

DRAFT

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

**IN RE: ESTABLISHMENT AND IMPLEMENTATION
OF CIVIL CASE MANAGEMENT PLAN**

**ADMINISTRATIVE
ORDER
NO. 1.13**

WHEREAS, it is in the best interest of the citizens of the Twentieth Judicial Circuit for the Court to develop innovative means to further improve the fair, predictable, efficient, and timely disposition of civil cases in the civil division of the Circuit Court;

NOW, THEREFORE, pursuant to the authority prescribed by Fla. R. Jud. Admin. 2.215 and for the purpose of promoting the efficient administration of justice within the Twentieth Judicial Circuit, it is **ORDERED** as follows:

1. There is established within the Twentieth Judicial Circuit a Civil Case Management Plan **applicable to circuit civil cases** which will be administered by the Administrative Office of the Courts through the use of case managers, clerical support staff and such personnel as the Court Administrator deems appropriate.

2. The basis for the Civil Case Management Plan is attached hereto, identified as the “Civil Case Management: Guidelines for Civil DCM Case Management Procedures and Backlog Reduction Plans,” and is incorporated as if fully set forth herein. The Civil Case Management Plan is to be used as a model for the purpose of establishing goals and promoting uniformity of practice throughout the Twentieth Judicial Circuit.

3. It is intended that the Civil Case Management Plan will be initially implemented in Lee and Collier Counties, with implementation to be later expanded, as appropriate, to other counties within the Twentieth Judicial Circuit. The Backlog Reduction Plans shall be immediately effective in Lee and Collier Counties upon signing of this Order. The Civil DCM Case Management

Procedures shall be effective in Lee County on October 1, 2010, and in Collier County on January 1, 2011.

4. Recognizing that each county may have differing needs requiring certain deviations from the model plan attached hereto, the Circuit Administrative Judge of each respective county may submit to the Chief Judge a distinct written proposed plan with procedures that, upon approval by the Chief Judge, may be implemented in the respective county.

5. The procedures and time standards set forth in the model plan, or in any other written plan approved by the Chief Judge, are intended to facilitate the timely, fair and effective resolution of civil cases while ensuring the efficient use of court resources. The procedures and time standards do not supplant any existing rule, statute, or law. Neither this Administrative Order nor the Civil Case Management Plan shall be construed as granting any rights not already provided for by rule, statute, or law.

6. To the extent that any provision of this Administrative Order may be construed as being in conflict with any rule, statute, or law, the rule, statute, or law shall prevail.

DONE AND ORDERED in chambers in Fort Myers, Lee County, Florida, this _____ day of _____, 2010.

DRAFT

G. Keith Cary
Chief Judge

History. – New.

\

From: Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

To: Cary, G. Keith

CC:

Date: 1/11/2010 4:01:58 PM

Subject: ?FW: Economic Default Recovery Effort-- TCBC Approval of our proposal for Civil Case Mgmt staff

Fyi.....

From: Callanan, Richard

Sent: Monday, January 11, 2010 3:28 PM

To: Aloia, Nancy K

Cc: Kiesel, Lisa; McHugh, Michael; Carlin, John S.

Subject: FW: Economic Default Recovery Effort-- TCBC Approval of our proposal for Civil Case Mgmt staff

Hey Nancy

See I told you good things come to those who take chances! TCBC liked the 20th Civil Case Management proposal so much that they are recommending that we get \$683,000 in added Magistrate and Case Manager support for the circuit starting in July! And they are going for \$9 Million statewide for Civil .. Don't get too excited , it still needs legislative approval.

Rick

From: Heather Thuotte-Pierson [mailto:piersonh@flcourts.org]

Sent: Monday, January 11, 2010 1:03 PM

To: Trial Court Administrators

Cc: Lisa Goodner; Sharon Buckingham; Kristine Slayden; Patty Harris; Theresa Westerfield; Arlene Johnson; Charlotte Jerrett; Greg Youchock; Elizabeth Garber

Subject: Economic Default Recovery Effort

TCA's –

As discussed at the December meeting, the TCBC is requesting non-recurring funding authority from the Legislature for an Economic Default Recovery Effort, which will be filed as a supplemental FY 2010/11 LBR issue. These funds will be used to provide temporary resources in the trial courts to eliminate backlog in several civil areas, including cases involving mortgage foreclosures, real property, contracts and indebtedness, and county civil valued from \$5,001 to \$15,000.

The funding methodology developed for this Effort is based on the number of backlogged cases (in the aforementioned civil areas) in each circuit. A ratio of one General Magistrate, one Case Manager and two Administrative Support positions for every 15,000 backlogged cases was applied to estimate need. One Administrative Support position is dedicated to mediation for the coordination of civil cases covered under this Effort with the exclusion of residential homestead mortgage foreclosure cases. The annual salaries used to calculate the allocation amounts were approximately: \$79,688 for General Magistrates, \$39,126 for Case Managers, and \$26,090 for Admin Support.

You will find the estimated allocation amount for your circuit in the attached PDF file - Economic Default Recovery Effort. Please indicate, using the attached Economic Default Recovery Effort _ Distribution spreadsheet, how you would like the funds for your circuit distributed – by category and element. For every element (General Magistrates, Case Managers, General Magistrate Admin Support and Mediation Admin Support) specify the dollar amount and category in which the funds should be allocated - OPS, contracted services and/or expenses dollars. To allow for maximum flexibility, funds may be expended in one or all of the elements. Also, funds dedicated to the General Magistrate element can be allocated as Senior Judge Days if preferred.

As usual we are under a tight timeframe for this Effort. Please respond by Thursday, January 14, C.O.B.

20TH CIR 01379

Thanks,
Heather

Heather Thuotte-Pierson
Office of the State Courts Administrator
Court Statistics Consultant
(850) 410-3376
piersonh@flcourts.org

Economic Default Recovery Effort

Circuit	Estimated Number of Backlog Cases (FY 2006-07 to FY 2010-11) ¹	Estimated Allocations for FY 2010/11
1	17,739	\$170,994
2	7,134	\$85,993
3	2,356	\$85,993
4	30,144	\$341,988
5	28,511	\$341,988
6	51,993	\$515,448
7	27,851	\$341,988
8	3,404	\$85,993
9	65,989	\$683,976
10	15,992	\$170,994
11	126,197	\$1,385,856
12	37,077	\$341,988
13	55,143	\$687,264
14	6,118	\$85,993
15	86,380	\$1,039,392
16	3,650	\$85,993
17	86,912	\$1,039,392
18	45,850	\$512,982
19	27,532	\$341,988
20	59,091	\$683,976
Total	785,063	\$9,030,179

¹ Estimated Number of Backlog Cases calculated for contract and indebtedness, real property/mortgage foreclosure, and county civil (\$5,001 to \$15,000) cases. Backlog cases were determined by subtracting the number of dispositions from the number of filings. The official trial court statistics were used for fiscal year 2006-07 to 2008-09, annualized data (July to October) were used for fiscal year 2009-10, and certification projections were used for fiscal year 2010-11. The dispositions for fiscal year 2010-11 were based on the filing to disposition ratio in fiscal year 2006-07.

