A MESSAGE FROM LISA GOODNER, STATE COURTS ADMINISTRATOR

This fall edition of the Full Court Press begins with a summary of Chief Justice R. Fred Lewis’ major initiatives, many of which call for collaboration among justice system partners. Chief Justice Lewis plans to focus his energies on a multitude of important issues, including ensuring optimal functioning of the courts in emergencies; improving the management of cases involving complex litigation; providing diversity and sensitivity training for judges and court personnel; and standardizing jury instructions for business and contract disputes.

Chief Justice Lewis’ goals also include securing greater ADA compliance in the courts; establishing a system for evaluating judges; continuing the implementation of unified family court; and developing a statewide justice teaching program. The article on the Chief Justice’s initiatives gives more detail on these critical endeavors. This issue of the newsletter also includes articles on the work of court commissions, committees, and workgroups that will complement and carry out the Chief Justice’s goals.

Please remember that the mission of the Full Court Press is to present information, to promote communication, and to create a kind of “meeting place” for all members of our state courts family. We look forward to hearing from you.

Sincerely,

Lisa Goodner
Chief Justice Lewis’ Initiatives

Emphasizing the importance of “the team” as opposed to the “me or I” in his closing remarks at the June 30 passing of the gavel ceremony, Chief Justice R. Fred Lewis articulated his priorities for the next two years, many of which will depend upon collaboration and cooperation among justice system partners. Among his most pressing interests, he asserted, are an open and operational court system in the face of whatever emergencies may occur, whether weather-induced or virus-based; the continued application of technology founded on “values-based judgment”; an improvement in the management of complex cases; greater interaction between the bench and the bar; the standardization of jury instructions for business and contract disputes; continued implementation of unified family court; a mechanism for evaluating judges; a permanent, statewide justice teaching initiative; statewide diversity and sensitivity training for judges and court personnel; and greater ADA compliance in the courts.

It is not unusual to witness heightened judicial activity within the first few months of the passing of the gavel, for new chief justices invariably have weighty judicial concerns that they would like to see addressed during their two-year tenure. Not surprisingly, then, within three months of the gavel ceremony, Chief Justice Lewis signed over 20 administrative orders (AOs), many of which deal with the issues he enumerated on June 30 (AOs are available online). Several focus on technology (the Appellate Court Technology Committee; the Florida Courts Technology Commission), on technology as it relates to privacy and access to court records (Committee on Access to Court Records; Implementation of the Report and Recommendations of the Committee on Privacy and Court Records; Interim Policy on Electronic Release of Court Records), and on families and children (Standing Committee on Families and Children in the Court; Task Force on Treatment-Based Drug Courts). In addition to these are many others, several of which invite particular attention and will be addressed in the following pages: two of these AOs create new committees; one creates a new board; and one renews and redirects a committee that was established in 2004 by the former chief, Justice Pariente.

Because the process of selecting judges in Florida is “impacted by multiple sources and forms of information and at times is vulnerable to misdirection from the core value of a non-partisan, impartial judiciary”—and because “The need for proper evaluation is critical for public trust and confidence in the administration of justice”—Chief Justice Lewis created the Committee on Judicial Evaluations by AO on September 15, 2006. Chaired by Judge Peter D. Webster (First DCA), this 21-member committee consists of eight judges, eight Florida Bar members, and five lay members; Justice Quince is the Supreme Court liaison. The committee is responsible for studying “proper methods, processes, elements, and systems of judicial evaluation” and for providing “recommendations as to the creation of a proper system, process, and criteria for the evaluation of judges.” As a result of the work of this committee, the people of Florida will have an equitable and sound basis for knowing who their judges are. The chief justice’s goal is twofold: to keep unfit judges off the bench but also to protect from baseless attack those judges who do their jobs competently.

Civics education is another of the chief’s passions. In his passing of the gavel address, Chief Justice Lewis stressed
that the “cornerstone of the next two years will be justice teaching,” and he vowed to create a “permanent, statewide structure for reaching out to every school in Florida,” through which “We’re going to form the most comprehensive approach to support civic education that’s ever been attempted.” Thus he established the Select Committee on Justice Teaching by AO on July 24, 2006. The chief justice chairs this 30-member committee, which will work in conjunction with “attorneys, court managers, superintendents, school districts, boards of education, teachers, school administrators, the Florida Law-Related Education Association, and other appropriate organizations” to advise the Court about the elements necessary for successfully navigating educational programs about our legal system and to create fruitful collaborations within each community among the courts, law-related professionals, and the schools. The chief’s overarching goal is to “promote an understanding of Florida’s justice system and our laws, develop critical thinking abilities and problem solving skills, and demonstrate to students the effective interaction of our courts within the constitutional structure.”

Finally, two other AOs of Chief Justice Lewis deserve special note: they pertain to the Court Interpreter Certification Board, issued on September 22, 2006, which is responsible for guiding the development of the Court Interpreter Certification and Regulation Program, recently authorized by the legislature; and to the Standing Committee on Fairness and Diversity, effective September 8, 2006, which addresses the chief’s drive for diversity and sensitivity training for judges and court personnel as well as for ADA compliance in the courts—specifically with regard to facilities access. Background on and the charges of both of these AOs are detailed in the following two articles.

The linchpin of all Chief Justice Lewis’ initiatives will no doubt be the partnership-based, collaborative efforts of everyone who is involved in the justice system—and, in many cases, as with the Justice Teaching Program, the confederation will be considerably more far-ranging than that. And the reason for these widespread alliances? The chief said it best himself: “We are all connected in our search for visions of justice,” as he affirmed in his passing of the gavel address: “We pledge to work diligently together so that justice is a reality for all of us.”

The Standing Committee on Fairness & Diversity: New Responsibilities

Justice requires that the court system be accessible to all, respect the dignity of every person, include judges and court staff that reflect the community’s diversity, and respond to the needs of all members of society. Bias or other barriers to meaningful access can only result in unequal treatment which can give rise to injustice. The purpose of the Standing Committee on Fairness and Diversity is to advance the State Courts System’s efforts to eliminate from court operations bias that is based on race, gender, ethnicity, age, disability, socioeconomic status, or any characteristic that is without legal relevance.

