A Message from Lisa Goodner, State Courts Administrator

Just as the thermometer began hinting at the staggeringly high temperatures that accompany our Florida summers, this year’s legislative session came to a close. As always, legislators addressed an abundance of issues that affect the court system in one way or another: bills on career offenders, child custody and visitation, confidential informants, a DNA database, human smuggling, senior judges—and of course bills regarding our funding and shaping our fate over the next fiscal year and beyond.

Even though a multitude of issues were debated during these two intense months of legislative activity, I know it’s been hard not to dwell on one of them: the 2% pay cut to state employees who earn over $45,000 as well as elected officials. Chief Justice Quince immediately contacted Governor Crist with her objections: “I must express my opposition to the pay reduction passed by the Legislature,” she wrote; state employees “deserve our greatest praise and admiration for the yeoman’s jobs they have performed during these trying economic times. These are not the times when our employees should be further penalized by asking them to give even more in the form of a pay reduction.” Governor Crist vetoed the pay cut to state employees, but the funding for that cut wasn’t restored, so the budget commissions, with OSCA’s help, are looking for ways to make up the difference. The governor did not veto the 2% cut to the salaries of elected officials. But I can assure you the chief justice and I are committed to restoring these pay cuts to judicial salaries, and it will be the priority funding issue for the Branch until it happens.

As disappointing as the pay cut is, I do want to emphasize that this year’s session also leaves us with some encouraging news. In short, even in this calamitous budget year (the budget deficit stands at roughly $3 billion), the court system lost no further positions, or other funding from this fiscal year to the next. It will remain level. Most important, there will be one major—and very promising—difference in the way the state courts system is going to be funded from now on: instead of coming from general revenue, much of the funding will be channeled through the recently created State Courts Revenue Trust Fund, which will help to shield the courts against future cuts (you can learn more about this issue in the first article).

This trust fund will have a dedicated funding source, primarily from the filing fees citizens pay to access their court system. This means that as the judicial branch becomes able to rely more on dedicated funding, it will have more opportunity to make sure its true needs are met—and it will eventually be in a position to finally address the pay equity issue that judicial branch leaders have been advocating for the last five years. I think I speak for everyone in the branch when I say that we all look forward to the fruits of being in a healthier budget situation in the years to come.

My many thanks to all of the judges and court staff who worked so hard during this legislative session to make dedicated funding for Florida’s courts a reality. While it will not bring us immediate relief, it sets us on a path for much needed funding in the future.

Sincerely,

Lisa Goodner
Legislative Update

Florida Courts Budget: Signs of Promise

In fiscal year 2007-2008, Florida’s court system saw its $491 million budget shrink to $478 million. Then in fiscal year 2008-2009, when the state was buffeted by further revenue reductions, the court system budget dropped to $438 million. Court employees were laid off; programs were cut; a hiring freeze and travel restrictions were instituted.

Florida is now suffering its fourth consecutive year of declining revenues, and the budget prospects continue to look gaunt. Although the economy is beginning to show sporadic, though somewhat anemic, signs of improvement, the Revenue Estimating Conference predicts that revenue collections will not exceed the fiscal year 2005-2006 level in the three-year forecast horizon.

The Vision and the Plan
Several years ago, branch leaders realized that a stable, reliable, dedicated funding source for the court system would be the best defense against fiscal crises. Explaining to branch supporters the exigency of realizing this vision, Chief Justice Quince said, “The need for sufficient and stable funding of Florida’s court system is a constant one. But now the need for stable funding is also an urgent one. Our state government has experienced a substantial revenue shortfall due to the economic challenges currently facing the nation and our state. The gap between what the courts need and what the courts receive to fulfill their role as the third branch of our democracy has widened dangerously as the recession forces cuts in court funding—even as Florida citizens and businesses turn to the courts in much greater numbers.”

The chief justice also articulated, and branch leaders adopted, a plan for providing the court system with the resources it needs to do its job: The Seven Principles of Court Funding describes strategies that not only address the current revenue decline but that also ensure justice for all Floridians for many years to come (read this document online).

Furnished with a vision and a straightforward and concrete plan, the judicial branch was ready to take the next step: approach Florida lawmakers with its cogent case for stable court funding. The efforts of Chief Justice Quince and State Courts Administrator Lisa Goodner were buttressed with the stalwart support of many branch leaders, especially Chief Judge Belvin Perry, Ninth Circuit, who chairs the Trial Court Budget Commission; commission members Chief Judge Joseph P. Farina, Eleventh Circuit, and Chief Judge Charles Francis, Second Circuit; and Chief Judge Stevan Northcutt, Second DCA, who chairs the DCA Budget Commission. Also indispensable was the backing of The Florida Bar and a coalition of business associations. As a result of the dedication of the courts, the Bar, and the business community, the judicial branch was rewarded with success in achieving many of its goals this spring: legislators embraced four of the seven principles, and, at last, the branch is on a path toward establishing a permanent and stable funding source.

The Legislation
During January’s Special Session A, the legislature, initiating the first phase of establishing a stable funding source for the courts, created the State Courts Revenue Trust Fund. During regular session this spring, the legislature passed, and the governor signed, SB 1718 Relating to State Judicial System, which identifies the funding streams that will provision the trust fund and directs how the money should be spent.

As a result of these legislative measures, the court system budget will now be 70% trust-funded and 30% general revenue-funded. This is a striking departure from the way the courts used to be funded: in the past, 92% of the budget came from general revenue, and 8% came from trust funds.

Being largely trust-funded is a monumental advance for the judicial branch—for several compelling reasons. First, unlike general revenue funding, the unspent capital in a trust fund account doesn’t get returned to the state at the end of the fiscal year; the trust fund has a chance to grow. In addition, the trust fund gives the branch greater budget flexibility; when the trust fund account accumulates surplus money, for instance, the court system can request additional spending authority from the legislature, which was not possible when the courts were general revenue-funded. Furthermore, the revenue streams...
that feed the trust fund come from a variety of different sources, which means that, over time, court funding will even out and become more reliable and predictable (e.g., foreclosure filing fees may be down one year, but traffic fines may be up, which will balance out the funding). Finally, by being trust funded, the branch will be more cushioned from the kinds of dire budget cuts it’s suffered these last few years—which means greater security for court employees and court programs; this year, for instance, if it weren’t for the creation of the trust fund, the courts would have been forced to take further budget reductions.

The legislature also passed another bill of relevance to the branch’s vision and plan: SB 2108 Relating to State Court Funding requires that, for their court-related functions, the clerks of court go through the same legislative appropriations process that all other state entities go through, which will enhance the transparency and accountability of the clerks’ budget process. Chief Judge Francis characterizes this bill as “sort of like Revision 7 for the clerks,” for it authorizes “a careful review of the clerks’ court-related functions in a neutral setting” as well as an assessment of the cost to perform each of these functions; the result, he said, will be “formulas for the distribution of funds that will help both the courts and the clerks, especially those clerks in small rural counties.”

This bill was presented to the governor on June 8, and he must act on it by June 23; if he signs it into law, SB 2108 will ensure that the revenue rendered from the clerks’ court-related functions will be spent to support the court system in addition to the clerks and the state’s general revenue fund. This bill addresses Principle Two of The Seven Principles, which states, “Court fees assessed and paid by Florida’s citizens to access their court system should be dedicated to the court system.”