From: Cary, G. Keith </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=GKC2460>

To: Callanan, Richard

Aloia, Nancy K

CC: Pivacek, Cynthia

Middlebrook, Mark

Date: 1/15/2010 10:24:38 AM

Subject: Collier Foreclosure Taskforce Letter

FYI.....need to add them to the list.

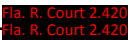
G. Keith Cary

Chief Judge - Twentieth Judicial Circuit

Lee, Collier, Charlotte, Hendry and Glades Counties

1700 Monroe Street

Fort Myers, FL 33901

239-

Roshawn J. Banks
Chairperson

Robin Sobo Moselle
Vice Chairperson

Donald R. Walters
Secretary

Richard D. Owen
Treasurer

Anthony J. Karrat
Executive Director



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4125 East Tamiami Trail
Naples, Florida 34112
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Fax: (239) 775-3887

1402 W. New Market Road
Immokalee, Florida 34142
Tel: (239) 657-7442
Fax: (239) 657-7737

January 13, 2010

Honorable G. Keith Cary
Lee County Justice Center
1700 Monroe Street
Fort Myers, FL 33901

Mr. Richard Callanan
Trial Court Administrator
1700 Monroe Street
Fort Myers, FL 33901

RE: Supreme Court Administrative Order on Residential Mortgage Foreclosure Cases

Dear Judge Cary and Mr. Callanan:

I am writing to you today in my role as the Co-Chairman of the Collier County Foreclosure Task Force and its Mediation Sub-Committee. Patrick Neale, a member of the Task Force, contacted Mr. Callanan's office today and spoke to his assistant who suggested that we write directly to you. We are reaching out to you gentlemen today in order to work cooperatively to develop a mediation plan for our circuit that meets the requirements of the Supreme Court Order, but also addresses the unique aspects of the crisis in our circuit. It is our belief that our Task Force's experience "in the trenches" of the crisis could be of assistance in developing the plan.

As you may be aware, the various stakeholders in foreclosure crisis in Collier County came together over two years ago to attempt to minimize the community damage caused by this crisis. This effort was begun by volunteers from the Bar Association and Legal Aid and has since expanded to include representatives from the Bar, Naples and Marco Island Realtors' Associations and Chambers of Commerce, Collier County Sheriff's Office, Collier County Code Enforcement and the Clerk of Courts. Every one of the stakeholders is involved in this crisis on a day to day basis.

The Task Force has conducted a number of workshops and outreach events to the community to educate and inform people of their rights and possibilities in the face of severe financial difficulties. These events have reached almost one thousand families.

As an adjunct to the work of the Task Force, a subcommittee to develop a procedure for managed mediation was formed. This group has met almost weekly for the last year developing a plan to provide for managed mediation of appropriate foreclosure cases. It sent its comments to the statewide Task Force on Residential Mortgage Foreclosure Cases.

Since the issuance of the Supreme Court's Order AOSC 09-54 on December 28, 2009, the Task Force and the subcommittee have spent significant time reviewing this order and evaluating its application to our local circuit. In addition, we met with Mr. Rod Petrey, the President of the Collins Center today to see what services they could provide.

As noted above, we feel that the Collier County Task Force could provide valuable input on the development of the mediation plan. I will be in contact with your offices to coordinate a meeting to discuss this plan and our mutual goals. I look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Ahren".

Jeffrey Ahren

From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: Aloia, Nancy K

Embury, Jon

Middlebrook, Mark

CC: Cary, G. Keith

Ederr, Suzanne

Kiesel, Lisa

Date: 1/18/2010 4:43:14 PM

Subject: Draft - 20th Circuit Civil Caseflow Management & Backlog Reduction Plan

Dear All

I am attaching a rough, preliminary outline of some of the key points of a Circuit Civil Caseflow Management Procedures and Plan as a discussion draft. This incorporates a lot of the discussion and ideas from the Civil Caseflow workshop, but also adds some "new" ideas on using Civil Bar Settlement Panels and a possible Commercial-Standard track for management by the Magistrate for discussion. This will go through numerous revisions and some county flexibility will be needed, but I wanted to get something in draft form to keep the momentum going.

We are meeting tomorrow to begin to work through and revise the procedures and standardized forms to get it into a form for further discussion. We will also want to get input from your judges and then set up a followup Civil Case Management meeting with Civil/Circuit Admin Judges, the key Bar reps from each county and Civil staff in mid-February to keep momentum going on this. There was great involvement and ideas at the Civil workshop at Edison, and we need to capitalize!

Thanks,

Rick

From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: Pivacek, Cynthia

Cary, G. Keith

CC: Middlebrook, Mark

Date: 1/28/2010 3:16:16 PM

Subject: ?Re: FW: A Request From Naples

Hi Judge

Thank you for the update on the collier foreclosure task force. They will be a great resource.

I wanted to update you on where we are in the process. The process for issuing an rfp, reviewing the collins center and other proposals and looking at ways to require or encourage use of our local mediators is exactly where we are heading. Judge Cary has not decided on exact makeup of selection committee, but at a minimum it will have all Circuit admin judges represented.

We have a draft RFP with all the specifications noted in the model AO. However, before we issue it, you and all Circuit Admin judges will get a chance to review and comment. Also, as always no decisions on the RFP or selection will be made without CBC input. I expect it will be on the next agenda for discussion.

Thanks again for the helpful information on the collier task force work and suggestions. I look forward to getting the report from Mark.

Best,

Rick

20th Circuit - Integrity, Fairness, Service

Pivacek, Cynthia wrote:

Keith,

Judge Hayes, Mark and I met with our local taskforce today. They have been actively working for over two years in this area of the law..providing legal services, clinics, mediations and trying to assist with system issues. David Friedman has worked with the task force as our representative. They are a very dedicated group and in fact were honored this year by the Women's Bar Association .

The long and the short: They have put together a very comprehensive book which Mark will bring to you next week in Fort Myers. They believe the Collins Center can do the job, predominately because they have the data base for scheduling, collecting fees and notifying the parties and courts of the mediation. They can also meet the reporting requirements of the Supreme Court. Everyone understands that you would do a bid process.

20TH CIR 01385

They further recommend that we use local mediators in the counties .

That we have a circuit wide committee to oversee the implementation of the order.

That a program be implemented in the near future.

That the group commit to providing services in all five counties.