So begins Chief Justice Lewis’ 2006 administrative order on the Standing Committee on Fairness and Diversity, which, in addition to re-directing some of the charges of the committee that former Chief Justice Pariente engendered in November 2004, also adds some new ones. Judge Gill Freeman, Eleventh Judicial Circuit, will continue to serve as chair of the committee.

Three of the charges build upon tasks that the committee began under the 2004 administrative order. First, based on the recommendations in its report, Promoting and Ensuring the Diversity of Judicial Staff Attorneys and Law Clerks Within the Florida State Courts System (available online), the committee will begin implementing strategies to improve the diversity of law clerks and staff attorneys.

Second, the committee will finish its outreach project on perceptions of fairness in Florida’s courts. To gauge these perceptions, the committee surveyed over 5,000 judges, court staff, attorneys, jurors, litigants, and members of the public late last year; also, the committee held a two-day public hearing in Miami in January, and three more have been scheduled—in Tallahassee, Orlando, and Jacksonville (dates and times of these meetings are online). After this set of hearings, the committee will analyze the responses—along with the survey data and the responses received at the first hearing—to create a comprehensive chronicle of the perceptions of fairness in Florida courts.

And third, the committee will continue, on an ongoing basis, to evaluate—and to provide feedback to the Court
about—the need for new research on diversity and fairness issues within Florida’s justice system.

In addition to these, the committee has two new charges. First, it will be working with the Florida Court Education Council, OSCA, and the trial and appellate courts to develop local court diversity and sensitivity awareness education programs for judges and court staff. The committee’s goal is to make it possible for each court to receive training by December 2007.

And, finally—though emphatically identified as “First and foremost” in the new order—the committee is charged with “provid[ing] input and advice on the judicial branch initiative to survey and re-assess access to the courts for persons with disabilities, pursuant to Title II of the Americans with Disabilities Act of 1990 (ADA)”—an issue that Chief Justice Lewis underlined in his passing of the gavel address. As he noted, over three million Floridians are impacted by disabilities—including over 29% of the people in Miami-Dade County. He is unfalteringly committed to removing these kinds of “artificial barriers” that impede access to justice.

Conceived as a multi-year endeavor, this project will involve updating self-evaluations of all court facilities, developing transition plans, and creating a vehicle through which Florida’s courts can share information about their especially laudable disability access initiatives. OSCA will play a crucial supporting role, providing training, survey forms, checklists, model transition plans, and technical assistance. (For more information about this initiative, as well as background on the ADA, see OSCA publication *Access to the Courts for Persons with Disabilities: Renewing the Judicial Branch Commitment*).

ADA initiatives have certainly been undertaken at the courts these last 16 years; however, they have focused primarily on program access, which has flourished. Now, however, Chief Justice Lewis wants the courts to pay particular attention to facilities access. For this effort to succeed, a collaborative effort between court representatives (e.g., judges, court administrators, court facilities personnel, and clerks) and court partners (e.g., county commissioners and local ADA coordinators) will be necessary.
Shaping the Court Interpreter Certification & Regulation Program

Among the 50 states, Florida ranks fourth in terms of population of non-English speakers and those who speak English “not well” (for a breakdown of the percentage of the non-English speakers in each county in Florida, see map, following page). Because all Floridians, regardless of linguistic background, are entitled to equal access to justice, a comprehensive, well-regulated foreign language court interpreter program is essential in this state.

For fifteen years, Florida’s court system has been committed to developing a statewide foreign-language court interpreter training and certification program to assist judges and trial court administrators in evaluating the qualifications of court interpreters. To that end, since 1998, OSCA has administered a training and testing program that includes written and oral language qualifications exams. But this training and testing program has been voluntary, for the Supreme Court has lacked the statutory authority to regulate and certify foreign language court interpreters for Florida’s state court system.

That all changed this spring, when the Florida Legislature authorized the Supreme Court to “establish minimum standards and procedures for qualifications, certification, professional conduct, discipline, and training” of court-appointed foreign language court interpreters. Acknowledging that Florida is “one of the most culturally diverse states in the nation,” the Court responded by articulating the need for a court interpreter program that “will ensure that justice is dispensed equally throughout our circuits by providing qualified interpreters to assist those who may be disadvantaged by a language barrier in fully participating in the judicial process” (as stated in its per curiam opinion dated June 29, 2006). Embracing this new statutory mandate, and implementing the Supreme Court Interpreter’s Committee’s recommendations regarding rules for certification and regulation of court interpreters, the Court is now poised to commission the establishment of “a reliable certification program for foreign language court interpreters.”

On September 22, by administrative order, Chief Justice Lewis created the Court Interpreter Certification Board. This diverse, 10-member body consists of five judges (two county court and three circuit), three trial court administrators, and two federally-certified interpreters and is chaired by Judge Cristina Pereyra-Shuminer (Eleventh Judicial Circuit); Justice Wells is the board’s Supreme Court liaison. The board’s duties include the certification, regulation, discipline, suspension, and revocation of certification of court interpreters; the authority to adopt rules governing its operating procedures; and the authority to make recommendations to the Supreme Court regarding the amendment of these rules. The board will also determine the qualifications necessary for certification, e.g., written and oral exams, continuing education requirements, ethics and professional conduct components, and background checks. The board will meet together for the first time at the end of January.

