help (and which ones the team can afford).

**Judicial Branch Performance Management and Organization Development:** Periodically, branch leadership evaluates the whole picture of the branch from top to bottom and bottom to top to assess whether goals are being met and the mission is being accomplished and to identify areas for improvement and revision.

**Anticipating, and Preparing for, Obstacles**

**Yankees Long Season:** The baseball season is long and, as in all organizations, there are bumps along the road such as injuries, competitors improving, and slumps. The team that that resolves these bumps is the team that has prepared best and has a strategy in place, whether through a key trade or player development.

**Judicial Branch Strategic Planning:** Through the development of a long-range plan—but especially through the operational planning process, which has a shorter timeframe and can therefore adapt to change more nimbly—the branch’s aim is to prepare itself for unforeseen obstacles to meeting goals and to have alternate plans in place to address obstacles while still fulfilling the branch’s mission and satisfying unit and branch-wide goals.

It takes hard and dedicated work, but all members of the Yankees organization motivate themselves in order for the team to be successful. They do so because they all believe in the plan, understand their role in realizing the plan, and know how important it is for them to perform to the best of their abilities. Also, together, they work to overcome the bumps along the road.

We can learn from this example of an organization really doing it right, from the top down and from the bottom up. By incorporating these practices into how we go about our daily work, the judicial branch, just like the Yankees, can find even greater levels of success than we already experience.

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**Miscellany**

**Pets in the Courts**

Going to court is an intimidating, anxiety-fraught experience for most people. So imagine how frightening it is for children—whose fear is surely heightened if they have been victims of abuse, neglect, or domestic violence and are there to testify against their perpetrator. Out of an awareness of the intense vulnerability of victimized children—and adults—came the inspiration for developing programs that strive to alleviate some of their stress by pairing them with pets in the court.

For thousands of years, humans have delighted in and benefited from their bonds with animals. Some prehistoric cave drawings depict cavemen and wolves sitting together around campfires, reflecting what is often considered the earliest human-animal relationship. And in ancient Egypt, people were often buried with their cats so they could be together after death. In many ancient cultures, people believed that animals had special healing powers; to rehabilitate injured soldiers, for example, the ancient Greeks made use of hippotherapy (horseback riding)—a practice that, throughout history, has been touted as a cure for ailments as varied as gout, neurological disorders, and depression.

In more modern times, as part of a therapy program in 9th century Belgium, people with disabilities were given farm animals to care for. And at a retreat founded by the Quakers in late 18th century England, people with mental illnesses were given small animals—e.g., rabbits and birds—to nurture as a component of their therapy. By the 19th century, animals had become a familiar feature of institutional care facilities.

It should come as no surprise that recent studies confirm what healers and animal lovers have intuited for millennia: that
interactions with animals can lower blood pressure; decrease the risk of heart attack and stroke; reduce stress and anxiety (even more than the presence of a good friend, research has shown!); mitigate emotional disabilities and posttraumatic stress disorders; alleviate feelings of loneliness, isolation, and despair; enhance psychological functioning; increase self-esteem; and evoke profound feelings of well-being, safety, and security.

For years, animal therapy has played a role in the physical, emotional, and psychological healing of humans in hospitals, retirement homes, nursing homes, schools, and disaster areas. But the push to offer animal therapy in a court setting is far more recent—said to have been born in the early 1990s in a Jackson, Mississippi, child advocacy center. Since then, the idea has been spreading across the country: according to December 2009 American Bar Association Journal article, 13 states either have pet therapy programs in some of their courts or are in the process of establishing them.

Florida has at least two programs: Companions for Therapy, in the Second Circuit, and Florida Four Legged Advocates, in Polk County.

Sponsored by the private, non-profit Area Agency on Aging for North Florida, Companions for Therapy, a free, volunteer animal visitation program, was established in 1985. Since then, the program’s human-animal therapy teams, which now number nearly 150, have been visiting hospice facilities, long-term care facilities, hospitals, rehabilitation centers, assisted living residences, day care centers for adults with limited abilities, public schools, and libraries in the Leon County/Big Bend area.

Then in 2007, Companions for Therapy was expanded to include visits to Second Circuit court facilities: developed by Susan Wilson, court statistics consultant at the Second Circuit, the program now has 15 dog therapy teams that are called in to provide comfort to victims in criminal cases; also, in Wakulla County, these teams visit with children in dependency cases.

The target population for these dog therapy teams is a victim of violent crime, usually assault or domestic violence, who is five or older and will be providing testimony in court. The state attorney victim advocates identify those whom they believe would benefit from the presence of a dog therapy team; not surprisingly, children are the most frequent beneficiaries. There are two particularly anxiety-ridden stretches in court for these children—the period, often quite long, of waiting to testify, and the span immediately thereafter. During these two stressful intervals, the dog therapy team is there to offer comfort, support, and distraction. Generally, the pet team sits with the child in the hallway or playroom. But, with the approval of both the chief judge and the presiding judge, the teams are now being permitted in some courtrooms and judicial chambers.

These pet therapy animals have passed nationally-recognized skills and aptitude tests, and their temperaments—as well as their handlers’ temperaments—have been carefully evaluated. The handlers, all of whom are volunteers, are also required to undergo background checks, pass a written exam specific to the courts program, and sign an oath in which they agree to maintain the confidentiality of all information pertaining to the victims/witnesses and their families. Volunteers must also understand, and agree to, their strictly-defined role: regardless of their professional background, they are specifically directed to refrain from acting as counselors or victim advocates; the pet therapy team’s exclusive goal is to be a soothing, entertaining, diverting presence for the victims. In addition, volunteers must resist the desire to form a relationship with victims/witnesses—and volunteers are instructed not to offer or to agree to future visits with them. Currently, dog therapy teams visit courts in Franklin, Gadsden, Jefferson, Leon, and Wakulla Counties, and the program is working to include Liberty County as well.