They presented this much more eloquently. They are willing to do the work in writing a proposed Administrative Order (They have reviewed the orders that are already in place in other counties). So they will be a good resource for you. I advised that our staff attorney would have to review any order.

They would like to meet with you directly, if you have any questions or concerns.

My recommendation is that they are a great resource and willing to do the leg work...so if we can get a circuit wide committee established..maybe ask each bar to send one or two representatives, we can get the proposed order reviewed and modified (if needed) and a bid process in the works.

Let me know if you need any further assistance.

Cindy

From: Jacqueline Buyze [mailto:jbuyze@buyzemediation.com]

Sent: Thursday, January 28, 2010 2:22 PM

To: Pivacek, Cynthia; Hayes, Hugh

Cc: Friedman, David; 'L. Larsen Edward'; 'Maureen Aughton'; 'Kathleen Passidomo'; 'Jane Cheffy'; 'Jeff Ahren'; 'Tara'; 'Celia'; pneale@patrickneale.com

Subject: FW: A Request From Naples

Dear Judge Pivacek and Judge Hayes,

20TH CIR 01386

11_29_2010

We appreciated the opportunity to meet with you and discuss your work and suggestions for a foreclosure mediation program in the 20th Judicial Circuit. In furtherance of our conversation, I am forwarding information just received from the Collins Center. Please feel free to share it with anyone who may be interested.

If you would like additional information about the Collins Center or anything else presented by the committee today, please let me know. In the meanwhile, we will work on an initial draft of a proposed administrative order. Our plan is to get this to you within the next two weeks.

Thank you again for your judicial time and attention.

Respectfully submitted,

Jacqueline J. Buyze

Jacqueline Buyze Mediation, Inc.

2430 Vanderbilt Beach Rd, Suite 108-181

Naples, FL 34109

(239) 404-6926 Phone

(239) 591-0855 Fax

jbuyze@BuyzeMediation.com

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From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: Pivacek, Cynthia

CC: Harkey, Sandra D

Date: 1/28/2010 3:56:10 PM

Subject: ?RE: A Request From Naples

Yes judge we are looking at 2/26 . Notice to go out tomorrow

20th Circuit - Integrity, Fairness, Service

Pivacek, Cynthia wrote:

Great..looks like we are all heading in the same direction. Do you know when the next CBC meeting is?

From: Callanan, Richard
Sent: Thursday, January 28, 2010 3:16 PM
To: Pivacek, Cynthia; Cary, G. Keith
Cc: Middlebrook, Mark
Subject: Re: A Request From Naples

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Best,

Rick

20th Circuit - Integrity, Fairness, Service

20TH CIR 01388

Pivacek, Cynthia wrote:

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Let me know if you need any further assistance.

From: Jacqueline Buyze [mailto:jbuyze@buyzemediation.com]
Sent: Thursday, January 28, 2010 2:22 PM
To: Pivacek, Cynthia; Hayes, Hugh
Cc: Friedman, David; 'L. Larsen Edward'; 'Maureen Aughton'; 'Kathleen Passidomo'; 'Jane Cheffy'; 'Jeff Ahren'; 'Tara'; 'Celia'; pneale@patrickneale.com
Subject: FW: A Request From Naples

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Jacqueline J. Buyze

Jacqueline Buyze Mediation, Inc.

2430 Vanderbilt Beach Rd, Suite 108-181

Naples, FL 34109

20TH CIR 01390

(239) 404-6926 Phone

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From: Cary, G. Keith </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=GKC2460>

To: Pivacek, Cynthia

Callanan, Richard

CC: Middlebrook, Mark

Date: 1/28/2010 3:13:02 PM

Subject: ?RE: A Request From Naples

Thank you all for your help on this, we will be in touch soon.

G. Keith Cary

239-Fla. R. Court 2.420

From: Pivacek, Cynthia

Sent: Thursday, January 28, 2010 2:46 PM

To: Cary, G. Keith; Callanan, Richard

Cc: Middlebrook, Mark

Subject: FW: A Request From Naples

Keith,

Judge Hayes, Mark and I met with our local taskforce today. They have been actively working for over two years in this area of the law..providing legal services, clinics, mediations and trying to assist with system issues. David Friedman has worked with the task force as our representative. They are a very dedicated group and in fact were honored this year by the Women's Bar Association .

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20TH CIR 01392

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My recommendation is that they are a great resource and willing to do the leg work...so if we can get a circuit wide committee established..maybe ask each bar to send one or two representatives, we can get the proposed order reviewed and modified (if needed) and a bid process in the works.

Let me know if you need any further assistance.

Cindy

From: Jacqueline Buyze [mailto:jbuyze@buyzemediation.com]

Sent: Thursday, January 28, 2010 2:22 PM

To: Pivacek, Cynthia; Hayes, Hugh

Cc: Friedman, David; 'L. Larsen Edward'; 'Maureen Aughton'; 'Kathleen Passidomo'; 'Jane Cheffy'; 'Jeff Ahren'; 'Tara'; 'Celia'; pneale@patrickneale.com

Subject: FW: A Request From Naples

Dear Judge Pivacek and Judge Hayes,

We appreciated the opportunity to meet with you and discuss our work and suggestions for a foreclosure mediation program in the 20th Judicial Circuit. In furtherance of our conversation, I am forwarding information just received from the Collins Center. Please feel free to share it with anyone who may be interested.

If you would like additional information about the Collins Center or anything else presented by the committee today, please let me know. In the meanwhile, we will work on an initial draft of a proposed administrative order. Our plan is to get this to you within the next two weeks.

20TH CIR 01393

11_29_2010

Thank you again for your judicial time and attention.

Respectfully submitted,

Jacqueline J. Buyze

Jacqueline Buyze Mediation, Inc.

2430 Vanderbilt Beach Rd, Suite 108-181

Naples, FL 34109

(239) 404-6926 Phone

(239) 591-0855 Fax

jbuyze@BuyzeMediation.com

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From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: Harkey, Sandra D

CC:

Date: 1/7/2009 1:20:46 PM

Subject: ?FW: Confidential- Budget Status Update

Hi Sandy

Can you please try to get a meeting for 1/16/09 at 1:30 pm with Judges Cary, Carlin, Lisa & I to go over budget status. Thnaks.,

>

>From: Carlin, John S.
>Sent: Wednesday, January 07, 2009 1:15 PM
>To: Callanan, Richard; Cary, G. Keith
>Cc: Kiesel, Lisa; Hagan, John
>Subject: RE: Confidential- Budget Status Update

>
>I agree to hold the blue sheet for the new Magistrate position and would like to get together with you. Lisa, John and Judge Cary in the near future to review our situation in Lee County as we look ahead to next budget year. If that is agreeable, can Sandy schedule a meeting that is convenient for everybody. I am out of the office January 15 and 16. Thanks for the update.

