I. Welcome/Opening Remarks

**Members present:**
State Attorney Philip Archer  
Chief Judge Kimberly Bonner  
Judge Hope Bristol  
Clerk Stacy Butterfield  
Attorney Jay Cohen  
Marshal Daniel DiGiacomo  
Public Defender Howard “Rex” Dimmi  
Judge Kevin Emas  
Court Technology Officer Gary Hagan  
Trial Court Administrator Charles Hydovitz  
Judge Christopher Kelly  
Judge Don Lester  
Judge Janeice Martin  
Chief Judge Michael McHugh  
Judge Lisa Munyon, Chair  
Chief Judge Bertila Soto  
Clerk John Tomasino

**Others present:**
Chief Justice Charles Canady  
Paul Flemming, OSCA  
Steven Hall, OSCA  
Debbie Howells, OSCA  
Andrew Johns, OSCA  
State Courts Administrator Lisa Kiel  
Eric Maclure, OSCA  
Roosevelt Sawyer, Jr., OSCA  
Kris Slayden, OSCA  
Erica White, OSCA  
Tina White, OSCA

Judge Munyon, Chair of the Workgroup, called the meeting to order, welcomed the members and staff, and invited Chief Justice Canady to offer remarks.

Chief Justice Canady said the judicial branch is facing an unprecedented challenge and he thanked the members for participating in this historic Workgroup, which will be undertaking some of the most important work ever to come before the courts. The Workgroup must address these important issues as quickly and as thoroughly as possible.

Chief Justice Canady expressed his and the Supreme Court’s gratitude to the state attorneys, public defenders, clerks, and The Florida Bar for helping with this endeavor. He expressed special appreciation to Judge Munyon for chairing the Workgroup, noting that while everyone will be working hard, it is her mission to keep the focus where it needs to be. He also thanked the Office of the State Courts Administrator (OSCA) for providing support to the Workgroup.

In his view, it is critical for the Workgroup to, as soon as possible, identify practices adopted around the state, determine what is working best, seek to improve and refine those practices, and then recommend best practices that can be replicated across the state. In doing so, it is important to be mindful of local circumstances. He has already alerted the chief judges of the circuit courts that the Workgroup will be seeking information about local practices.
Chief Justice Canady recognized the chief judge members of the Workgroup – Chief Judge Kevin Emas, Chief Judge Bertila Soto, Chief Judge Michael McHugh, and Chief Judge Kimberly Bonner – not only for everything they are doing to keep their courts running throughout the pandemic but also for their willingness to serve on the Workgroup.

The courts are engaged in a serious business, Chief Justice Canady observed; one in which people are required to participate. Therefore, we owe them a special duty during the pandemic to conduct proceedings remotely when possible and, when they are necessary, to conduct in-person events safely. It is very important to resume jury trials as soon as can be safely done, he noted.

Judge Munyon thanked Chief Justice Canady for his confidence in the members, assured him they will take their mission seriously, and declared they will provide a quality work product.

Judge Munyon then turned to administrative announcements. She advised that minutes will be taken, distributed to members, and posted on a web page that is under development.

Next, she asked the members to introduce themselves and share information about any areas of particular interest as well as challenges they may have witnessed within their respective jurisdictions.

- Philip Archer is the State Attorney in the Eighteenth Circuit and President of the Florida Prosecuting Attorneys Association. He is especially interested in criminal prosecution issues. Challenges he has observed relate to the developing backlog of cases, jury trials, and limited availability of video equipment in courthouses.

- Kimberly Bonner is the Chief Judge in the Twelfth Circuit. Challenges that she spoke about include differences among counties of various sizes and demographics, how to safely resume the jury process, conducting mass dockets, dealing with backlogs, and transportation issues relating to criminal and Baker Act proceedings. The Twelfth Circuit has been holding town hall video meetings with their local bar associations, which have proven beneficial.

- Hope Bristol is a Circuit Judge in the Seventh Circuit, is an administrative judge, serves on the Dependency Court Improvement Panel and on the Steering Committee on Families and Children in the Court, and is currently presiding over two problem-solving court dockets. She reached out to her fellow committee members and received input that should be helpful to the Workgroup’s efforts. She spoke about challenges with regard to problem-solving courts, conducting dependency court proceedings within the statutory time frames, admission of evidence, and attorney-client communications.

- Stacy Butterfield is the Clerk of Courts and County Comptroller in Polk County. She is especially interested in jury issues and procedures. Challenges she addressed included receiving and filing evidence in remote proceedings, handling the paper that continues to be submitted, the developing backlog especially in those cases for which requirements have changed during this phase of the pandemic (for example, evictions), and clerk attendance/staffing at proceedings.