While also a free, volunteer-based organization. Polk County’s Florida Four Legged Advocates (FLA FLA) has quite a different tenor. The goal of the Second Circuit’s program is to provide pet therapy in the courts, but the primary focus of FLA FLA is victim advocacy. Founded in 2005 by victim advocate Andrea Cardona and her mother, Kim Lockhart,
this charitable, non-profit organization is staffed by victim advocates, victim service practitioners, and six largish dogs (size does matter here, according to Ms Cardona, who says that larger dogs seem to help victims feel safer).

Although this service primarily helps children and teens, FLA FLA’s victim advocates and their canine partners help anyone who has been victimized by sexual assault, domestic violence, or other crimes through the various phases of the court process. Ms Cardona founded this organization because, “as I worked in the field with children and teens especially, I felt as if something was ‘missing’ (a link of sorts—between the victim and the criminal justice system players). Therefore through personal experience with dogs and research (and proven results with therapy dogs), FLA FLA began.”

FLA FLA works closely with the Polk County Sheriff’s Office, local law enforcement agencies, the state attorney’s office, and various community agencies, and it accepts referrals from all these entities, but a victim or the victim’s family can also contact the organization directly. FLA FLA’s human-canine teams accompany and advocate for victims in depositions and court hearings; provide advice and information about available resources; assist with victim impact statements; and participate in public awareness activities. As the organization’s website explains, “Our method helps to provide comfort, encourage trust and to calm the victim at a very difficult time.”

While the dogs in the Second Circuit program are therapy dogs—which means they have been trained to shower people with affection and elicit feelings of composure—the dogs in Florida Four Legged Advocates (FLA FLA) are service dogs—which means they have been trained to assist humans who are disabled; service dogs are protected by the ADA and are legally allowed in most public areas. For the FLA FLA victim advocates who personally qualify, their service dogs accompany them to court proceedings; the victim advocate can situate the dog in the child’s line of sight, offering comfort and assuaging fear while the child is on the stand.

Supporters of FLA FLA include former Governor Jeb Bush, former Attorney General Bob Butterworth, and Polk County Sheriff Grady Judd. In 2008, FLA FLA garnered national attention when it was honored with an Office of Victims of Crime/US Attorney General’s Award for Professional Innovation in Victim Services. Since then, cities, states, and organizations across the country have called upon Ms Cardona, seeking her help with setting up similar programs.

According to the literature on these kinds of “pets in the courts” programs, interaction with a therapy or service dog helps children through one of the most difficult times of their lives—and eases the difficult conversations that they must have with the judge. After petting, hugging, rolling around on the floor with, and talking to the dog, the children are palpably less tense and uncomfortable—and therefore better able to provide accurate testimony. “The happier the families are, the more relaxed the families are, the easier it is for me to get the information I need,” explained Judge Jill C. Walker, Wakulla County, who hears dependency cases and is an avid supporter of the Second Circuit’s pet therapy program.
Turning Points

Awards and Honors

**Judge Roberto Arias**, Duval County, was honored by the Hispanic Bar Association of Northeast Florida and the Florida Coastal School of Law Hispanic-American Law Students Association for his over 30-year commitment to serving the Jacksonville and legal communities.

**Judge Margaret W. Hudson**, Seventh Circuit, was named 2010 Woman of the Year by the Volusia/Flagler Association for Women Lawyers for her outstanding service to her professional peers and to the people of Volusia and Flagler Counties and for her substantial contributions to areas of importance to women and her community.

**Judge William Van Nortwick**, First DCA, and **Judge Jill Walker**, Wakulla County, honored at a Law Week reception in Tallahassee, were recognized for their volunteer service through Legal Services of North Florida and the Legal Aid Foundation of the Tallahassee Bar Association.

**The Florida Supreme Court/OSCA** was honored with the 2009 Award of Special Recognition for its “commitment and dedication to establishing an effective employee safety and loss prevention program”; the award was presented by the Interagency Advisory Council on Loss Prevention, the Division of Financial Services, and the Division of Risk Management.

**The Florida Supreme Court/OSCA** was named a 2010 Volunteer of the Year by the *Tallahassee Democrat* for its mentoring program.

**Michelle Ogletree**, personnel services specialist with OSCA, was selected as the Outstanding Mentor Volunteer for Bond Elementary School. The award was presented by the Leon School Volunteer Program.

In Memoriam


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.
On the Horizon

July
6-8  Conference of County Court Judges of Florida Annual Program, Orlando, FL
8-9  Supreme Court Committee on Standard Jury Instructions in Civil Cases Meeting, Orlando, FL
16  ADA Coordinators Conference Call, 12:00 PM
24  Trial Court Budget Commission Meeting, Marco Island, FL
25  Judicial Administration Committee Meeting, 1:00 – 3:00 PM, Marco Island, FL
26-28 Florida Conference of Circuit Judges Annual Program, Marco Island, FL
26-28 Trial Court Administrators Education Program, Marco Island, FL

August
11-14 Judicial Assistants Association of Florida Summer Conference, St. Petersburg, FL
24-26 2010 Dependency Summit, Orlando, FL

September
12-15 Florida Conference of DCA Judges, Ponte Vedra Beach, FL
17  ADA Coordinators Conference Call, 12:00 PM
20-21 Annual Reporters Workshop, Tallahassee, FL
22-25 Florida Bar Midyear Meeting, Orlando, FL
23-24 Florida Court Education Council Meeting, Tallahassee, FL

Under the direction of
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