The Pursuit of Stable Court Funding
As Chief Judge Belvin Perry explained, these kinds of achievements can’t materialize without a vision and an enormous amount of preparation: “For a number of years, the Trial Court Budget Commission (TCBC), Lisa Goodner, and the current and prior chief justices have talked about finding a stable source of funding for the courts to keep us from being subject to the ebbs and flows of the economy. We realized that when the economy is bad, our workload doesn’t decrease—it really increases. So out of that realization came the vision of a more stable source of funding for the courts rather than general revenue funding, which is always subject to the perils of the current economic environment. As a result of that vision—and a lot of hard work by members of the TCBC and OSCA staff, and a lot of support by the business community and The Florida Bar—we were able to achieve the goal of a dedicated funding source for the courts. While that source may be somewhat rocky now,” he added, “in the end, that funding stream will provide stability for funding the third branch of government.” He was quick to point out that “This is not the end of the journey—we have a lot of work to do still.” But he labeled it “a major first step.”

Calling this months-long process of working with the legislature “unlike any other I’ve ever been through,” Chief Judge Northcutt described it as involving “lots of number-crunching: How much money do we need? How much should we ask for? We kept working and reworking those numbers, mostly with legislative staff. Then we’d rush back to the supreme court, sit with OSCA staff, running, re-running the numbers and the charts.” He noted that it’s still too early to see how it’ll all work out: “It’s all theoretical at this point. Hopefully, the numbers will pan out; if not, we’ll go back to the legislature and tweak it next year;” just like we had to go back many times after Revision 7 was implemented in 2004. On the whole, though, he sees this as “the beginning of a new journey. If it works the way we think it will, we’ll be far less vulnerable to the rollercoaster ride that state government has been on during this recent revenue crisis.”

Asked his thoughts about this year’s success, Chief Judge Francis opined, “One of our greatest accomplishments this year was that we really got the attention and support of The Florida Bar and the business community. They realized that we’re all trying to get the same thing done: provide basic court services for everyone, enable court access to everyone.” He praised “the leadership of all the courts” and said success was possible because “the courts, the Bar, and the business community worked perfectly together this year; we were all on the same page.”

The Future
Clearly, the sources of the court’s budget are still “rocky,” as Chief Judge Perry noted, and it will take awhile to build the
trust fund up, so funding for the first few months will be somewhat unpredictable. Another concern is that a portion of judicial salaries will come out of the trust fund. Principle Six contends that “Some components of the State Courts System are more appropriately funded from the general fund and should remain so”—and it specifically references judicial salaries because the legislature exercises the power to decide how many judgeships to establish, so “it would be inappropriate to tie that process to the revenue in a trust fund.” This is an area the branch intends to keep working on with the legislature.

On the whole, no one thinks this transition is going to be easy, so judicial optimism is generally tempered with a healthy dose of realism. For instance, while Chief Judge Farina acknowledged that “We can be grateful and appreciative of having the trust fund established,” he emphasized that “A great deal of work remains to ensure that civil filing fees with an established track record become the primary funding source for the trust fund. If not,” he warned, “the trust fund may place the branch fund in jeopardy because we won’t know with any predictability how much funding will be available.” He also stressed that “If we don’t have civil filing fees as our primary funding source, we’re subject to criticisms of cash register justice” (a concern addressed in Principle Three). Overall, he reasoned, “In the big picture, it’s a beginning, a good start, but now we need to move forward working with the legislature to realize the full potential of the trust fund in helping the branch retain valuable resources and to respond to the public’s increasing need to have access to the courts.”

Welcomes and Farewells

Welcome, Justice James E. C. Perry

“Life is strange,” reflected Justice Perry, with a chuckle, when asked about the odyssey that brought him to the supreme court bench. “I never had a master plan,” he began; “I never planned for anything. I knew what I wanted to do, but I didn’t know how it would be achieved. I just knew I wanted to do something positive—be of public service.” Through a series of remarkable flukes, fortuities, chance encounters, and contingencies, Justice Perry eventually found himself appointed to Florida’s highest court this March.

Justice Perry’s story began unassumingly, in the projects of New Bern, North Carolina, where he was born and raised. College was the first major life experience for which he didn’t plan. In high school, he had strong grades and had been involved in a number of extracurricular activities—captain of the football and basketball teams, a member of the chorus; he had even been voted “Best All-Around” by his high school class. But none of his teachers had ever mentioned his going to college—and he knew he couldn’t afford it anyway—so he had no thought of going. But, within days of graduation, a college football coach from Raleigh showed up at his school and invited him to play; if not for that visit—and the award of a student loan—Justice Perry would have ended up with a dramatically different autobiography.

He also hadn’t intended to join the Army, but he was drafted soon after he graduated from college; he went to officer candidate school, got a commission, and was eventually promoted to first lieutenant.

And not for a moment did he imagine that law school was in his future—in fact, his undergraduate degree was in business administration. But his life changed, again unexpectedly, on April 4, 1968. That was the evening that Martin Luther King was assassinated. The chilling announcement of King’s murder set off, in his head, a recitation of “the litany of dead black men.” Gone were so many of the nation’s black leaders, he lamented. Most black male leaders have been preachers, but it’s the lawyers who’ve become our nation’s legislators and executive officers, he found himself thinking. King’s death, a wake-up call, prompted his decision to go to law school—“because I realized that lawyers understand the
system and know how to change it.” Although he was intending to go to law school at Case Western Reserve, an unexpected encounter with the friend of a fraternity brother motivated him to apply to Columbia University School of Law—so that’s where he ended up.

Soon before finishing law school, he was called into the dean’s office. “Why not work on Wall Street, the dean asked; the money is good.” But Justice Perry wasn’t interested in the money. The dean was undoubtedly surprised when Justice Perry announced, “I want to go back to the South to fight for justice.”

For a change, he did have a concrete plan this time—he intended to return to North Carolina to take the bar exam and “fight for justice” in his home state. But life apparently had different plans for him. It was now the early 70s; racial tensions were high, and rarely were minorities allowed entrance into the legal profession. Despite his efforts, it soon became clear that he was not going to be able to practice law in North Carolina—or South Carolina or Georgia—the three states in which he tried to work. While in Georgia, which had only 38 black attorneys at the time, he was part of a class action suit challenging the Georgia bar admissions process. Although this suit was unsuccessful, shortly thereafter, the bar began to admit more African-Americans (35 blacks, including Justice Perry, passed the bar within the following year).

Next, he headed up to Washington, D.C. Soon after his arrival, he ran into a friend of a friend, who offered him a job as an attorney in Florida. Justice Perry readily admitted that he had no interest in moving to Florida at that time. Then, another intervention caused his plans to change: it started to snow. Snowstorms have been known to inspire epiphanies. “I’ll go to Florida,” he decided. He took the Florida Bar Exam, passed it, and has been here ever since.

After all this, it should come as no surprise that Justice Perry had not envisioned becoming a judge. He had applied for appointment in 1990 and 1993, when the Eighteenth Circuit had vacancies, but the Judicial Nominating Commission passed over him both times. As a result, he figured he’d never be selected, so he waited until the last possible day to apply in 2000—admitting, “I was shocked that I was picked.” He became the first black circuit judge in the Eighteenth Circuit.