- Jay Cohen is an attorney in Fort Lauderdale, is a former member of The Florida Bar Board of Governors, and is involved with various trial lawyer associations. He chaired the Bar’s Vision 2016 and the Decline of Jury Trials committees, both of which covered material that is applicable in this
situation. Common themes and challenges he has observed include the complexities involved with the resumption of jury trials, the need to move cases along by remote means at this time so they are resolved or at least ready for resolution when in-person proceedings can resume, conducting effective mediation, etc. He noted the use of Zoom and telephone to conduct court business, which he said the courts should continue to push both now and into the future.

- Daniel DiGiacomo is the Marshal of the Fourth District Court of Appeal, which is headquartered in West Palm Beach. He shared information about employees transitioning to telework and the court’s use of Zoom, noting they are adapting well. The Fourth has implemented CDC guidelines for anyone who does come into the courthouse. The goal is to be ahead of the curve by trying to figure out what is ahead and how to move into the next phases. Judge Munyon opined that Marshal DiGiacomo’s experience with security and court operations will be very helpful to the Workgroup.

- Howard “Rex” Dimmig is the Public Defender in the Tenth Circuit and the incoming President of the Florida Public Defenders Association. Challenges for public defenders include maintaining the trust and confidence of criminal defendants, in which communication is key, as well as keeping the process continuing. He noted that there are challenges related to conducting some proceedings remotely; for example, confidentiality for attorney-client communications. He also spoke about inconsistencies across jurisdictions with regard to technology and other resources. And, proceedings involving inmates who are located within another jurisdiction make the communication challenges even more difficult.

- Kevin Emas is the Chief Judge of the Third District Court of Appeal. Because of the nature of their work, it is easier for the appellate courts to conduct their business remotely. For example, some Florida appellate courts have already held oral arguments remotely and others are preparing to. He expressed willingness to contribute in any way he can. Judge Munyon added that Chief Judge Emas’s extensive experience as a trial judge and in other capacities will serve the Workgroup well.

- Gary Hagan is the Court Technology Officer in the Fourteenth Circuit. He shared that, while they are still in recovery from it, the experience of Hurricane Michael prepared them to be able to quickly transition to working remotely. Their judges and staff are working remotely, the circuit uses an electronic warrant system, and several other helpful features were already in place. He is conducting regular training for judges on the use of Zoom and has started training for attorneys, as well. On behalf of the Workgroup, he will serve as a conduit with the court technology officers around the state.

- Chuck Hydovitz is the Trial Court Administrator in the Third Judicial Circuit. He said their circuit has experienced challenges similar to what the other members have spoken about. At first, some of their judges were wary of using technology for remote proceedings, but they are embracing it now and want to continue using it after the pandemic has receded. He communicates regularly with the trial court administrators and will serve as a liaison with that group.

- Christopher Kelly is a County Judge in Volusia County. He noted that each county is very different, including the availability and use of technology. He currently handles a civil docket and is also the county administrative judge. In county civil there are many mass dockets – small claims, civil traffic infractions – in which no attorneys are involved. It is difficult to reach self-represented litigants with information about how to participate by video and/or phone. He is also interested in how to conduct virtual mediations.
Don Lester is a Circuit Judge in the Fourth Circuit. He spoke about the use of technology and conducting in-person proceedings with fewer people. Challenges he talked about include managing felony dockets, mass dockets, and jury trials.

Janeice Martin is a County Judge in Collier County, having served in that capacity for 12 years. She spoke about challenges involving the many unrepresented litigants in county civil cases. With regard to problem-solving courts, she is interested in how to ramp back up on those as well as how to avoid having to shut them down during future emergencies, because the participants are a vulnerable population.

Michael McHugh is the Chief Judge in the Twentieth Circuit. The Twentieth Circuit has diverse counties and a very large geographical area. He is currently in the circuit civil division, handling Hurricane Irma cases. He is interested in effective ways to continue mediation and arbitration, and getting cases ready for when the courts are ready to resume trials.

Bertila Soto is the Chief Judge in the Eleventh Judicial Circuit. Issues she raised include how noticing participants, expanding to non-essential proceedings, and coordinating with stakeholders (clerks and others) who may not all be at the same level of readiness. Judge Munyon noted that Miami-Dade has been an epicenter for the pandemic in Florida, so Chief Judge Soto has invaluable experience to contribute to the Workgroup.

John Tomasino is the Clerk of the Florida Supreme Court and has been in that position for five years. He will serve as the Workgroup’s connection to the district court of appeal clerks. He agreed with Chief Judge Emas and Marshal DiGiacomo that the transition to remote work has been easier for the appellate courts. The Supreme Court is going to use Zoom for oral arguments in May, he reported. Clerk Tomasino is also engaged with national court organizations and is a member of the e-Portal Authority, and he will share information gleaned from those contacts. Judge Munyon added that Mr. Tomasino’s former work as an assistant public defender and experience with technology will be helpful, as well.