Fortunately, the courts won’t have to generate a pool of certified interpreters ex nihilo: currently, Florida has over 250 state-qualified and/or federally-certified foreign language court interpreters who are positioned to receive Florida certification once the program is established, and they are credentialed in the following languages: Spanish has 224 court interpreters; Haitian Creole has 29; Russian has 9; and Italian and Portuguese each have 1. Guided by the Court Interpreter Certification Board and supported by the Supreme Court and the legislature, the Court Interpreter Certification and Regulation Program will soon be able to fulfill the terms of its mission, which is “to afford all Floridians equal access to the justice forum by removing linguistic barriers and increasing the availability and effectiveness of qualified foreign language interpreters.”
Statewide January 2005 Population Statistics by County
Percent Non-English Speaking Population

Source: RAND Florida - Population by Race and/or Age and Economic and Demographic Research
Prepared by Xiaoyuan Zhu, court statistician for OSCA’s Court Services, November 2005
A law-related education program, the Justice Teaching Institute (JTI) annually brings to the Court up to 25 secondary school teachers from across the state for a five-day program that involves delving deeply into the workings of the justice system and witnessing it in action. Established in 1997, the first JTI was a feature of the Supreme Court’s Sesquicentennial Celebration: trail-blazed by former Chief Justice Gerald Kogan, the program was in part a response to studies showing that Floridians were unfamiliar with even the most basic aspects of the state court system and that, even though most of their knowledge about the judiciary came from the news media, they would prefer to get it from the courts themselves. Since then, the JTI has been a yearly event, shaped and nurtured by Annette Boyd Pitts, executive director of the Florida Law Related Education Association, and Chief Justice Lewis, who has been an active participant since his appointment to the Court.

Each year’s class has, at its center, a specific legal case with which the teachers wrestle throughout the program. Last year, for example, it was Golphin v. State of Florida, a case for which participants had to determine whether the police violated the defendant’s Fourth Amendment rights when they detained him to run a check for outstanding warrants. At the heart of this year’s JTI class was Hilton v. State of Florida; here, the teachers had to determine whether the police had the statutory authority to stop a vehicle with a visibly cracked windshield in order to perform a safety inspection, regardless of whether the crack created an immediate hazard, and whether said stop violated the defendant’s Fourth Amendment rights. The culmination of the program was a mock oral argument on this case—for which teachers prepared themselves to play the parts of the appellant, appellee, and justices.

Each year, much of what the teachers do over the course of the five days is focused, either directly or peripherally, on their particular case. For instance, this year’s class began with a substantive review of the Hilton case and of the legal and constitutional issues surrounding it. Then, teachers followed the “trail of justice,” which involved researching and tracing this case through the judicial process: they heard from a Tallahassee police officer who discussed and demonstrated what’s involved in a police traffic encounter, and they spent several hours in the Leon County Courthouse, where they learned about the criminal court process and witnessed a motion to suppress hearing in the Hilton case (simulated by the Second Judicial Circuit public defender and state attorney). Then, in preparation for the mock oral argument, they learned how to access legal research materials and how to do Internet-based legal research; they had coaching sessions with some of the justices; and they spent a lot of time honing themselves and rehearsing for their judicial roles. On the last day, buoyed by all their study and practice, they engaged in the mock oral argument. Rounding off this thrilling experience was a unique opportunity to observe the Supreme Court justices engage in the real oral argument about this very case.

Interspersed into all this intensive, Hilton case-specific training, the teachers had frequent and informal interactions with the Supreme Court justices over the course of the five days. In addition, they toured the Supreme Court and learned about the structure and function of the state court system, the role and responsibilities of judges, the importance of an independent judiciary and separation of powers, alternative methods for resolving disputes, and strategies for teaching law-related education. And, unquestionably, they had some of the best professors in the state: all seven justices taught sessions, and participants also benefited from the steadfast instruction of Judge Michael Genden (Eleventh Judicial Circuit), Judge Janet Ferris (Second Judicial Circuit), and Annette Boyd Pitts, who were present throughout the entire program to offer support and to prepare them for the mock oral argument.

So what did the teachers think about this program?

Kharim Armand, a teacher at Norland Middle School in Miami, “especially liked role playing as the Florida Supreme Court Justice. Researching the case was also fun. It reminded me of my days in college,” she said. Regarding the benefits of the JTI experience, she asserted, “I do see a difference in the way that I am teaching. I am more passionate. I have fallen in love with teaching again…I came back to work refreshed and energized. I made friends there that I am still in contact with. I would not trade that week in Tallahassee for anything. It was a wonderful experience!!!”
Deborah Carswell, who teaches at Piedmont Lakes Middle School in Apopka, was also extremely enthusiastic: “The JTI was a WONDERFUL experience!! One of the best weeks in my life.” It helped her “not only on a professional, educational level but also as a citizen of Florida.” She especially felt that “It was an honor to meet the Florida Supreme Court justices. So many of them were truly concerned with our education system, and it was a phenomenal experience to sit down with them at dinner.” The different styles of the justices and judges fascinated her, but they all had something important in common: they were all “so passionate about justice that it spilled over into each of us when we returned to our students.” She closed by admitting, “I proudly framed my Fellow certificate, and it is hanging in my classroom.”

According to Mel Gilbert, a history teacher at Ocoee High School, “Access to the Supreme Court justices and court staff...was the highlight of the program.” A tangible benefit of the JTI, he said, is that “Now I am able to talk with more confidence and familiarity about the law (especially about the Fourth Amendment),” and he is already incorporating what he learned into the classes he teaches on U.S. government and politics and on macroeconomics. He added that he found it especially “remarkable” that “so many people would take time out of their busy schedules to educate a group of teachers on the intricacies of the laws and the court.”

Seminole Middle School teacher Lynda Burdette divulged that the JTI “has been by far the most rewarding in-service experience I have participated in during my 12 years of teaching.” And JTI has definitely influenced her teaching methods: “I am now, thanks to the institute, not reserving teaching of the constitution to a six-week course. To show that the constitution affects us in our daily lives, I now let the constitution flow throughout my classroom touching all aspects” of what she teaches. Fresh from the JTI experience, she initiated this practice as soon as the fall term began: “The first day of school, we analyze the difference between rules, rights, and privileges. After that, each class creates their own constitution with their class rules, rights that cannot be intruded on, and privileges they get to enjoy if they follow the rules. This has created independent thinkers and self-directed learners who discipline themselves,” she declared. “The JTI was a once-in-a-lifetime experience that has touched me in ways I probably have not realized yet,” she concluded.

Perhaps Ocoee High School teacher Mel Gilbert best sums up the long-term value of the program—not only for the teachers but also for the generations of students each teacher will reach over the years: “I think a quality training program like JTI not only enriches teachers but also expands our horizons as we mold and motivate our students into becoming life-long learners. Teachers are dreamers; we dream of a future of educated students growing up to be good citizens and leaders of a world that grows smaller each year. My JTI training was a major rung on my ladder of learning; it helped me reach higher to become a better teacher.”