>John

>

>From: Callanan, Richard
>Sent: Wednesday, January 07, 2009 11:48 AM
>To: Cary, G. Keith; Carlin, John S.
>Cc: Kiesel, Lisa; Hagan, John
>Subject: Confidential- Budget Status Update

>Judges Cary and Carlin,

>
>Just as a brief update, the budget news so far on the state legislative special session is better than expected but is not yet a done deal. We do not expect any additional layoffs or cuts this year if this thing holds in the House. Next year, things are still unclear, but we expect some relief due to trust fund help that is being confidentially negotiated.

>
>County budgets projections are worse than expected. Lee will ask for 6-8% real cuts; Collier is asking for 14% and 8 county position cuts. We may want to rethink the timing on the Foreclosure bluesheet since this will add 2.5% increase to our county budget(even though it is mediation trust funded it will be counted in approp for next year as increase). I recommend we hold on this until we get better information on the county budget. Collier is getting me a budget proposal on options to deal with the budget cuts.

>All this is preliminary, but please let me know if you may want to discuss. Thanks.

>Rick

20TH CIR 01395

>Richard Callanan, Trial Court Administrator

>20th Judicial Circuit

>1700 Monroe Street

>Fort Myers, FL. 33901

>239 533-1712

>

>

> << File: CONFIDENTIAL.doc >>

From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: Aloia, Nancy K

McHugh, Michael

CC:

Date: 11/18/2009 9:58:22 AM

Subject: Civil Caseload-Data analysis and Initial Recommendations

Attachments: Civil case mgmtPresentationFinal.ppt

Judge McHugh/Nancy

Attached is the Civil caseload data/trends and PP we discussed covering some of the basic definitions, initial recommendations. It is too much to cover in 15 minutes, but I will go thru quickly and I think they need to see the “big picture” before we get too far down the road on details.

If you can do intro judge, I will do the overview and Nancy can cover proposal/timetable and where we are on recruitment/advertising process...

We can play it by ear, and it may be too soon to hit the judges with some of this, but if you see anything in this that you want to absolutely kill or not do, please let me know.

I will have copies for handout. Nancy will have copies of proposal and timetable. We will do our best!

From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: Carlin, John S.

CC: Cary, G. Keith

McHugh, Michael

Aloia, Nancy K

Date: 11/19/2009 9:32:20 AM

Subject: Civil Case Management-Judges meeting

Attachments: Civil case mgmtPresentationFinal.ppt

Judge,

I wanted to just let you know that the meeting with the Civil judges yesterday went well and very good progress is being made. Judge McHugh and Nancy did a great job of moving this forward and we gave them a "big picture" review of civil case trends, case flow problem areas(attached) and initial proposal. The civil judges discussion, buy-in and input was very good and better than expected.

Next steps of getting a civil Bar meeting and committee was discussed and a meeting with Bar President to get input on civil case management committee will be set up. New case management procedures, startup activities, roles of magistrate and CM and timetables were discussed.

This is moving well. Proposal, timetable and draft of CM procedures/forms for a future AO were discussed and Nancy is doing a great job on getting those moving. We will get you drafts of these before being finalized. Staff recruitment is underway and we will keep you posted on the process. Nancy is setting up a meeting with Clerks staff to get IT and coordination together. I expect we will have a very good framework together to finalize at the civil workshop and hit the ground running.

Just wanted to keep you in the loop.

Best,
Rick

From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 12/10/2009 11:25:38 AM

Subject: ?FW: SRS Pre-2010 Disp Forms and Revised New Civil & Family Coversheets and Forms (TCA/CJ)

From: Miriam Jugger[SMTP:JUGGERM@FLCOURTS.ORG]

Sent: Thursday, December 10, 2009 11:25:18 AM

To: Trial Court Administrators; Trial Court Chief Judges

Cc: Kristine Slayden; Greg Youchock; Blan Teagle; P.J. Stockdale;

Arlene Johnson

Subject: FW: SRS Pre-2010 Disp Forms and Revised New Civil & Family Coversheets and Forms (TCA/CJ)

Auto forwarded by a Rule

Dear Trial Court Administrators and Trial Court Chief Judges,

Please review e-mail below and the attachments that were sent to all the 67 Trial Court Clerks regarding Civil and Family cover sheets, disposition forms and SRS reporting forms as a result of Supreme Court Opinion SC08-1141. Please forward this information to your staff as needed.

Please contact me if you have any comments or questions regarding this matter.

Thank you for your time and consideration.

Miriam Jugger

Supreme Court of Florida

Office of the State Courts Administrator

Court Services Audit Team Leader

500 S. Duval Street

Tallahassee, FL 32399

(850) 410-1888

20TH CIR 01399

From: Miriam Jugger
Sent: Thursday, December 10, 2009 11:11 AM
To: Trial Court Clerks
Cc: Kristine Slayden; Greg Youchock; Blan Teagle; Arlene Johnson; P.J. Stockdale; Bradley Rich; Vicki Charlton; Rosie Graham; Heather Thuotte-Pierson; Jim Brown
Subject: SRS Pre-2010 Disp Forms and Revised New Civil & Family Coversheets and Forms

Dear Clerks,

Please find attached several forms and coversheets that will be helpful to you and your staff during this transition resulting from Supreme Court Opinion SC08-1141 and the Clerk and FACC feedback from recent statewide SRS Trainings conducting by our staff.

These forms and coversheets are designed to be tools that will help your staff to better capture and report correct case type designations. Additionally these forms are also tools to capture and report judicial workload data pursuant to Florida Statutes section 25.075.

There are a total of four (4) required forms that were included in Supreme Court Opinion SC08-1141. Three (3) can be found January 2010 on the Florida Bar website under Professional Practice, Rules of Civil Procedure.... www.floridabar.org. The other one (1) can be found January 2010 on the OSCA website under Family Law Forms at www.flcourts.org.

- 1) Form 1.997, the Revised Civil Cover Sheet
- 2) Form 1.998, the Revised Final Disposition Form
- 3) Form 1.999, the New Order Designating a Case Complex
- 4) Form 12.928 the New Cover Sheet for Family Court Cases

After review and discussions with FACC and clerk staff across the state we have created two (2) SRS reporting forms that we hope will aid clerk staff in reporting the disposition of those cases that were filed prior to January 2010 but disposed after January 2010. These two (2) optional SRS Pre-2010 Disposition Forms can help to dispose of the Circuit Civil and

20TH CIR 01400

Family Case Types that were severely broken out as a result of Supreme Court Opinion SC08-1141. These two (2) optional forms can only be used for disposition reporting and are only valid January 1, 2010 through December 31, 2012 (3 years).

- 1) SRS Pre2010 Family Disposition Form
- 2) SRS Pre2010 Circuit Civil Disposition Form

I hope that these forms and coversheets will be helpful to you and your staff. If you have any comments or questions regarding these forms and coversheets please contact me by e-mail at any time. Please forward this information to all staff involved in Civil and Family courts.