The thought of applying for the supreme court opening “was not even on my radar screen,” he confessed. He had run for his circuit seat unopposed six years earlier and really was happy where he was; “I wasn’t looking to go anywhere,” he avowed. But friends urged him to apply for the vacancy created by Justice Wells’ retirement: “It’s really not about you—it’s about the people of the state of Florida,” they told him. So he relented, and in January, he applied; to his surprise, Governor Crist selected him for the seat.

He’s enjoying being a justice. An avid reader who especially savors historical works (“You learn a lot by looking back; things happen in cycles”), he’s relishing the mountains of reading that his new position entails. And he’s quickly adjusting to the appellate experience. To this self-described “people-person,” being a trial court judge is “solitary,” “very lonely.” At the supreme court, however, “You’re forced to meet and interact with the other justices, so it’s less solitary. The supreme court family is smaller than the circuit family,” he added, “but it’s very intense; it’s very different making decisions with six other people.” Here, one quickly learns that “Good people don’t always agree—but they can disagree without being disagreeable. Sometimes, I don’t even agree with myself!” he joshed.

“My passion is children...especially at-risk kids,” Justice Perry asserted when asked how he hoped to make his mark on the supreme court. His commitment to children is one of the reasons he assigned himself drug court when he was chief judge at the Eighteenth. Most of the people participating in drug court are “young parents, often with kids, so you end up dealing a lot with families.” He said that being a drug court judge was “the most important thing I’ve ever done” because he was able to “help people put their lives back together. When they finish the 18-month program and tell you, ‘You saved my life’—it doesn’t get any better than that!” he declared.
Farewell to Dispute Resolution Center Director Sharon Press

“It was like a hot air balloon being released,” described Dispute Resolution Center Director Sharon Press, recounting the dramatic effects of the 1987 legislation that gave civil trial judges the statutory authority to refer cases to mediation or arbitration and that authorized the supreme court to create standards for the certification, training, conduct, and discipline of mediators. Inevitably, this groundbreaking legislation was going to impel alternative dispute resolution “to take off, whether or not I was in the basket,” she exclaimed. And indeed it did: once largely a grassroots, community-based phenomenon, alternative dispute resolution (ADR) swiftly ascended, earning a respected place in the civil justice system and crowning Florida with one of the most extensive, court-connected mediation programs in the nation. Hired as the assistant director of the Dispute Resolution Center in 1988, Ms Press, who is leaving for Hamline University to direct its Dispute Resolution Institute and to teach in its law school, considers herself “very fortunate to have been able to help steer [that hot air balloon] the last 20 years.”

From a very young age, Ms Press knew she “wanted to do something to help out”; thinking she’d like to be a diplomat when she grew up, she majored in international affairs with a Mideast concentration while an undergrad at George Washington University. During her junior year, enticed by the weighty responsibilities that the university’s resident hall system gave its staff, she applied to be a residence hall assistant. First, however, she had to begin some comprehensive training—of which conflict resolution was a considerable part. This training and work in the residence halls seeded her passion for ADR and prompted her to expand her international orientation to include a domestic one—and to pursue a legal career. While at George Washington University Law School, she continued deepening her conflict resolution skills: she became a resident director and also worked in a nontraditional law firm that focused exclusively on ADR.

Returning to New York, her birthplace, after graduating in the mid-80s, she held two jobs that further enhanced her mediation skills: as a volunteer mediator at the Queens Mediation Center and as the peer mediation coordinator for a school-based peer mediation program. Little did she know that one of her trainers, Josh Stulberg, would soon be instrumental in her making a life-changing move: having worked with Florida’s burgeoning Dispute Resolution Center and its director, Mike Bridenback (who’s now the TCA at the Thirteenth Circuit), Mr. Stulberg suggested that Ms Press apply for a recently-created position in the Dispute Resolution Center.

Ms Press vividly recollects the day she interviewed with OSCA: “It was the most magnificent day in existence,” she proclaimed: “not a cloud in the sky, crisp. I had just flown in from New York, where it was grey, cold, dark—raining for a week straight. When I interviewed here,” she reflected, “everything lined up right, everything felt right.” She was hired as the assistant director of the center—its only full-time staff member (at the time, Mike Bridenback was the chief of the Court Services Unit, so directing the center was only one of his many OSCA duties).

Within a few years, it became clear that the center needed a full-time director. “It had so much work” after the implementation of the watershed legislation, Ms Press noted: “The supreme court was now responsible for developing the qualifications for mediators, the rules of discipline, the training, the grievance process…” As a result, “The center was growing in responsibility and had to develop additional infrastructure to support itself.” So, in 1991, she became the full-time director.

Painting an image of how much the center, and ADR, have grown in the last 20 years, Ms Press pointed out...
that, in 1988, she knew personally every mediator in the state—which was only about 300 at the time. Now, Florida has over 5,600 certified mediators—far more than she can know individually anymore. Also, in her two decades here, about 11,900 people have been certified and about 24,000 have taken a Florida Supreme Court certified mediation training program.

She also remarked on the “incredible acceptance” that ADR has gained in the 20 years—and about the “shift in expectation” of its role. “Mediation has been around since the 70s in Florida,” she observed; “but there was no expectation that people would have mediation in the courts back then. Now, mediation is absolutely a part of the landscape, an indisputable part of the judicial system in Florida.”

Reflecting back to her early days here, she mused, “I was so green when I started. No one really knew what the job was going to become. I grew with the job, and the job kept growing as I grew. I had to try to steer that hot air balloon,” she said with a laugh, recalling the simile she used earlier. But she’s loved almost every minute of it: “I feel incredibly fortunate to have had the opportunity to meet and work with people in my wildest dreams I never thought I’d be able to. I was very, very lucky that I arrived here at a time when things were developing so rapidly and that I had the chance to get involved just when everything was taking off.”

But the people whose lives she touched also feel exceptionally fortunate. Her Dispute Resolution Center staff call her “a good friend and an even better boss. She has truly been a leader highly proficient in her field and capable of managing with compassion and flexibility, traits we have come to respect and appreciate. There is no doubt her absence will be felt at the DRC for years to come. We have been blessed to work with her. While her transition is a sad time for Florida mediation, we are very excited for this opportunity for her. Dispute Resolution education is definitely getting a great resource and champion.”

And Mike Bridenback reflected, “Sharon often says that when she arrived on the scene in Florida, the ADR movement was rising like a hot air balloon, and she just got on for the ride....But Sharon brought fresh air to the ADR balloon, and through her expertise, professionalism, dynamic personality, leadership, and incredible work ethic, she piloted this balloon to the highest of heights. As a result, she is the face of Florida’s ADR movement and has taken it well beyond what my hopes were back in the early stages of its development. She also guided Florida beyond our state borders and became a beacon of light to spread the good news around the nation and the world. I am gratified by the fact that I played a small role in bringing Sharon to Florida to be a part of what I believe to be the most significant reform of our civil justice system in my lifetime.”

His closing sentiment has been echoed by many: “She will be sorely missed by all those who share her ideals about the peaceful resolution of conflicts.” Best of luck, Sharon Press.

Regular readers of the Full Court Press have been able to track the progress of the Task Force on Judicial Branch Planning as it works steadfastly, with the support of OSCA’s Strategic Planning Unit, to update the branch’s long-range plan, published in 1998. The work of the task force, chaired by Chief Judge Joseph P Farina, Eleventh Circuit, began in May 2006: at a two-day planning forum, task force members invited 100 justice system partners to consider and discuss ways in which, over the next decade or so, social,
economic, and political trends may affect the branch and to offer suggestions for revamping the long-range plan to anticipate and address the changes that the courts are likely to face as a result of these trends. Forum participants also considered, and ultimately validated, the viability of the five long-range issues that inform the original plan, thereby underscoring the enduring significance of the areas on which the judicial branch has been focusing since the original plan was published (read the original long-range plan online).