Next year’s JTI is scheduled to take place on April 22-27, and the program is already being planned. To learn more about the JTI in general—or about next year’s program and application process, visit the Supreme Court’s JTI webpage.

Constitution Day Activities Stimulate Students’ Critical Thinking About Rights

By Phillip Pollock

The Florida Supreme Court Courtroom was filled to capacity by students from schools throughout Florida for Constitution Day on Friday, September 15. Chief Justice R. Fred Lewis welcomed the audience of middle and high school students to the Court’s Second Annual Constitution Day, an interactive educational program that focused attention on our fundamental rights.

Students were given option finders (hand-held electronic voting devices) that could record and quickly display for the entire courtroom their responses to multiple choice questions about constitutional rights. One of the key questions was whether students would be willing to give up some of their rights in order to be safer.

After the opening courtroom session, students divided into seven breakout sessions, led by justices and First DCA Judge Edwin B. Browning and Fourth DCA Judge Fred A. Hazouri. For more than an hour, the students explored constitutional rights and protections in their small discussion groups. After the justices and judges explained the basic scope of several fundamental provisions in the Bill of Rights, they drew the students into lively exchanges designed to spur critical thinking about the constitutional foundation of our society and government.
The students then returned to the courtroom, where they were asked to decide which five rights they would keep if forced to choose. The popular favorite was freedom of speech, followed by freedom of religion, protection from cruel and unusual punishment, right to trial by jury, and right to peaceably assemble.

**Family Court Conference Attendees Discover Tools to Effect a Paradigm Shift**

Offering over 40 pertinent workshops and institutes and three plenary programs, the 2006 Family Court Conference, held August 3-4 in Orlando, educated and inspired the more-than-600 attendees. Conferees represented a rich conjunction of justice system partners, among them judges, court personnel, clerks, domestic violence advocates, child advocates, parenting coordinators, guardians ad litem, law enforcement officers, and employees of a range of state agencies (e.g., DCF, DJJ, DOE, DOH, DOR). Justice Pariente provided the opening and closing remarks for the two-day conference.

Though Chief Justice Lewis was not able to attend the conference, he sent a thank you letter to participants, which Justice Pariente read from in her welcome. In it, he implored everyone to remember that “Our dedication and determination to enhance our capacity to serve Florida’s families and children must be unwavering. We must build on the past and share our visions of justice for the future.” The chief applauded each of the 20 Florida circuits for implementing family court elements and said he looks forward to “continuing the momentum this approach has been building since its inception in Florida 15 years ago.”

Beginning in July 2004, when Justice Pariente began her term as chief, she stressed the need to invest in the front end of child welfare to prevent children from ultimately graduating from the juvenile justice system into the adult prison population. Now, two years later, with the theme of “Tools to Move Forward” as a backdrop, she re-accentuated her commitment to social justice and enkindled participants with her passion. She urged those in attendance to choose workshops or institutes that were unfamiliar to them so they could discover new ideas and best practices. As she emphasized, “There is no ownership of these ideas, so you can take them back with you.” She challenged everyone to continue the progress already made in the area of family courts, “not because the Supreme Court says to do that, but because we owe it to the children and families that we work with.”

The hour-long workshops and in-depth institutes that Justice Pariente alluded to gave conference participants a wide and varied range of program choices. Among the topics covered were “Making Drug Courts Greater Than the Sum of Their Parts,” “The Adolescent Brain and High Risk Behaviors,” “Family Violence—Intersection of Domestic Violence, Dependency, and Delinquency,” “Creating a Culture of Change,” and “Family Courts and Drug Courts after the 2006 Legislative Session.”

Opening plenary speaker William R. Byars, retired judge and present-day director of the South Carolina Department of Juvenile Justice, discussed the concept of and the need for a “paradigm shift”—a theme that was echoed throughout the two days. When dealing with cases that involve children, he urged listeners, “Operate on a child’s time frame, not on the adult’s,” for, as he advised everyone, “A year is an infinity of time for a child.” Byars proclaimed to listeners that they did not create the system of juvenile justice, so they have no need to defend it; rather, their obligation is to change it to make it better. And, to make it better, they...
need to prompt a paradigm shift “by viewing the system through a child’s eyes.”

Michael Nerney, former director of the Training Institute of Narcotic and Drug Research, Inc., and currently a substance abuse prevention and education consultant, gave the afternoon plenary address. Nerney, an expert in the areas of psychopharmacology and adolescent chemical dependency, focused on the effect of drugs and alcohol on fetuses and on children; pre- and post-natal exposure to drugs and alcohol, he warned, “changes brains in substantial, measurable, structural ways.” He also discussed issues like “procurement,” which happens when adults tell their children to “get my cigarettes out of the car,” or “get me a beer out of the fridge.” Nerney said that these kinds of demands on a child lead to broader, long-term problems: for instance, children 13 and under who are made to procure alcohol for their parents have a 47% chance of developing a lifetime dependency on alcohol themselves.

The words “The answer is yes” were projected on an overhead throughout the presentation of second-day plenary speaker John McNeil, the vice president of the Pacific Institute in Seattle, Washington, whose goal is to teach clients how to “harness the power of your mind to achieve bottom-line results in yourself and your organization.” Evoking the “paradigm shift” concept, McNeil implored listeners to “change your default drive—your natural, habitual operating system”—in the quest to improve the justice system for children and families. To do that, he instructed participants to envision the new picture they want to see and take the steps necessary to make that picture a reality. In order to effect a paradigm shift, people need to focus on and talk about the answers, not the problems, he asserted; they also need to be willing to take in new information and listen to those who don’t share their opinions.

In the final session, Justice Pariente left the podium to circulate among the twenty Florida Circuit Roundtables in the ballroom, handing the microphone off to circuit representatives who gave a synopsis of their successful circuit initiatives as well as of their goals for the coming year. In her closing, she declared, “If we do not collaborate, if we do not see the world from each other’s perspective, then we cannot move forward. We need to change the culture of our family court because the children, our children, deserve nothing less.” She commended those in attendance for their continued commitment and hard work, and, waving a small card that had two dimes taped over its surface (a memento given to everyone during Judge Byars’ opening plenary), she urged participants to “Take your ‘paradigms’ [i.e., “pair of dimes”] back to your courts to realize the changes you want to see.”