Thank you for your time, corporation and commitment to SRS standards

Miriam Jugger

Supreme Court of Florida

Office of the State Courts Administrator

Court Services Audit Team Leader

500 S. Duval Street

Tallahassee, Fl 32399

(850) 410-1888

juggerm@flcourts.org

From: Callanan, Richard <O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: Cary, G. Keith

CC: Harkey, Sandra D
Steinbeck, Margaret
Kiesel, Lisa

Date: 12/10/2009 11:08:06 AM

Subject: TCBC Civil Funding Proposal and Letter to Belvin Perry

Judge

Attached is a draft letter and funding proposal for the Civil/Foreclosure case management program that I would like to get to Belvin Perry and Lisa Goodner today if possible. Obviously, this won't be on the TCBC agenda, but it will give Judge Perry and the Funding Methodology folks a heads up as to our request. I have been in touch with other TCA's and many are also interested.

Please let me know if there are any revisions you would suggest, and I will ask that Sandy put the letter on your letterhead for signature.

As you know, I cannot attend TCBC meeting due to family graduation commitment, but Lisa Kiesel will attend and she will have a copy of our proposal if the topic comes up.

Thanks Judge,

Rick

Richard Callanan, Trial Court Administrator
20th Judicial Circuit
1700 Monroe Street
Fort Myers, FL. 33901
239 533-1712

From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 2/17/2010 12:54:30 PM

Subject: ?FW: AO09-19 and Guidance Memo

From: Janice Fleischer[SMTP:FLEISCHERJ@FLCOURTS.ORG]

Sent: Wednesday, February 17, 2010 12:54:19 PM

To: Trial Court Administrators; Ann Olson; Betty White; Beverly Graper;
Waddell, Bruce; Carol Dunaway; Cathy Fullerton; David Wolfson;
Genie Williams; James Gardner; Jeanne Potthoff; Kara Lawson; Lourdes Leal;
Marcia Phelps; Mary Norwich; Nancy Blanton; Paul McGuire; Rebecca Storrow;
Robert Sterner; Stevie Buck; Vivian Perez Pollo
Subject: AO09-19 and Guidance Memo
Auto forwarded by a Rule

Dear TCAs and ADR Directors:

I hope your week is going well and that what I am about to send you only makes it better. The DRC has received questions regarding AO09-19- Performance and Accountability (attached here for your convenience). In response and after discussions with the General Counsel's office, the DRC is issuing a "Guidance" document which we hope will assist you in the proper implementation of the AO. It, too, is attached here. As more questions or concerns are received, we will issue further guidance documents. Please let us know if you have any questions or concerns, thank you and best of weeks to you, janice

Janice M. Fleischer, J.D.

Director, Dispute Resolution Center

Office of the State Courts Administrator

Supreme Court Building

500 South Duval Street

Tallahassee, Florida 32399

Tel: 850-921-2910 Fax: 850-922-9290

Supreme Court of Florida

AOSC09-19

IN RE: ALTERNATIVE DISPUTE RESOLUTION SERVICES IN
FLORIDA'S TRIAL COURTS

ADMINISTRATIVE ORDER

The Commission on Trial Court Performance and Accountability was established by the Supreme Court for the purpose of proposing policies and procedures on matters related to the efficient and effective resource management, performance measurement, and accountability of Florida's trial courts. In In Re: Commission on Trial Court Performance and Accountability, No. AOSC08-32 (Fla. Aug. 15, 2008), the Commission was directed to continue with the development and implementation of standards of operation and best practices for the major elements of Florida's trial courts, including alternative dispute resolution services.

A workgroup was authorized by the Commission, including members drawn from the Committee on Alternative Dispute Resolution Rules and Policy and other persons representative of the various programs across the trial courts, which undertook an examination of state-funded, court-connected alternative dispute

resolution programs. After an extensive interactive review process with the trial courts, the Commission submitted a report to the Supreme Court entitled Recommendations for Alternative Dispute Resolution Services in Florida's Trial Courts.¹ The Commission Report focuses on two primary areas: funding and operations. The goal in examining these two specific areas was to provide recommendations that promote equity and uniformity in court-connected alternative dispute resolution/mediation programs. The recommendations are provided in the form of either a "standard of operation," which is intended to be a *mandatory* practice, or a "best practice," which is intended to be a *suggested* practice to improve operations, but, due to the possibility of local conditions beyond the court's control, is not required.

The attached standards of operation and best practices, which were proposed in the Commission Report, are hereby adopted as a means to ensure the effective, efficient, timely, and uniform provision of court-connected alternative dispute resolution services. The entities responsible for compliance with specific standards of operation and best practices are identified on the attachment.

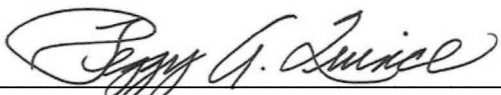
The Office of the State Courts Administrator is charged, time and resources permitting, with assisting the trial courts in implementing the standards and best practices including: establishing performance goals, developing or revising data

¹ Commission on Trial Court Performance and Accountability, Recommendations for Alternative Dispute Resolution Services in Florida's Trial Courts, (August 2008) (available online at http://www.flcourts.org/gen_public/pubs/bin/ADRMediationReport08-2008.pdf) [hereinafter Commission Report].

collection systems to monitor performance, providing educational opportunities and resource materials, and providing other technical assistance as needed. The Trial Court Budget Commission is charged with monitoring fee collections and trust authority associated with the operation of alternative dispute resolution/ mediation programs to ensure that all trial courts have the appropriate level of resources to implement and adhere to the standards of operation and best practices.

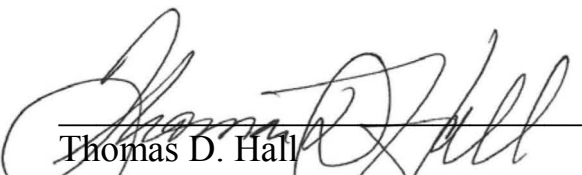
The attached standards of operation and best practices are incorporated herein by reference and shall be effective upon the signing of this order.

DONE AND ORDERED at Tallahassee, Florida, on May 6, 2009.