More recently—within the last 18 months—the task force conducted an extensive information-gathering initiative to elicit the public’s perceptions of the court system and to identify trends and conditions that people believe will influence the judicial branch’s ability to carry out its mission over the next 20 years. Due to the budget crisis, the outreach endeavor had to be conducted very frugally, but the task force was able to coordinate a public opinion telephone survey of over 2,000 randomly-selected Floridians; a survey of over 8,700 jurors, court users, attorneys, judicial officers, and court personnel; public meetings held in nine different regions of the state; and a meeting with 27 justice system partners whose work connects significantly with the work of the courts. The Strategic Planning Unit then compiled a briefing document summarizing the various findings.

Before beginning to redraft the long-range plan, the Planning Task Force had one more undertaking: in February and March, it coordinated meetings with four separate focus groups to generate their recommendations for the goals and strategies of the long-range plan. Focus groups are somewhat like interviews—but with a gathering of people all at the same time in the same place: in an interactive group setting, participants are asked about their attitudes regarding something specific, and they are encouraged to walk around and exchange ideas with other group members. The focus group is an effective research mechanism for getting useful feedback about ideas, services, products, and the like (which is why it is often used in marketing).

In this case, each focus group was assigned to address goals and strategies for one of four long-range issues, and participants in each group were chosen for their professional experience with and expertise on that particular issue. So, for instance, for long-range issue #1, Clarifying the Role of the Judicial Branch, in addition to a number of judicial branch leaders and OSCA managers, participants included members of The Florida Bar, Florida Legal Services, and the Florida Public Defender Association. Judges, magistrates, trial court administrators, and OSCA staff peopled the focus group that addressed issue #2, Improving the Administration of Justice. Judicial education and human resources leaders participated in the focus group covering long-range issue #3, Supporting Competence and Quality. And, for issue #4, Enhancing Public Access and Services, the focus group comprised representatives of a diverse range of not-for-profits, government-associated agencies, minority bar associations, and groups whose members consider themselves marginalized or disenfranchised. In addition to focusing on the issue to which it was assigned, each group also focused on issue #5, Building Public Trust and Confidence: the long-range issues are, in fact, all woven together—but public trust and confidence cannot realistically be sundered from the others; in addition, it can be seen as the fruit that’s borne of the appropriate attention to the other four issues.

With the generous support of The Florida Bar Foundation, the task force hired Dr. Brenda Wagenknecht-Ivey, of Praxis Consulting, to facilitate the focus groups (Dr. Wagenknecht-Ivey has many years of consulting experience with various court systems and was instrumental in helping Florida’s court system develop its original long-range plan). Each focus group had between 15 and 22 participants, and she led each group through a similar process: she began with a presentation of some critical background information, including an overview of the strategic planning process and the task force’s yearlong outreach activities; an enumeration of planning challenges and opportunities; and guidance about how to do focus-group-work effectively.

Then, after giving each group a chance to respond generally to the findings in the briefing document, Dr. Wagenknecht-Ivey asked participants to name some of the challenges confronting the branch in

Brainstorming about strategies for improving the administration of justice are the following focus group members (clockwise from “1 o’clock”): Judge Alice Blackwell, Ninth Circuit; Chief of Personnel Services Gary Phillips, OSCA; senior attorney Dana Dowling, OSCA’s Office of Court Improvement; Marshal Jo Suhr, Second DCA; and Chief of Court Services Greg Youchock, OSCA.
connection with the issue for which their group was responsible. From these many ideas, Dr. Wagenknecht-Ivey identified several recurrent themes. Then the focus group was divided into small groups of five or so people, and each group, armed with a flipchart, was asked to contemplate and record several long-range goals for the issue area; participants were coached to take the 50,000-foot view and to think in aspirational, big-picture terms, considering only what would be for the good of the entire court system. After spending about 45 minutes articulating goals, each small group was asked to shift—from the aspirational to the practical—and describe specific, realistic strategies for achieving each of the long-range goals it enunciated. After close to an hour of recording strategies, the small groups were mobilized to rotate slowly around the room, round robin style, to review—and modify—the work of the other groups: they could add or alter goals or strategies; they could even make “friendly amendments.” The idea was to give the task force the benefit of everyone’s thinking on everyone’s goals and strategies.

Furnished with the focus groups’ recommendations, the Strategic Planning Unit, with the assistance of Dr. Wagenknecht-Ivey, composed the first draft of the revised long-range plan. This draft does show some distinct differences from the ’98 plan; in particular, #1, Clarifying the Role of the Judicial Branch, and #3, Supporting Competence and Quality, underwent some significant alterations, and all five issues were updated to reflect current realities. The Planning Task Force studied the draft in mid-April, and the updated long-range plan, currently undergoing further revisions, will be presented to the supreme court in June.

Why Is Strategic Planning Especially Important Now?

“The urgent often drives out the important,” philosophized Eleventh Circuit Chief Judge Joseph P. Farina, chair of the Task Force on Judicial Branch Planning, in welcoming one of the focus groups to the supreme court to make recommendations for updating the branch’s long-range plan (see previous article). Throughout the day, we constantly get interrupted by “the urgent,” he lamented—bombarded by emails, assailed with cell phone calls…. “But today, we’re going to talk about what’s truly, really important,” he declared: “I believe that planning is truly, really important.” Why? Policy is driven by budget, and budget is prioritized by planning; therefore, “Planning is really number one,” he explained. “If we don’t have a roadmap telling us where we want to go,” he pointed out, “how will we know when we’ve gotten there?”

Florida’s court system began roadmap-making in the early 90s: a 1992 constitutional amendment requires every state entity in Florida to have to a strategic plan, and the judicial branch launched its official long-range planning efforts soon after this amendment passed, producing its first strategic plan in 1998. But, albeit informally, and in a very rudimentary way, the branch started gearing itself toward long-range planning a good two decades before that, and it is precisely because of these planning efforts that the judiciary has made steady progress toward becoming a more coherent, more efficient, and more accountable system.

Interestingly, the phenomenon we call the Florida State Courts System didn’t really exist until fairly recently. Florida’s judiciary used to consist of a host of relatively independent, local courts of varying calibers. The courts didn’t begin to become a system until the passage of a 1972 constitutional revision overhauling Article V of the state constitution (which establishes the judicial branch). Instituting the structural unification of Florida’s courts—the first step toward becoming a system—this constitutional revision established the two-tier court system, created the position of chief judge, and designated the chief justice as the chief administrative officer for the entire court system.

Structural unification had been achieved, but, to assure the swift and smooth administration of justice, the judicial branch needed to continue on this path toward modernization. Increasingly, the courts were finding it necessary to make use of supplementary resources (case managers, magistrates and hearing officers, court interpreters, administrative and technology staff, etc.) due to the growing number of cases; the expanding
classification of crimes; the implementation of new, mandatory criminal procedural requirements; the increasing complexity of legal issues; and the changing demographics of the state. These resources needed to be managed efficiently and effectively; therefore, not long after the 1972 constitutional revision was passed, the judicial branch began to establish administrative unification—the next stage in the evolution of the court system.