THE DISPUTE RESOLUTION CENTER CONFERENCE: 20 YEARS OLD & GOING STRONG

When Sharon Press, director of the Dispute Resolution Center (DRC), welcomed attendees to this year’s annual conference in August, she noted that, in 1992, the DRC’s very first conference drew only 300 participants. Yet for this year’s conference—the fifteenth—998 people had pre-registered—and the total number of registrants would end up being even higher once on-site registrants were counted. That’s a considerable increase in 15 years, and its significance was certainly not lost on the conference, for these numbers clearly reflect the growing acceptance and institutionalization of alternative dispute resolution in courts across the state. But, in addition to celebrating this success, conference came together to mark another momentous occasion: the DRC’s twentieth anniversary.

Fueled primarily by local, grass-roots efforts, methods of alternative dispute resolution (ADR) began making an appearance in Florida in the mid-1970s, according to Mike Bridenback—currently the trial court administrator for the Thirteenth Judicial Circuit but, in one of his prior incarnations, the founding director of the DRC. Before coming to OSCA, Mike staffed the governor’s courts task force in the early 70s, and, while in this role, he was “blown away” by a night prosecutor training program he attended in Ohio, which tantalized him with the prospect of developing...
strategies to deal efficiently with the sorts of everyday, community problems that were burdening the courts and the police. As a result of what he learned at this Ohio training session, he worked with the governor’s courts task force to encourage the implementation of citizen dispute settlement center programs around the state. Meanwhile, some of the people with whom he attended the Ohio training session returned to Miami and established the state’s first citizen dispute settlement center in Dade County in 1975.

By 1976, citizen dispute settlement centers had sprung up in Duval and Orange counties as well. These centers, like the one in Dade, were founded by local, neighborhood groups, but Mike “thought that the courts should really play a role since they were the primary dispute resolution mechanism available.” So when he began working for OSCA in 1976, he collaborated with then Chief Justice Ben Overton and Justice James Adkins to consider how ADR might play a role in the courts themselves. It took ten years of research and the dedication and untiring work of many committees and commissions, both judicial and legislative, but, finally, in 1986, Florida’s DRC was established, becoming the state’s first hub for education, training, and research in the field of ADR. Founded by then Chief Justice Joseph Boyd and Dean of FSU’s College of Law Talbot “Sandy” D’Alemberte, the DRC was placed under the aegis of OSCA’s Court Services Unit, and Mike was named its founding director (see interview with Mike, next page).

Although this year’s conference didn’t dwell boisterously on the DRC’s twentieth anniversary, the significance of this milestone pervaded the spirit of the whole event. To begin, the conference’s theme was “Honoring Our Past...Celebrating Our Future,” and on display by the registration desk was a slew of photo albums and memorabilia showcasing DRC conferences past. In addition, plenary speakers James Alfini and Joseph “Josh” Stulberg, as well as the 2006 DRC award recipient David Strawn, were chosen because of their instrumental role in the growth and evolution of ADR and in the eventual founding of the DRC.

The sheer number and breadth of workshops from which attendees could choose was surely another sign—though subtle—of the DRC’s coming of age. Over the course of the day-and-a-half event, and interspersed among the opening, afternoon, and ethics plenary sessions, were three sets of workshops, each with twelve different offerings from which participants made selections. Workshops were far-ranging in focus and included titles such as “Screening for Domestic Violence in Family Mediation,” “Diversity: the Impact of Language & Word Choices in Formal & Informal Settings,” “Professional Boundaries in the Field of Conflict Resolution,” “Ethics of Advertising & Marketing,” “Appellate Mediation,” “Tools for Successful Dependency Mediation,” “Mediating with Law Enforcement, Firefighters, & Public Officials,” “The Imbalance of Power,” “Psychogeography: Impact of Party Placement at the Table,” “Nuts & Bolts of Running a Successful ADR Practice,” “Listening with Your Eyes,” and “The Zen of Mediation.” Though 20 years young, the DRC is, undeniably, extremely mature.

Welcoming everyone to the conference on his home turf was Chief Judge Belvin Perry, Ninth Judicial Circuit, who thanked the conferees for their very important work: in his words, “It’s because of people like you, the mediators and arbitrators, that our system of justice operates as efficiently and as effectively as it does today.” Each year, well over 70,000 mediations are conducted in Florida, he affirmed, and because of these mediations, court dockets are reduced, litigants have more control over how their cases are resolved, the cost of litigation is reduced, and taxpayer dollars are saved. Singling out DRC Director Sharon Press, he called her a “superstar” who is “known around the globe for her commitment to dispute resolution,” and he congratulated her for her 18 years of service with the DRC (for which she received a thunderous standing ovation). Chief Judge Perry concluded by predicting, “Dispute resolution is where the future is, and that future will be determined by those of you in this room today.” He thanked the mediators and arbitrators for being the “engineers” and “innovators” of this future.
In some ways, given your historical involvement in the birth and evolution of ADR in this state, you're sort of like a parent who's done his best to raise his child right, and you've watched him grow, but now he's really taking off on his own. What do you think of this now-grown child you helped to shape?

MB: It is amazing to me where ADR is in Florida 30 years after we got this phenomenon started. I believe it is the most far-reaching reform in the state courts since Article V was approved in 1973. I have a great sense of accomplishment of being a part of this movement.

FCP: If you could give this child one important warning or piece of advice, what would it be?

MB: To always stay on the edge of seeking quality improvement and do not give in to settling for being consumed by the institution.

FCP: I know that one of your goals for this program was to see the required credentials for mediating become less rigid, so that experience—not only degree—would also count. I understand that this might soon become a reality. Why do you think this is so important?