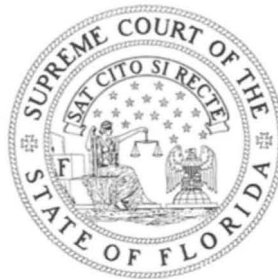


Chief Justice Peggy A. Quince

ATTEST:



Thomas D. Hall
Clerk, Supreme Court



Standards of Operation and Best Practices for Alternative Dispute Resolution Services in Florida's Trial Courts

[Entities responsible for implementation of the standards and practices are identified in brackets]

I. Funding

A. Standards of Operation

1. The ADR/Mediation element shall be funded based on a formula approved by the Trial Court Budget Commission. *[Trial Court Budget Commission]*

2. The funding formula for the ADR/Mediation element shall be based on the following principles:

- a. The formula shall result in the total number of dollars required to provide ADR/Mediation services.
- b. The formula shall be based on the actual median cost of a mediation session, by case type, applied to projected event data from the Uniform Data Reporting System.
- c. The formula shall incorporate a modifier for non-direct service functions;
- d. The formula shall incorporate a modifier for multi-county circuits; and
- e. The formula shall incorporate a modifier for the use of volunteers and pro bono service providers regardless of whether a circuit uses these resources.

[Trial Court Budget Commission]

3. Funds collected for ADR/Mediation services shall be pooled into one statewide trust account for allocation by the Trial Court Budget Commission. *[Trial Court Budget Commission]*

4. Funding allocations shall take the total need for funding into consideration in order to bring uniformity and equity to the level of services provided across the trial courts and should not be based solely on the individual collections of each circuit. *[Trial Court Budget Commission]*

5. During the Legislative Budget Request process, additional resources requested by the circuits shall optimize coverage for all counties in a circuit and coverage of all appropriate case types under the Mediation Model. *[Trial Court Budget Commission and all trial courts]*

6. Additional resources requested by the circuits during the Legislative Budget Request process shall be prioritized for those ADR/Mediation functions

permitted under the Mediation Model. *[Trial Court Budget Commission and all trial courts]*

7. Positions allotted to the ADR/Mediation element shall primarily perform Mediation Model functions; however, these positions shall not be prohibited from performing other ADR functions (except service delivery) to their primary responsibilities. *[Trial Court Budget Commission and all trial courts]*

8. Expenditures from the ADR/Mediation element shall be limited to expenses associated with the ADR/Mediation element. *[Trial Court Budget Commission and all trial courts]*

II. Mediation Session Fees and Session Length

A. Standards of Operation

1. Mediation session fees for county cases above small claims and family cases shall be set by Florida Statute. *[All trial courts]*

2. Mediation fees in county cases above small claims shall be \$60 per party per session. *[All trial courts]*

3. Mediation fees in family cases shall be:

- a. \$120 per person per scheduled session in family mediation when the parties' combined income is greater than \$50,000, but less than \$100,000 per year;
- b. \$60 per person per scheduled session in family mediation when the parties combined income is less than \$50,000.
- c. There shall be no mediation session fees charged to parties for dependency mediation services.
- d. Indigent parties shall be provided services at no cost.

[All trial courts]

4. County mediations shall be scheduled for any amount of time between 60 and 90 minutes at the discretion of the ADR director, but under no circumstances shall the parties be assessed additional fees until after the expiration of 90 minutes. *[All trial courts]*

5. Family mediations shall be scheduled for any amount of time between two and three hours at the discretion of the ADR director, but under no circumstances shall the parties be assessed additional fees until after the expiration of three hours. *[All trial courts]*

6. For purposes of assessing fees pursuant to section 44.108(2), Florida Statutes, data collection and funding calculations mediation sessions shall be defined as follows:

- a. a county mediation (above small claims) session is no more than 90 minutes and
- b. a family mediation session is no more than 3 hours.

[Trial Court Budget Commission, Office of the State Courts Administrator, and all trial courts]

7. For purposes of data collection and funding calculations mediation sessions shall be defined as follows:

- a. a small claims mediation session is 60 minutes and
- b. a dependency mediation session is no more than three hours.

[Trial Court Budget Commission, Office of the State Courts Administrator, and all trial courts]

B. Best Practice

1. In county cases above small claims and family mediations, only one session should be initially scheduled per case unless both parties agree otherwise. *[All trial courts]*

III. Fee Collection Process

A. Standards of Operation

1. When court mediation services are ordered, mediation parties shall pay the statutorily authorized fees to the clerk of the court. *[Trial Court Clerks of Court]*

2. In accordance with section 44.108, Florida Statutes, the clerk of the court shall submit to the chief judge of the circuit and to the Office of the State Courts Administrator, no later than 30 days after the end of each quarter of the fiscal year, a report specifying the amount of funds collected and remitted to the state courts' Mediation and Arbitration Trust Fund during the previous quarter of the fiscal year. In addition to identifying the total aggregate collections and remissions from all statutory sources, the report must identify collections and remissions by each statutory source. *[Trial Court Clerks of Court]*

B. Best Practices

1. The ADR director should exercise due diligence and determine the per party fee assessment prior to the Mediation Notice and/or Order being sent to the party. *[All trial courts]*

2. The trial court administrator should work with the clerk of court to develop a procedure for tracking mediation service fees from assessment to collection. *[All trial courts]*

3. The fee amount owed should be provided to the parties with the mediation notice and referral to mediation. *[All trial courts]*
4. Pursuant to statute, once mediation is scheduled and noticed, assessed fees should be due and owed whether or not parties appear for scheduled mediation. *[All trial courts]*
5. If one party fails to appear at a scheduled mediation session, the party who appears should pay the assessed fee, and the party who fails to appear should be assessed for the missed session and should also be assessed both parties' mediation fees if another session is ordered by the court or agreed to by the parties. *[All trial courts]*
6. If a party fails to pay an assessed mediation fee, the initial mediation should still be conducted. *[All trial courts]*
7. At the discretion of the ADR director, no subsequent mediation session should be scheduled or conducted until all prior assessed mediation fees are paid in full. *[All trial courts]*
8. If a party fails to pay the assessed mediation fee, non-payment should be reported to the court by the trial court administrator or designee, and the court shall issue an Order to Show Cause within ten days. *[All trial courts]*
9. The court should review mediation service fees paid by the parties at the final hearing and should reapportion the fees as equitable. *[All trial courts]*
10. If the court orders a refund; authorization should be transmitted by the ADR director for processing and issuance to the OSCA Finance and Accounting Office. *[All trial courts]*
11. The trial court administrators should coordinate with the clerks of court so that collections by statutory source can be reviewed on a monthly basis in the same manner as the quarterly report required under section 44.108, Florida Statutes. *[All trial courts]*
12. The ADR director should reconcile the monthly or quarterly report with cases mediated during the month or quarter to determine if the clerk is collecting and remitting fees correctly. *[All trial courts]*