Meanwhile, although the state still funded the salaries of judges and their assistants, most other costs of running the court system were covered locally, which often meant dramatic inequities in funding and services between one county and another. In 1998, 67 percent of Florida voters approved the constitutional amendment known as Revision 7, which was designed to relieve local governments of the increasing costs of subsidizing the trial courts and to ensure equity in court funding in each county—so that all Floridians, regardless of their county of residence, could have access to the same essential trial court services. Since the passage of Revision 7, the court system has been progressing toward budgetary unification.

As a result of these steps—beginning with structural unification and moving on to administrative and budgetary unification—the court system has become better organized and more consolidated, able to provide more homogenous treatment and more equitable services to Floridians all across the state.

This gradual evolution has also girded the judicial branch to begin thinking and acting like a system. The systems perspective, commonly called systems thinking, enables an institution’s leaders to see and understand the big picture in new ways. The obverse of analysis (which literally loosens or breaks an entity into its various parts), systems thinking concentrates on how the entity being examined interacts with the other parts of the system of which it is a component. Systems thinking is an especially effective tool for solving complex issues involving many different components. And, as anyone who works in the courts knows, judicial branch issues are decidedly complex; consider, for instance the prodigious number of partners with whom the branch must work—from both state and local government as well as from non-governmental entities—to administer justice.

Systems thinking and long-range planning have a kind of symbiotic relationship: as Dr. Barbara French, chief of OSCA’s Strategic Planning Unit, maintains, systems thinking is necessary for effective long-range planning; simultaneously, “Long-range planning supports systems thinking.” Through their concurrent commitment to systems thinking and long-range planning, Florida’s judicial branch leaders have worked “to engage internal members as well as to speak with one voice to external entities.”

Clearly, long-range planning is always important, but it’s especially critical in times of crisis. As Deputy State Courts Administrator Blan Teagle says, in seasons of tumult and dramatic change, institutions have a tendency to look almost exclusively at what they must do to keep operations going—and, as a result, they often lose sight of the big picture. Having a strategic plan in place enables an institution to keep that big picture in sight. In addition, institutions that have a long-range plan are generally more nimble—which helps them deal more effectively with change—and are better positioned to exercise some measure of control over the shape of their future.

Court Improvement

Miami-Dade County Hosts
Drug Court’s 20th Anniversary Celebration

This year marks the twentieth anniversary of drug court. To commemorate this distinguished occasion, Florida held its tenth annual statewide drug court graduation ceremony in the birthplace of drug court—Miami-Dade County—on May 15, National Drug Court Commencement Day. Altogether, 265 Floridians from 33 drug courts in 14 counties graduated on that day.

Following an 8:00 a.m. press conference on the steps of the Miami-Dade County Courthouse, the statewide graduation ceremony began. Over 250 people were in the audience—and thousands from across the state were present via webcast—as Adult Drug Court Judge Deborah White-Labora and Judge Jeffrey Rosinek (retired) welcomed the graduates, their families, the many distinguished guests, and the “drug court pioneers” in attendance. Attendees then were treated to a 15-minute film that chronicled the history of drug court, described the work that goes on in drug courts across the nation, and shared the stories of some of the people whose lives have been transformed as a result of their drug court experience.

Guest speakers included William Janes, director of the Florida Office of Drug Control; West Huddleston, CEO of the National Association of Drug Court Professionals; General Barry McCaffrey, former director of the Office of National Drug Control Policy; and Chief Justice Quince. The chief justice applauded
the graduates for having successfully surmounted the program’s substantial hurdles, and she praised the judges who, two decades ago, had the wisdom and foresight to recognize that “We need to make a change…to deal with the underlying problem, which is addiction and mental illness.” She also celebrated drug court’s success in bringing the three branches together in a united goal: she commended former Governor Bush (who was in the audience) for his commitment to drug court, and she thanked current lawmakers for recently passing important legislation that will enable more substance abusers to participate in drug court.

“Treatment works,” asserted Mr. Janes, adding, “Nowhere does it work more effectively than in drug court.” And recent data substantiate his declaration—especially for those who complete the program. The March 2009 OPPAGA report, State’s Drug Courts Could Expand to Target Prison-Bound Adult Offenders, discusses the potential of drug court to divert offenders from prison and to save the state money (read report online). According to the report,

- National research has shown that drug courts can reduce the future criminal activities of offenders.
- Effective drug court programs can help reduce prison admissions and state costs.
- Over a three-year follow-up period, offenders who successfully completed post-adjudicatory drug courts in Florida were 80% less likely to go to prison than the matched comparison group.

These data are poignantly reinforced by the inspiring success stories of drug court graduates.

One former substance abuser characterizes the years she was an addict as her “own private mental and physical holocaust.” But drug court helped this Eleventh Circuit graduate turn her life around: after she completed drug court, she was hired as a prevention specialist at the residential treatment program where she had recovered; promoted to admissions therapist, she now focuses on youth education. Drug court also led to what she considers her greatest accomplishment: her ability to heal her relationships with her children and other family members.

A Second Circuit graduate calls drug court “the best thing that ever happened to me.” Succeeding in drug court enabled him to finish high school and go on to college, where he was accepted into Phi Beta Kappa. He attended the police academy after college, and he now works as a deputy in the sheriff’s department.

“Drug court gave me a fresh start and allowed me to get my life back,” declares a young graduate from the Fifteenth Circuit. After drug court, she went on to get her GED while working full time at a substance abuse treatment center. She now can pay her own bills and recently bought her first car, with which she transports drug court participants to and from drug court. Her drug court experience also helped her re-establish a close relationship with her parents.

Drug court made it possible for a graduate from the Seventeenth Circuit to build his own lawn service and become a resident manager of a men’s halfway house—one of his dreams. He went to school to become certified as a recovery support specialist and now mentors at-risk teens. He is continuing his education with the goal of becoming a certified addiction counselor.

One Thirteenth Circuit graduate describes losing her job, family, and self-respect as a result of her addiction. But drug court gave her the tools to become a successful wife, mother, daycare teacher, and house and program manager at a women’s recovery house. She also volunteers for several religious and governmental organizations that work to improve inmates’ transitions back into society. In addition, she’s on the board of a homeless coalition and recently founded a consulting business to help people who are interested in starting and managing a recovery house.

The above anecdotes are just a small sampling of the thousands of testimonials to drug court’s revolutionary influence. As these stories suggest, drug court saves lives, restores families, strengthens communities, reduces crime, increases public safety—and saves taxpayer dollars.

In the last five years alone, more than 25,600 Floridians have graduated from a drug court. Thanks to drug court, thousands of Floridians who might otherwise still be enmeshed in the criminal justice system are, instead, clean, sober, hard-working, forward-looking, and productive citizens and family members.
Florida’s Court Improvement Plan for Dependency Cases

Periodically, the Children’s Bureau (in the U.S. Department of Health and Human Services) evaluates the agencies that serve the child welfare system to determine whether they are improving outcomes for the state’s most vulnerable children. Florida underwent this federal review of its dependency system, called a Child and Family Services Review, in January of last year (see spring 2008 Full Court Press article, page 14). According to the Children’s Bureau report, which was issued this January, to conform to federal child welfare requirements, Florida will need to make a great many improvements. If these changes are not addressed, the state stands to lose millions of federal dollars—funding that substantially supports Florida’s foster care system.