MB: We had to make some practical political concessions to gain support. It was my hope that, over time, once mediation was accepted, we would modify the qualifications to recognize that the skills of a mediator are developed through quality training and continual professional development. I want mediators to be recognized for their skills as a mediator, not as a lawyer, mental health professional, etc. It is time to address this now.

FCP: What are some of the goals/desires/initiatives you would like to see the program embrace?

MB: The courts are the primary dispute resolution system in our state and will always be. I want mediation and other ADR mechanisms to be an integral part of this system. We need to focus on using the best techniques available to help citizens exercise their constitutional rights of meaningful access to the courts. Mediation, in particular, needs to rise to a profession on the same level as the other professions that are needed to make the system work.

FCP: At August’s DRC conference, which celebrated the 20-year anniversary, you had a chance to meet up again with some of the other founding parents—David Strawn, Jim Alfini, and others. I imagine that seeing and talking to them caused you to reflect upon your more than 30-year history with the development of ADR in the state, going back to your work on the governor’s courts task force. What did this reconnection with these old friends make you think about? How did it feel to be being and studying and thinking and reminiscing with these Florida ADR founders once again?

MB: I was blessed to be able to work and learn from great mentors. Working side by side with Josh Stulberg, David Strawn, Jim Alfini, Sharon Press and a host of judges who were willing to take a risk was an exhilarating experience. I will always cherish those experiences. It was great to see and reminisce about these experiences and catch up on where they are now in their lives. They will be friends forever. I am a much better professional and person for having known and worked with them.

FCP: If you had to do it all over again, what, if anything, would you do differently?

MB: You know, at the time, in the moment, there are always things that could have been done different. We could have made fewer concessions to the political climate. But, my focus was always on the future and believing strongly that in order for the courts to provide meaningful access for those who seek justice, the court system must change. We were successful in achieving this goal, in my opinion. That’s all that matters to me.
Turnout was excellent for the 2006 Annual Education Program of the Florida Conference of DCA Judges, the DCA Clerks, and the DCA Marshals in Ponte Vedra this past September. The two-and-a-half day program offered a far-ranging set of curricula designed to enhance participants' job-related knowledge, deepen their professionalism, and hone their administrative skills while offering them a chance to accumulate continuing judicial education requirements.

Clerks and marshals joined forces for four of the sessions: Job Performance: Setting Goals and Practical Tips; the Employee Assistance Program; Emergency Preparedness; and the OSCA Roundtable were attended by both groups. Separately, marshals had an Update on Case Management and E-Filing, learned about How to Work with FEMA and DMS after an Emergency, and had a Marshals Roundtable while the clerks studied Idea Integration, received a United States Constitutional Law Update, and had a Clerks Roundtable.

Meanwhile, the judges and justices in attendance were treated to an ambitious and varied set of sessions. The Impact of Revision 7 on the Administration of Justice in Florida focused on the ways in which the trial courts have benefited from the shift in funding from the counties to the state—in particular, trial courts now have the advantage of a truly equitable system for making budgetary allocations as well as a consistent set of policies statewide; in addition, they have learned how to think and behave systemically, as a result of which, they now have, and speak with, one voice. But, of course, the trial courts still face considerable challenges; technology numbers first among them—specifically the lack of technological consistency among circuits—and also critical is the salary inequity of court employees (however, both judges appreciate the opportunity to catch up with one another as they await the beginning of the next session at the 2006 Annual Education Program of the Florida Conference of DCA Judges.

Justice Pariente and Chief Justice Lewis reiterated their—and the trial courts’—commitment to the employee pay package, declaring that it remains a number one priority for them).

Other sessions for the judges included Point-Counterpoint: Balancing Fourth Amendment Rights and National Security, which enacted an animated wrestling between the seemingly-conflicting desires both for security and for civil liberties, for safety and for freedom; The Forgotten Founders and the Role of Religion, which addressed the ways in which religion figured into the public discourses of various founding fathers; and Florida History 1920-1970: The Organization of the Modern Court System, which traced Florida’s demographic, political, and ideological evolutions and their influence on the development of the state’s appellate justice system. Judges also had a United States Constitutional Law Update, a panel on Judicial Professionalism, and an Emergency Preparedness session.

In addition, as is customary at this program, the chief justice gave a State of the Judiciary Address. Spotlighting some of the issues that will take priority over the next two years, Chief Justice Lewis urged attendees to remember that “We are all connected.” “If there’s a problem,” he concluded, “I can’t guarantee that I can fix it, but I can guarantee that we can fix it.”

Next year’s program is already in the planning stages. Although the location has not yet been finalized, DCA judges, clerks, and marshals might want to block off September 9-12 on their calendars.
Personnel Professionals Conference

“Great job by all”; “Very informative on subjects we use every day in our work”; “OSCA staff has been very helpful; great speakers and presentations”; “Thanks, Office of Personnel Services, for everything—we appreciate you”: with enthusiastic feedback like this, it’s no wonder that Chief of Personnel Services David Pepper and Human Resources Manager Delcynth Schloss were delighted with this year’s annual State Courts System Personnel Professionals Conference, held at the end of September in Orlando. Also gratifying was the record turnout: 61 personnel representatives, reflecting every circuit and DCA, attended this two-day gathering.

Most of OSCA’s Personnel Services employees journeyed from Tallahassee to give presentations and answer questions, and also present were special guests invited to discuss employee benefits like DROP, the new dental plan, and deferred compensation. The program covered a wide range of topics: in addition to a session on Payroll Procedures that was specifically designed for new personnel reps (there were four new reps altogether), attendees got updates on issues like the Status of the Classification and Pay Study, Budget and Pay Administration, Recruitment and Selection, Civil Rights Complaint Procedure, Preparing for Personnel File Audit, OPS Payroll Update, and the Employee Assistance Program.

One of the sessions that generated great excitement was the Demonstration of the Automated Time/Leave System. Although employees of other state entities have had an automated leave and attendance system in place for several years, this has not been the case for Third Branch employees, and most everyone in the court system is looking forward to its implementation, which is scheduled for the end of June 2007 (it is currently being piloted in OSCA and the Supreme Court—with resounding success). The enthusiasm for this new system is understandable: it will enable employees to keep accurate track of—and have ready access to—their available hours of annual leave, sick leave, and regular and special comp time; they will be able to see if they already took their personal holiday and will even be able to keep track of their mentoring hours. So, no longer will employees have to ask a personnel rep to let them know if they have enough hours in store for an eagerly-sought vacation; they can, with the easy click of a button, find out all they care to know in an instant.