IV. Court Application of ADR/Mediation & Case Referrals

A. Standards of Operation

1. Referrals to mediation and non-binding arbitration shall be consistent with chapter 44, Florida Statutes, state court procedural rules and other policies or reports that may be adopted. *[All trial courts]*
2. The issuance of a Domestic Violence (DV) Injunction shall not be mediated. *[All trial courts]*
3. Mediation of the ancillary issues of DV Injunction cases after judicial determinations may be mediated, but shall only be conducted by an experienced certified family mediator with an understanding of domestic violence dynamics. *[All trial courts]*
4. Written mediation agreements reached in DV injunction cases shall be reviewed by the court, and if approved, incorporated into the final judgment. *[All trial courts]*
5. Orders of Referrals to family mediation shall contain, in a prominent place, the statutory language that “upon motion or request of a party, a court shall not refer any case to mediation if it finds there has been a history of domestic violence that would compromise the mediation process” along with information as to who a party should contact in such circumstances. *[All trial courts]*
6. All Orders of Referrals to mediation shall contain, in a prominent place, a Notice to Persons with Disabilities in accordance with rule 2.540, Florida Rules of Judicial Administration. Rule 2.540 requires that all notices of court proceedings held in a public facility and all process compelling appearance at such proceedings include the following statement:

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact [identify applicable court personnel by name, address, and telephone number] within 2 working days of your receipt of this [describe notice]; if you are hearing or voice impaired, call 711.

[All trial courts]

B. Best Practices

1. If warranted by caseload, all contested small claims and county civil cases should be referred to mediation automatically by administrative order.

- a. The Notice of Pre-Trial Conference should contain standard pre-printed information on mediation case referral.
- b. Referrals to mediation in eviction cases should be conducted within ten days of referral to mediation.
- c. Referrals to mediation for county court cases above small claims should be made at the status hearing, if possible, and no later than at pretrial conference. A standard scheduling order should be used which sets forth the time frame for discovery (30 days), mediation (45 days), and the trial date (60-90 days). The court should have available mediation dates to choose from in order to minimize delay and scheduling difficulties.

[All trial courts]

2. Referrals to family mediation should be made as soon as possible after an answer has been filed and/or financial affidavits have been filed and/or exchanged, and prior to the filing of the 30 day notice of trial.
 - a. Prior to family mediation, the case should be screened for appropriateness for mediation.
 - b. If either party seeks emergency or temporary relief, the court should determine if the case should be expedited. If so, mediation should be available within one week of referral or the case should be heard by the court.
 - c. If Case Management Conferences are held, the judge should review the file to determine whether the case is ready for mediation and whether domestic violence issues exclude the case from mediation. Available mediation dates should be provided by the ADR program to the court in order to minimize delay and scheduling difficulties for cases appropriate for mediation.
 - d. Cases that are re-opened via a Supplemental Petition or Motion for Modification should be referred as soon as possible after service is obtained.

[All trial courts]

3. All dependency cases, including Termination of Parental Rights, should be screened by the court and ordered to mediation as appropriate.
 - a. Mediation referrals made at the shelter or arraignment hearing should be held within seven to ten days. Available mediation dates should be provided by the ADR program to the court in order to minimize delay and scheduling difficulties.
 - b. In Termination of Parental Rights cases, mediation referrals should be made at the Advisory Hearing and the mediation conference should be held within 30 days. Available mediation dates should be provided by the ADR program to the court in order to minimize delay and scheduling difficulties.

[All trial courts]

4. The chief judge, or designee, of each circuit shall maintain a list of qualified arbitrators for use in court-ordered non-binding arbitrations. *[All trial courts]*

V. Court ADR Staffing and Functions

A. Standards of Operation

1. At a minimum, each judicial circuit shall be staffed with an Alternative Dispute Resolution (ADR) Director, at least one mediation services coordinator and an administrative support position. *[Trial Court Budget Commission and all trial courts]*

2. ADR staff shall perform ADR functions across all counties. *[All trial courts]*

3. The ADR director shall be responsible for all circuit-wide court-connected ADR activities and shall supervise all court mediation staff within the circuit. *[All trial courts]*

4. The ADR director shall be responsible for monitoring existing circuit-wide ADR/Mediation programs and recommending to the trial court administrator and chief judge of the circuit innovations for new and existing programs. *[All trial courts]*

5. The ADR director shall be a Florida Supreme Court certified county and family mediator who is available to mediate these types of cases for the court as needed. *[All trial courts]*

6. All mediation services coordinators shall be Florida Supreme Court certified mediators in a minimum of one area of mediation certification. *[All trial courts]*

7. The ADR director shall be present or designate someone to be present throughout all pre-trial conferences while small claims mediations are being referred and mediated in order to handle issues which may arise. *[All trial courts]*

8. The ADR director shall ensure that the appropriate number of mediation rooms is available at the court facility for all program mediations on each day that cases are mediated. *[All trial courts]*

9. The ADR director shall provide coordination, scheduling and administrative support functions for all county (including small claims), family and dependency mediations referred to the court ADR program regardless of whether these cases are mediated by staff, contract or volunteer mediators. *[All trial courts]*

10. The ADR director shall provide mentorship assistance to mediator trainees seeking certification who reside or are employed within the circuit. *[All trial courts]*

11. The ADR director and mediation service coordinator(s) shall respond to requests from the OSCA/Dispute Resolution Center. *[All trial courts]*

12. The ADR director shall submit fiscal year mediation program statistics to the OSCA/Dispute Resolution Center, as requested. *[All trial courts]*

B. Best Practices

1. The ADR director should rotate cases among their program mediators on an equitable basis that allows similar opportunities for all mediators to serve. *[All trial courts]*

2. The ADR director should provide opportunities for program mediators to earn a minimum of eight hours of continuing mediator education (CME) per fiscal year. *[All trial courts]*

3. The ADR director should be a Florida Supreme Court certified dependency mediator. *[All trial courts]*

VI. Mediation Service Delivery

A. Standard of Operation

1. Each circuit shall implement a mediation service delivery model that maximizes the number of cases mediated within the constraints of the funding formula established by the Trial Court Budget Commission (TCBC). *[All trial courts]*

B. Best Practices

1. The use of employee mediators should be based on the following factors:

- a. Sufficient caseload requiring an employee mediator to mediate a minimum of 6 hours a day
- b. Availability of qualified individuals willing to accept employee positions
- c. More cost-efficient than contractual model
- d. Complexity of cases

[All trial courts]

2. The use of contractual mediators should be based on the following factors:

- a. Compensation rates are within TCBC guidelines

- b. Availability of sufficient pool of qualified mediators willing to accept referrals at the contract rate
- c. Sufficient caseload referred to the court program where parties are required to pay the subsidized mediation fees (not only indigent cases referred to court program)
- d. Availability of coordination, scheduling and fiscal staff
- e. Complexity of cases

[All trial courts]

3. The use of volunteer mediators should be based on the following factors:
- a. Availability of qualified individuals willing to volunteer as mediators
 - b. Historical success in using volunteers
 - c. Lack of adequate funding to hire or contract with mediators
 - d. Complexity of cases

[All trial courts]