Dependency cases are unusual because, unlike other case types, dependency cases are governed in part by federal law. For that reason—and also because the court system plays a significant role in a state’s ability to achieve safety, permanency, and well-being of children in foster care—the results of this review will also have a momentous effect on the courts.

When gauging the child welfare system, the Children’s Bureau evaluated seven “outcomes” (in the areas of safety, permanency, and well-being); Florida was assessed as “not in substantial conformity” with any of them. The bureau also evaluated seven “systemic factors” (the elements relevant to the child welfare agency’s ability to achieve positive outcomes); Florida was found to be “not in substantial conformity” with three of them. For the state to continue receiving federal funding, the Department of Children and Families had to develop a Quality Improvement Plan (QIP) that addresses each issue the bureau identified as “not in substantial conformity.” This plan, which covers the two-year period following federal approval, contains broad goals in addition to specific strategies and action steps detailing Florida’s plans to resolve the areas of nonconformity. In order for the QIP to be effective, the State Courts System recognizes that it must take significant actions to improve the dependency court process.

To support this ambitious undertaking, the National Court and Child Welfare Collaborative offered technical assistance to OSCA. Consisting of the American Bar Association, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges, this collaborative, along with members of the Children’s Bureau, visited last December and met with staff from OCI, several judges, the Department of Children and Families, and Guardian ad Litem to discuss the plan for court improvements. During the meeting, participants made further refinements to the plan.

To help finalize and implement the court’s work plan, OSCA, at the behest of the court, assembled a statewide, multi-disciplinary Dependency Court Improvement Panel. Chaired by Chief Justice Quince’s appointee, Judge Jeri B. Cohen, Eleventh Circuit, this panel includes judges from across the state as well as members of the Department of Children and Families, Department of Juvenile Justice, Guardian ad Litem, Parents Regional Council, Florida Coalition for Children, and a young adult who was formerly in foster care. The panel held its first meeting in March, and its first product will be a packet of useful tools for involving children in dependency court proceedings. Other projects include the development of safety and risk assessment tools, a shelter hearings model, an adoption model, mental health tools, tools to increase children’s participation in dependency court, visitation protocols, tools to involve children and families in case planning, and an updated case management system.

Florida Dependency Court Information System

To facilitate positive outcomes for children—the overarching goal of the QIP—the judicial branch must have a standard dependency case management system. With the help of a federal grant, OCI has been working on developing such a system—the Florida Dependency Court Information System (FDCIS). The FDCIS will improve the dependency court process by affording statewide access to relevant data through a web-based application; monitoring dependency cases for compliance with federal and state timeliness guidelines; and organizing dependency case manager workload.

Some of the information that the FDCIS will provide is already available through the court clerks’ Comprehensive Case Information System—e.g., criminal history, crime information, inmate data,
official records, and driver license information. However, because each clerk utilizes his or her own system of docket codes, users are unable to capture a statewide view. With the help of the Florida Association of Court Clerks and Comptrollers, OCI has been working to standardize the docket codes, thereby creating a uniform system that can be accessible and meaningful to users across the state.

But the FDCIS will also provide end users with a host of additional data. On top of the information maintained by the clerks of court, the FDCIS will pull in dependency-relevant data from the Department of Children and Families, the Interstate Compact for the Placement of Children, the Department of Juvenile Justice, the Children and Youth Cabinet, and possibly the Department of Revenue and the Department of Education. By making these data available, the FDCIS will provide the judiciary with resources to ensure the accuracy and timeliness of court events, which is integral to fulfilling the QIP. Moreover, by helping Florida’s courts manage dependency cases more smoothly and ensuring that critical information is available prior to hearings, the FDCIS will support the branch’s endeavors to promote informed decision-making.

This dependency case management system should be ready for implementation in July; it will eventually be available to all dependency court judges and personnel.

Although the current funding stream can be used only to subsidize the development of a case management system for dependency cases, OCI’s goal is to use this new system as a template for other case types.

Court Interpreters Program: Update

Less than a year has passed since the Court Interpreter Certification Board approved standard certification measures to help judges and trial court administrators evaluate the qualifications of foreign language court interpreters. Now that formal measures are in place, trial court judges are required to appoint certified or duly qualified court interpreters whenever possible. Court interpreters must be provided to people with limited English proficiency who are involved in criminal, juvenile, and select civil proceedings; therefore, Florida is fortunate to have a briskly-expanding pool of duly qualified and certified interpreters.

To be considered duly qualified, interpreters must attend a two-day orientation workshop in Florida and pass the Consortium for State Court Interpreter Certification Written Examination (which contains an ethics component, among other things). To achieve certification, in addition to attending the orientation workshop and passing the written exam, interpreters also have to pass the Consortium or the Federal Court Interpreter Oral Proficiency Examination; moreover, they are required to fill out an application, undergo a background check, take an oath to uphold the Code of Professional Conduct, and pay the ($200) certification fee. (For more information on the Court Interpreters Program, click here.)

Since July 1, 2008, when certification standards were implemented, of the 111 staff interpreters in Florida’s courts, 95 either have met, or are well on their way toward meeting, these standards: 35 are duly qualified; 12 have already achieved certification; and 48 have satisfied all the necessary requirements—other than taking the final steps involved in applying for certification. And in June, when the next oral examination is given, these numbers are bound to go up.

Especially in the context of this bleak economic climate, these numbers are extremely impressive for two reasons. First, even in a less strained economy, the cost of the workshop and exams can be steep for interpreters, who must pay out-of-pocket to attend them (for residents, the orientation workshop costs $150; the written exam costs $50; and the oral exam costs $200. And, for non-residents, the cost for each of these components is double). Second, because of the budget restraints, OSCA was able to offer the orientation and written exam in only two venues this year (typically, these sessions are offered in three venues annually).

Nonetheless, both staff and freelance interpreters have clearly been making the professional and financial commitment to become certified or at least duly qualified. In fact, attendance was quite strong at this year’s training and testing sessions: 179 people attended the orientation sessions (compared with 133 last year), and 209 people took the written exam (compared with 142 last year). According to OSCA Court Operations Consultant Lisa Bell, who coordinates the Court Interpreters Program, “This is a wonderful sign that interest in the interpreting profession continues to grow and that the numbers have not declined despite the state of the economy.”

For many years, Florida’s judicial branch worked diligently to establish a certification program so as to ensure the availability of qualified court interpreters for people with limited English proficiency. Now, with
its growing bank of qualified court interpreters, the branch can realistically endeavor to prevent language-based courtroom errors—which can come at a high cost to litigants, the court system, and taxpayers. And, as important, by having qualified interpreters, the judicial branch can ensure that all parties involved in certain kinds of legal proceedings—regardless of their ability to communicate effectively in English—have meaningful access to the courts.

Education and Outreach

The Justice Teaching Institute: Renewing the Lives of Teachers and Their Students

Sponsored by the supreme court, underwritten by The Florida Bar Foundation, and coordinated by the Florida Law Related Education Association, the Justice Teaching Institute (JTI) annually offers up to 25 of Florida’s secondary school teachers the chance to study closely, and to see in action, the operations of the third branch. Established in 1997, the institute was conceptualized by former Chief Justice Kogan as a feature of the court’s Sesquicentennial Celebration, and it has been going strong ever since. To participate in this intensely demanding, interactive four-day program, teachers undergo a rigorous selection process, but, each year, they universally agree that the education they received is peerless.