In addition to being a boon for court employees, this system is going to be enormously helpful to OSCA’s Finance and Accounting office. At the end of each fiscal year, Finance and Accounting is required to submit data to the Bureau of State Payrolls gleaned from Leave Liability Reports for the entire court system (these reports are produced so that each state agency knows its “liability” in terms of the collective hours of annual leave, sick leave, and special comp time that are “owed” by the agency). In the past, this information had to be painstakingly gathered from each circuit and DCA; however, the new automated system will enable the easy collection of the necessary data, making fiscal-year-end stress somewhat less onerous for the Finance and Accounting office.

Another highlight of the conference was the talk of Deputy State Courts Administrator Blan Teagle, billed as the “Motivational Speaker.” Emphasizing the importance of the work done by every individual in Florida’s judicial system, he declared that “There are no unimportant jobs” in the judiciary because there’s “not a job in court that doesn’t contribute to the achievement of justice”—or, put somewhat more playfully and colloquially, “A bad day serving the cause of justice beats a good day doing anything else.” He reminded the personnel reps that, given the nature of their jobs, they are uniquely situated to take this message to court employees, adding that this message could help court employees “put purpose in their work.”

Undeniably, this conference was valuable because it provided attendees with important information and updates. But as important is that it gave personnel reps from across the state a chance to be with each other and learn together. Though, individually, personnel reps communicate quite regularly with OSCA Personnel Services on the phone or by email, they don’t often have the chance to exchange ideas and network with all their counterparts in a shared setting. The value of this collective learning-opportunity was best expressed by one of the attendees, who wrote on the evaluation form, “Thank you for bringing us together as a group.”
Welcomes

These are some of the new OSCA and Supreme Court employees who will be working closely and in regular contact with the appellate courts, trial courts, and various court commissions, committees, and workgroups.

Billie J. Blaine, the new Supreme Court librarian, began working at the court on February 1, 2006. She has a B.A. in journalism from the University of Nebraska, a master’s of library science from the University of Missouri, and a juris doctorate from the University of Nebraska College of Law. She has over 10 years of experience as a law librarian at the University of Nebraska College of Law and at the Mercer University School of Law in Macon, Georgia.

Billie is looking forward to steering the library through a number of exciting changes and improvements: embracing technological advances, redesigning and renovating the library space, and preparing and preserving the court’s archives and rare books for access and public display are the projects about which she is particularly animated.

On the more personal side, Billie is an animal lover and serves on the board of the Gadsden County Humane Society. She also admits to collecting cows—not the living, breathing variety but, rather, all sorts of objects of a bovine nature: cow figurines, planters, pictures, salt-and-pepper shakers, and even a cement calf adorn her home and its environs.

Karen Samuel, who began working for OSCA’s Personnel Services on March 22, 2006, is the state court system’s new human resources officer (she is the first to occupy this recently-created position). She has a B.S. in biological sciences and a master’s in public administration, both from Florida State University. Before coming to OSCA, she utilized her personnel/human resources and management background in several positions: she was the executive staff director/chief of staff at the Florida Department of Health, the senior personnel manager at the Florida Department of Highway Safety and Motor Vehicles, and the civil rights analyst for the Department of Transportation.

Her primary responsibility at OSCA, she says, is to ensure the judicial branch’s compliance with federal and state employment laws and regulations as well as with state court system personnel regulations.

When Karen’s not working, she relishes the chance to write in her journal, which she has kept for many years, and another favorite activity is cooking for her family; her most cherished culinary preparations are the Caribbean dishes and delicacies with which she grew up.

Dr. Barbara French, the new chief of the Strategic Planning Unit, joined OSCA on May 1, 2006. She has two master’s degrees—in psychology and in public administration and policy—and she also has a Ph.D. in public administration and policy from the Askew School of Public Administration and Policy. Before joining OSCA, she was a consultant, trainer, educator, and human resource manager for over 20 years; her last position was with French & Associates, an organization and leadership development enterprise that specialized in providing consulting and training services to the public, private, and nonprofit sectors.

Strategic Planning is involved in a broad spectrum of projects, but the one that Barbara is most excited about is updating the Long-Range Strategic Plan, a process that occurs every eight years. In preparation for this process, Strategic Planning helped to coordinate a Judicial Branch Planning Forum, which took place a few
weeks after Barbara began working for OSCA; as a result of some feedback from this forum, she looks forward to mobilizing an outreach effort to engage a range of stakeholders in refreshing the judicial branch’s goals and strategies for the next decade.

In her personal time, Barbara enjoys, in her words, “dabbling in many things”: she especially loves spending time with family and friends and taking long walks with her American Bulldog; she has also been a long-term student of eastern philosophy.

**Chris Noel** became OSCA’s state courts technology officer on October 3 of this year. He has a B.A from Florida State University in accounting and finance and has worked in state government for over 26 years (starting while he was still in college); he has worked for FSU, the Department of Education, the Department of Children and Families, the Department of Health, and the Department of Financial Services. He did, however, take an 18-month “break” from state government to work for Oracle Corporation, which gave him some private-sector insight into the ways in which the private sector deals with the public sector.

As the state courts technology officer, Chris will spearhead and oversee an enormous range of activities and enterprises, but he is especially eager about working on the Florida Appellate Court Technology System (FACTS) project. This multi-faceted project includes many components, among which are the development of a comprehensive case management system, e-filing, a document management system, an automated workflow system, and a billing feature.

When not working, Chris says that, for the past 15 years, he and his wife orchestrated all their activities around their two daughters’ dance demands (recitals, performances, competitions, etc.). Now that the girls are beyond that stage, he is seeking new endeavors to occupy him in his spare time; currently, he enjoys collecting coins and doing basic gardening.