Lisa Munyon is a Circuit Judge in the Ninth Circuit and chairs the Florida Courts Technology Commission. She said the Supreme Court’s vision, two decades ago, for the state courts to transition into an electronic system and away from paper have placed us in good stead for dealing with this public health emergency. She thanked State Courts Administrator Lisa Kiel for her involvement in that effort.

There is certain to be a great deal of interest in the Workgroup. Judge Munyon noted that while membership on the Workgroup must of a necessity be limited, we want the stakeholders to know we are interested in and listening to their input. Media inquiries should be directed to both the Supreme Court and OSCA Public Information Officers: Craig Waters and Paul Flemming. The Workgroup has a lot to accomplish within a short time, so if issues beyond its mission arise they will be sent to the Supreme Court for possible referral to other court committees.

Moreover, the Workgroup cannot do everything at once and will need to break the work down into manageable pieces. Judge Munyon invited the members to send her their ideas in that regard or to contact her with any questions. She introduced Tina White and Andrew Johns, as the lead staff, and explained their roles.
II. Discussion of the Current Ways in which Essential and Critical Proceedings Are Being Conducted

Implementation Issues Experienced with Remote Proceedings
Some of the challenges the Workgroup members have observed in conducting remote proceedings include:

- Attorney comfort / experience levels with the technology.
- Evidence: what can be shared, how to share it, how the clerk marks exhibits, etc. It was suggested it may be helpful to develop a best practices guide for evidentiary hearings. Mr. Cohen said evidence for remote hearings could be handled similar to what is done in remote depositions, which have been taking place for many years.
- Enforcement: judges should make sure cases advance through the process and not allow people to make excuses.
- Attorney/client communications in termination of parental rights and other juvenile dependency hearings.
- Technology skills, access, and cost for self-represented litigants in using Zoom, submitting evidence, signing into the Portal, etc. It was suggested it may be helpful to use telephone conference rather than video, where appropriate. Court Call is currently waiving the fee for pro se litigants. Court Scribe is also waiving fees for pro se litigants and offering a reduced fee for attorneys.

It was also noted that a mock remote hearing was filmed in Broward County for training purposes, which could be helpful statewide, and that the Fourteenth Circuit is successfully implementing Zoom for problem-solving court proceedings.

Protective Measures Being Used for In-Person Proceedings
Members also spoke about issues regarding in-person proceedings:

- For shelter, detention, and related hearings, the parents are given the option of coming in or participating by Zoom.
- In one circuit, they had an issue with security officers letting young women into the courthouse to obtain assistance and file petitions for parental waivers.

III. Discussion of Workgroup Assignment

Identification of Proceedings to Be Remotely Conducted
The Workgroup’s first task is to identify proceedings that the courts should be able to conduct remotely now, if technology is available, and to identify best practices for those proceeding. The objective is to work toward uniformity across the state, during this phase of the public health emergency. Workgroup members have broad and deep experience that will enable them to develop a comprehensive and thoughtful list. A template/form was provided for the members to complete by close of business on Monday, April 27, identifying proceedings and case types that can be done remotely, issues, solutions, and best practices. Hopefully, recommendations in this regard can be submitted to the Chief Justice quickly.

It was noted that circuits have issued administrative orders indicating which types of proceedings are to be conducted during this phase, and those may be helpful. Judge Munyon advised that staff is working on a central repository that will allow Workgroup members to share and access information.
IV. Discussion of Next Steps

Judge Munyon said the Workgroup needs to be nimble, because in these uncertain times we do not know what may be coming next. At the same time, we must get on with the people’s business in the courts as quickly as is safely possible.

She asked the members to begin thinking about the types of cases/hearings that should be ramped up on a priority basis, when the courts are not as constrained by the pandemic and limited in-person hearings can begin.

She noted the Workgroup will be seeking broad-ranging advice from medical and scientific experts, such as epidemiologists, practicing physicians who have experience treating COVID-19 patients, and public health experts. Preliminary outreach is underway to identify experts and more information will be provided at the next meeting.

Lisa Kiel thanked the members for contributing to this important project. The courts have been in uncharted waters for the past six weeks. While the branch has responded admirably and creatively to the pandemic, there are many challenges ahead. She pledged that OSCA will provided the necessary staff resources to support the Workgroup’s efforts.

Judge Munyon facilitated a discussion on the date and time for weekly meetings, and the group decided on Thursday at 2:00. If anyone is interested in chairing a subcommittee/subgroup, they should let Judge Munyon know.

V. Wrap Up/Adjourn

There being no further business, the meeting was adjourned at 4:37 p.m.