Taught by some of the finest judicial faculty in the state, JTI fellows delve deeply into a wide range of riveting court-related topics. This year, Chief Justice Quince taught the teachers about the case study approach (and, as a special treat, she then took them on a tour of the building); Justice Pariente expounded upon the importance of having an independent judiciary; and Justice Lewis led them on an investigation of the law applicable to the case they were studying for their mock oral argument. The court’s four new justices also participated in the program: Justice Canady coached the teachers about how to conduct an effective mock oral argument; Justice Polston gave instruction on the structure and function of Florida’s state court system and compared it to the federal system; Justice Labarga introduced them to alternative dispute resolution and restorative justice; and Justice Perry led them on a Florida constitution “scavenger hunt.” In addition, teachers learned about accessing legal research materials and performing Internet-based legal research with Supreme Court Librarian Billie Blaine and her staff.

JTI fellows also spent several hours in the Leon County Courthouse, where they witnessed the beginning of the “Trail of Justice”: sitting in the jury box, they watched Second Circuit Judge Terry Lewis, Public Defender Nancy Daniels, and State Attorney Willie Meggs reenact the trial court case that became the basis for the case on which the teachers would be doing their mock oral argument—and on which the justices would be doing the very real oral argument the following day. (follow this link for more information on JTI.)

The JTI experience wouldn’t have been nearly as deep and satisfying without the daily mentoring of Annette Boyd Pitts, executive director of the Florida Law Related Education Association; Judge Leandra Johnson, Third Circuit; and Judge Cynthia Cox, Nineteenth Circuit. Throughout the four days, Ms Pitts, Judge Johnson, and Judge Cox shepherded the teachers ceaselessly, offering them practical guidance about everything from how to present themselves at an oral argument to how to arrange for a judge or justice to teach a lesson in their classroom. Ms Boyd Pitts also introduced the teachers to law-related teaching methods and lesson extensions as well as to information about how to establish local JTIs in their schools—and she provided them with enough pedagogical tools to help them keep their students usefully and zestfully occupied for years.

Ms. Boyd Pitts marveled at this year’s “great mix of teachers.” She was particularly impressed with “how
The other half of the JTI teachers held their mock oral argument in the courtroom of the First DCA. In the role of justices are (l – r) Troy Keefe, Bradley Lehman, Helene Burd, Daniel Vinat, Corey Alvaro, Karen Coss, and William Finch.

committed they were to delving into the subject matter and understanding how the system works.” As evidence, she noted that “Many of them walked in with one mindset” about the oral argument case on which they were focusing, “but they walked out with another. And that shows they really opened their minds to the process—which is the whole point” of JTI, she exclaimed. They were “a fantastic, really solid group,” she added.

A good gauge of the success and popularity of this program is the teachers’ feedback—which is passionate indeed. Corey Alvaro, from Timber Creek High School in Orlando, announced, “This institute was hands down the best thing that I have ever done.” And F.R. “Ray” Stoel, from Bell High School, called his JTI experience “one of the most amazing weeks of my life….I have been to training schools from Miami to Pittsburgh and have testified in courts from Florida to Michigan to Kansas, but nothing has ever been as informative, educational, or interesting as this last week.”

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Asked what they liked best about the program, the teachers had trouble limiting themselves to a single superlative. Hudson High School Teacher Flo Massaro especially liked “the daily interaction with the supreme court justices”; similarly, Karen Coss, from Land O'Lakes High School, relished “the individual attention we received from the justices.” For Daniel Vinat, of Felix Varela Senior High in Miami, an additional boon was the chance to “meet educators from around the state and have the opportunity to share our best practices” with them.

Retired police officer and teacher Robert Price, from Lake Worth Community High, who called JTI “by far the best seminar I ever attended as either an officer or a teacher,” had a difficult time articulating only one “best” about the program. If pressed, however, he’d say that “The best thing was the personal, sincere attention paid to each of us by each of the justices, judges, mentors, and institute personnel.” This attention, he continued, “inspired and motivated me to always do my utmost to treat my students with the personal interest and commitment shown me; to instill in them a love and respect for an honorable court and justice system.”

Now that this year’s JTI is over, the teachers are eager for the new school year to begin so that they can implement what they’ve learned. Perhaps Miami Carol City High School’s Charlotte Anderson put it best when she said, “I am constantly searching for teaching methods and practices that will engage students and make them excited about law and their civic duty. The strategies and practices learned and shared at JTI equip me to do just that.” Armed with this knowledge, she is confident she’ll be able to encourage her students “to become involved with making changes in their communities.” Surely, this is just the kind of rich fruit that Ms Pitts and the JTI faculty hope the program will bear.

Miscellany

The Greening of the Supreme Court Building

Over the past three years, stories about the various phases of the third branch’s long-range planning initiative have been a prominent feature in almost every issue of the Full Court Press—in fact, in this edition, readers can learn about the penultimate phase of the planning process, for which the Task Force on Judicial Branch Planning convened meetings with four focus groups in order to capture their recommendations for revisions to the court system’s strategic plan (see article on page 7). Long-range planning is a judicial priority: by preparing the court system to meet the challenges and trends that lie 15-20 years into the future, it fortifies the branch’s ability to fulfill its mission and aspire toward its vision.

But long-range planning is by no means limited to branches of government or to institutions generally. Indeed, to remain standing and functional, the facilities in which these institutions are housed also need to be guided by long-range plans. To keep a building running smoothly, economically, and efficiently, a facilities manager not only has to perform maintenance all the time, but, periodically,
he or she also must stand back and scrutinize the building on a macro, or system, level, anticipating and addressing repairs, renovations, and improvements before they’re urgently needed. To construct a useful long-range plan, the facilities manager (much like the members of the Planning Task Force) must know how the building—as a system—works as a whole and must understand both the individual components of the system as well as the integration and interrelation of all those components. For the last five years, the Florida Supreme Court Building has been benefiting from precisely this kind of careful systemic attention—and it has become a “greener” building in the process.

The Florida Supreme Court moved into its current building—its third location—in 1949. When this building was constructed, in the late 40s, not much thought was given to the notion of green building—which means a building designed to use energy, water, and other resources efficiently; to protect the health of the occupants and improve employee productivity; and to reduce waste, pollution, and environmental degradation. (Interestingly, although the momentum for green building has really only begun to gather in the last ten years or so, the movement actually has its roots in the late nineteenth century.) The legislature authorized and funded some major repairs and additions in the late 80s, but these enterprises were not planned with green improvements in mind.

All that began to change in the spring of 2004. At that time, the building had no capital outlay budget, so the first task was to create a mechanism to secure funding. It took a year, but funding was finally authorized—well before the state’s general revenue stream began to dry up. (Preparation for the various projects had to begin quickly: although projects needn’t be completed within 18 months of the funding allocation, they have to be contracted out by then, or the state takes the money back.) Soon thereafter, with the enthusiastic support of Chief Justice Pariente, Alfredo “Al” Menendez, deputy director of facilities, began a range of capital repairs and improvements.

One of the first projects was to retrofit the light fixtures throughout the building. Office lights that once took 40 watt fluorescent bulbs now take 27 watt, low-mercury fluorescent bulbs; exit lights that used to take 9 watt fluorescent bulbs now take 1.5 watt LED bulbs (which are mercury-free). These new bulbs provide comparable light, produce less heat, utilize less energy, and also last far longer. As a result of these retrofits, the building produces far less toxic waste (i.e., mercury); maintenance costs have gone down notably; and electric bills have shown substantial savings. Mr. Menendez estimates that this switch in bulbs has decreased the building’s energy use by about 40,000 watts per month.