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**Turning Points**

**Justice Peggy Quince** was honored with the 2006 Margaret Brent Women Lawyers of Achievement Award, presented by the ABA’s Commission on Women in the Profession, for her professional accomplishments and for her role in opening doors for other women lawyers; she also was presented with the Florida Association of Women Lawyers 2006 Rosemary Barkett Outstanding Achievement Award.

**Judge Ralph Artigliere**, Tenth Judicial Circuit, was honored with The Florida Bar’s 2006 William M. Hoeveler Judicial Award for his outstanding contributions to the judicial system; through this award, Judge Artigliere is recognized as a judge who best exemplifies strength of character, service, and competence as a jurist, lawyer, and public servant.

**Judge Thomas Bateman**, Second Judicial Circuit, was awarded Trial Judge of the Year honors by the Tallahassee Chapter of the American Board of Trial Advocates; in addition, the ABA bestowed upon him second place honors in the Judge Edward R. Finch Law Day Speech Competition for a speech he delivered to the Escambia-Santa Rosa County Bar Association.

**Judge Richard W. Ervin, III**, who has been on the bench of the First DCA from January 1977 to the present—and was its chief judge from 1983-1985—will be retiring on January 2, 2007. In honor of his retirement, a ceremonial session will be held at the First DCA on Friday, December 8, at 4:00.

**Judge Susan Wadsworth Roberts**, Tenth Judicial Circuit, was presented with a Governor’s Peace at Home Award, an honor that recognizes outstanding individuals and organizations that have demonstrated and endorsed commitment and leadership in providing domestic violence services.
**Mr. Cal Goodlett**, senior attorney with OSCA's Court Education Section, was presented with an Exemplary Service Award by the Conference of County Court Judges for his “years of understanding, service, support, and concern”; upon being presented with this honor, Mr. Goodlett thanked fellow staff members of the Court Education Section, declaring that the award is a tribute to the kind of service that this unit provides to serve judges, the justice system, and the state.

**Ms. Shirley Olson**, criminal court services manager for the Seventh Judicial Circuit, attended the Managing Human Resources course conducted by the Institute of Court Management in Denver. Her attendance was supported by a scholarship awarded by the State Justice Institute.

**Ms. Cherie Simmers**, family court manager for the Tenth Judicial Circuit, was the recipient of a Governor's Peace at Home Award, an honor that recognizes outstanding individuals and organizations that have demonstrated and endorsed commitment and leadership in providing domestic violence services.

**Mr. David U. Strawn**, mediator, trainer, and former judge, was presented with the 2006 Dispute Resolution Center Award ofMerit “for his vision and leadership in advancing alternative dispute resolution in Florida”; the award presentation, which took place at this year’s Dispute Resolution Center Conference, was a feature of the twentieth anniversary commemoration of the DRC’s founding.

**Mr. Mark Van Bever**, trial court administrator for the Eighteenth Judicial Circuit, was named the Brevard County Manager of the Year by the National Management Association’s Space Coast Council for his ethical principles, business skills, and exemplary leadership; he also received NACM’s Bill and Mary Chesshire Community Honor, which recognizes an individual in the court system who has made a positive impact on his/her community through philanthropy or volunteer work.

When judges and court personnel receive awards or honors for their professional contributions to the branch, please send the information to schwartzb@flcourts.org

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**The Library Nook**

Follow these links to some articles that your judicial branch colleagues have recommended:

For readers who want to know more about the features of the Judicial Inquiry System (JIS), a central, highly flexible “dashboard” that, with a single query, enables judges, clerks, state prosecutors, and other justice system partners to access records from 13 different databases, State Courts Administrator Lisa Goodner recommends reading “Smart System.” The article, which is in the March 2006 issue of Government Technology, highlights the work of Chief Judge Charles Francis, Second Judicial Circuit, and Mike Love, OSCA's former state courts technology officer.

And Greg Cowan, court operations consultant for OSCA’s Court Services Unit and member of the Supreme Court/Branch Court Emergency Management Group, recommends “The Day SARS Came to Town: The Court’s Role in Preventing Epidemics.” The article, written by Ontario Judge Ian B. Cowan and published in the Winter 2003 edition of Court Review, focuses on the legal issues that courts must prepare to face when dealing with the spread of a highly-infectious virus. Though now three years old, the publication, Greg affirms, still presents excellent background material for the courts as they create tactical plans for addressing a flu pandemic.

If you have read any interesting or thought-provoking articles about the court system lately, please send your suggestions for inclusion in this column (along with the articles’ URLs) to schwartzb@flcourts.org
### November 2006
- **3-3** Faculty Training Specialty Course, Tampa, FL
- **4** Supreme Court Committee on ADR Rules & Policy Meeting, Tampa, FL
- **14-18** Council of Chief Judges of State Courts of Appeal Annual Conference, Washington, DC
- **15-16** Supreme Court Commission & Standing Committee on Professionalism Fall Retreat, Tallahassee, FL
- **28-12/3** Conference of State Court Administrators (COSCA) Midyear Meeting, Tucson, AZ

### December 2006
- **1** Mediator Qualifications Board Annual Meeting, Location TBA
- **1-2** Court Interpreter Orientation Workshop, Miami, FL
- **2** Trial Court Budget Commission Meeting, Orlando, FL
- **3** Court Interpreter Written Exam, Miami, FL
- **3** Florida Court Education Council (FCEC) Meeting, Orlando, FL
- **4-6** Standard Jury Instructions in Criminal Cases Meeting, Orlando, FL
- **4-6** Florida Conference of Circuit Judges Annual Education Program, Orlando, FL
- **7** Public Meeting, Standing Committee on Fairness & Diversity, Orlando, FL
- **15** Committee on Access to Court Records Meeting, Tampa, FL

### January 2007
- **5-5** Conference of County Court Judges of Florida Education Program, Amelia Island, FL
- **5-5** Trial Court Administrators Education Program, Amelia Island, FL
- **7-13** Florida Judicial College: Phase 1, Orlando, FL
- **17-20** The Florida Bar Midyear Meeting, Miami, FL
- **22-23** Judges JRS Forum Group Meeting, Tampa, FL
- **25** Florida Bar Pro Bono Awards Ceremony, Tallahassee, FL