A major air conditioning project has also helped to transform the building. All the units are being replaced with extremely energy-efficient models, which means that the electric bills will go down considerably (when the project is finished, the bills should be approximately 30% of what they used to be). Another benefit of these new air conditioning units is that the building’s air quality is far superior to what it was. Also making the building far more comfortable for its inhabitants is the reduced humidity—thanks to the new heat pipes that remove humidity from the air using passive technology (i.e., no energy is required).

In addition, all the windows in the building are being replaced—which has not only dramatically increased energy efficiency but has also improved the building’s security. Furthermore, with the installation of low-flush toilets and low-flow faucets in all the bathrooms, the monthly water bill has been significantly reduced.

Finally, a comprehensive recycling program has been instituted in the building; Mr. Menendez developed a procedure for collecting and recycling shredded and unshredded paper, both white and colored; aluminum cans as well as glass and plastic bottles; and scrap metal. And, with the encouragement of Chief Justice Quince and the assistance of the Supreme Court/OSCA “Green Team” that he put together, the “culture” of the building is gradually altering; everyone, both through institutional practices and individual behavior, is being encouraged to reduce, reuse, and recycle.

The average facilities project takes three to five years from start to finish, so some of the renovations that were initiated several years ago are just beginning to move toward completion. Once all the projects are finished, sensational savings should be evident in the building’s water and electric bills as well.
as in maintenance and repair costs. In fact, to quantify the savings, Mr. Menendez has held onto the last four years of utility bills and looks forward to what he is certain will be a very favorable comparison.

Thanks to long-range planning, the supreme court and OSCA are playing a role in introducing changes that are not only saving the state money—so important in this time of economic austerity—but are also preserving natural resources, protecting the environment, and creating a healthier habitat for all who work in the building.

Supreme Court Library Inventories Photo Collection

Thanks to the generosity and foresight of the Florida Supreme Court Historical Society, The Florida Bar, and several court officials, the supreme court has become the repository of thousands of old photos and negatives that document an ample stretch of supreme court history. The sleuth tasked with trying to track the date, location, and subject of as many of these images as possible is Supreme Court Library Archivist Erik Robinson. Although he admits that “a lot of questions remain” about many of the people and events captured in this collection, so far, he has managed to inventory approximately 7,000 of these images that, until recently, were jammed helter-skelter in boxes stowed in various storerooms across the capital city.

The earliest photo is a large composite of the 1899 Bench and Bar of Florida, comprising portraits of the state’s 277 judges and lawyers. The collection includes a few other photos from around the same time, but most of the photos were shot between 1950 and 2000. Together, they preserve a great many noteworthy moments in the supreme court. For instance, in addition to individual portraits of all the justices as well as en banc portraits, the archive includes photos of various ceremonial events in the supreme court building (e.g., swearing-in and passing-of-the-gavel ceremonies, retirements, new attorney induction ceremonies, pro bono awards ceremonies); justices administering oaths to new judges and legislators; various supreme court and OSCA staff members through the years; court educational programs; cultural and artistic events in the building and the library; Florida Supreme Court Historical Society meetings and functions; the Election 2000 cases and matters connected to them; and Florida Bar news photos.

Although the library does not have the funds to digitize this historic medley, the Florida Photographic Archives, administered by the Florida Department of State, has expressed interest in converting the photos into digital form and adding them to its online collection, thus making them available for all to appreciate.
February(?) 1962, Tallahassee. Front steps of the Supreme Court Building. Induction of new attorneys into The Florida Bar. Standing in the front row, wearing judicial robes, are the following (l – r): unknown, Stephen C. O’Connell, T. Frank Hobson, Elwyn Thomas, Campbell Thoral, and Millard F. Caldwell. Former Governor Caldwell was appointed to the supreme court on February 14, 1962, to replace Justice Hobson, who resigned due to ill health. The fact that both men appear in this photograph indicates that it may have been taken around the time of the change in personnel at the court. At that time, the great majority of attorneys accepted into The Florida Bar were white men, so the inclusion of three black men and two women as new Bar members would have been considered unusual. (If you have further information about the people in and the date of this photo, please contact Erik Robinson.)

If you would like to see some additional photos that Mr. Robinson has collected and captioned, please click here.

If you have photos that show staff from, or events that took place in, the supreme court building, Mr. Robinson would like to hear from you. If you would like to see more photos similar to the ones featured in this article, he would also like to hear from you. Visit him at the library, email him, or call him at (850) 414-8050.
Thank You

Judge Shawn Briese, Seventh Circuit, stepped down from the Supreme Court Committee on Alternative Dispute Resolution Rules and Policy, which he chaired since its inception in 2003. Chief Justice Quince thanked him for the "passion and commitment" with which, for over 20 years, he served on various supreme court committees on alternative dispute resolution—and for the many milestones he helped these committees to reach: "On behalf of the Supreme Court, I sincerely thank you for your more than twenty years of committee service,” she wrote; “You have served with great distinction and your leadership will be missed.”

Transitions

Congratulations and a warm farewell to Don Brannon for his 29 years of service as the marshal of the First DCA.

And welcome back to Stephen Nevels, who was recently appointed Mr. Brannon’s successor as the marshal of the First DCA; many readers will remember Mr. Nevels, who worked in OSCA’s Court Services Unit from 1986 – 2000.

Congratulations

Marshal Jacinda (Jo) Haynes Suhr, Second DCA, became a fellow and a certified court executive of the Institute for Court Management after successfully completing the rigorous requirements of the institute’s Court Executive Development Program. One of the requirements was to prepare a master’s-level research paper for which she had to evaluate and implement a key court activity in her home jurisdiction; she did her paper on Ensuring Meaningful Access to Appellate Review in Non-Criminal Cases Involving Self-Represented Litigants.

In Memoriam


If you have information about judges and court personnel who receive awards or honors for their professional contributions to the branch, please forward it to Beth C. Schwartz.
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<tr>
<th>Month</th>
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<tr>
<td>July</td>
<td>National Association for Court Management (NACM) Annual Conference</td>
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<td>American Bar Association Annual Meeting</td>
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<td>Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA)</td>
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<td>Conference of Appellate Court Clerks (NCACC) Annual Conference</td>
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<td></td>
<td>Trial Court Budget Commission Meeting</td>
<td>Tampa, FL</td>
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<tr>
<td></td>
<td>Dispute Resolution Center Annual Conference</td>
<td>Orlando, FL</td>
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<tr>
<td>September</td>
<td>Florida Court Education Council (FCEC) Meeting</td>
<td>Tallahassee, FL</td>
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<tr>
<td></td>
<td>American Judges Association (AJA) Annual Conference</td>
<td>Las Vegas, NV</td>
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<tr>
<td></td>
<td>Court Technology Conference</td>
<td>Denver, CO</td>
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<tr>
<td></td>
<td>National College of Probate Judges (NCPJ) Fall Conference</td>
<td>Rockport, ME</td>
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Under the direction of
Supreme Court Chief Justice Peggy A. Quince
State Courts Administrator Elisabeth H. Goodner
Deputy State Courts Administrator Blan L. Teagle
Publications Attorney Susan Leseman

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