4. Agreements (or contracts) should be entered into annually for all mediators providing service through the court program, whether they are paid via contract or serve as volunteers. ***[All trial courts]***

5. Each court program should conduct an orientation session with contract and volunteer mediators prior to their assignment of cases to review:
- a. the mediators' rights and obligations
 - b. procedures for accepting assignments
 - c. ethical standards of conduct expected
 - d. criteria for performance review
 - e. compensation rates (if applicable)
 - f. scheduling procedures
 - g. methods and procedures for payment and reimbursement for expenses (if applicable)

[All trial courts]

6. Each court program should schedule volunteer mediators in a manner so that the scheduled mediators will have sufficient cases to mediate. ***[All trial courts]***

7. Each court program should establish a process for evaluating the performance of contract and volunteer mediators on an annual basis. The process should include criteria for determining whether the agreement or contract with the mediator should be renewed. Factors to consider include:
- a. reliability (did the mediator fulfill all obligations)
 - b. party satisfaction (were there any formal or informal complaints)
 - c. willingness to assist with mentorships
 - d. clarity of written agreements
 - e. skill level

f. maintenance of all requirements for continued certification
[All trial courts]

8. Program mediations should be held at court facilities whenever possible. In the event that mediation is scheduled off-site, the facility must be ADA compliant. *[All trial courts]*

VII. Contract Compensation

A. Standards of Operation

1. Contract mediators shall be paid at a rate not to exceed the following:

<u>Case Type</u>	<u>Hourly</u>
Small Claims	\$30 per hour
County Civil	\$50 per hour
Family	\$100 per hour
Dependency	\$100 per hour

[All trial courts]

2. All mediation service contracts shall contain standardized template language developed by OSCA for the procurement of mediation services. *[Office of the State Courts Administrator and all trial courts]*

VIII. County Court Mediation

A. Standards of Operation

1. Each county mediation program shall maintain a roster of Florida Supreme Court certified county mediators who will be available to mediate small claims cases for the court program. This roster shall represent the diversity of the community. *[All trial courts]*

2. County mediators shall be selected for placement on the roster through a process similar to the hiring process for employees. Specifically, the policies and procedures for employment shall be utilized to the extent applicable including advertising vacancies as needed. Background checks and references shall be completed on applicants prior to sponsorship into training or, if already certified, inclusion on the program roster. *[All trial courts]*

3. The ADR director shall notify small claims mediators of their assigned schedule no later than 14 days prior to the date of the mediation/pre-trial conference. *[All trial courts]*

4. Every mediation shall be conducted in an individual private room. *[All trial courts]*

B. Best Practices

1. Each county mediation program should maintain a roster of Florida Supreme Court certified county mediators who are interested in providing county mediation (above small claims) services in that county. *[All trial courts]*
2. If the mediator roster(s) or applicant pool does not reflect the diversity of the community, more proactive outreach methods should be used to encourage diversity. *[All trial courts]*
3. A panel, consisting of the ADR director or designee, a judge and a court administration designee should be used to fill county mediation roster vacancies. *[All trial courts]*
4. With the exception of rural counties and areas with historical needs, any mediator who has not mediated for the court program in the previous 60 days should be removed from the roster. *[All trial courts]*
5. Although programs have discretion on mediator assignments, the programs should schedule and assign cases to their roster mediators on an equitable basis. *[All trial courts]*
6. County civil cases (above small claims) should be referred to mediators based upon the competencies of the mediator and issues brought forth in the case. Volunteers with sufficient skill level may be used. *[All trial courts]*
7. Under no circumstances should any program schedule more mediators than mediation rooms available. *[All trial courts]*
8. The OSCA Dispute Resolution Center should sponsor a maximum of three statewide county training programs per fiscal year, to be held at a neutral, non-courthouse, facility. Each “large” circuit would be invited to send three trainees; each “medium” circuit to send two trainees; and each “small” circuit to send one trainee per training. Circuits would be allowed to utilize up to two unused training slots per year from other circuits or training slots unused for that year, if space permits. *[Office of the State Courts Administrator]*
9. At the discretion of the OSCA Dispute Resolution Center, additional trainings should be scheduled for counties establishing new county mediation trainings. *[Office of the State Courts Administrator]*

From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 2/17/2010 2:37:20 PM

Subject: ?FW: AO09-19 and Guidance Memo

From: Janice Fleischer[SMTP:FLEISCHERJ@FLCOURTS.ORG]

Sent: Wednesday, February 17, 2010 2:37:15 PM

To: Gay Inskeep; Trial Court Administrators; Ann Olson; Betty White;

Beverly Graper; Waddell, Bruce; Carol Dunaway; Fullerton, Cathy;

David Wolfson; Genie Williams; James Gardner; Jeanne Potthoff;

Kara Lawson; Lourdes Leal; Marcia Phelps; Mary Norwich; Nancy Blanton;

Paul McGuire; Rebecca Storrow; Robert Sterner; Stevie Buck;

Vivian Perez Pollo

Subject: RE: AO09-19 and Guidance Memo

Auto forwarded by a Rule

Gay, Thank you for expressing your concern. In the example, the word “coordination services” possibly should have been “service delivery” ; however, in accordance with AO09-54 (Managed mediation mortgage foreclosure program), if a foreclosure is residential, then coordination services should be provided by the Program Manager. If this clarification does not satisfy your concern, please let me know, janice

Janice M. Fleischer, J.D.

Director, Dispute Resolution Center

Office of the State Courts Administrator

Supreme Court Building

500 South Duval Street

Tallahassee, Florida 32399

Tel: 850-921-2910 Fax: 850-922-9290

From: Inskeep, Gay [mailto:GInskeep@jud6.org]

Sent: Wednesday, February 17, 2010 1:37 PM

To: Janice Fleischer; Trial Court Administrators; Ann Olson; Betty White; Beverly Graper; Bruce Waddell; Carol Dunaway; Fullerton, Cathy; David Wolfson; Genie Williams; James Gardner; Jeanne Potthoff; Kara Lawson; Lourdes Leal; Marcia Phelps; Mary Norwich; Nancy Blanton; Paul McGuire; Rebecca Storrow; Robert Sterner; Stevie Buck; Vivian Perez Pollo

20TH CIR 01418

Janice,

Regarding the second question/answer in your memo which says:

1. Question: May we use mediation staff to perform services outside the scope of the mediation model?

Answer: These activities are contrary to the intent of full implementation of the mediation model and should not be done; however, if you feel your circuit can effectively demonstrate full implementation, then certain exceptions may apply. We would encourage you to inquire before initiating any services as an "exception".

Examples to be avoided: providing coordination services for privately referred mortgage foreclosure mediations and/or arbitration, Early Neutral Evaluation (ENE), and pre-filed cases in county court.

I disagree with your answer. Please read page 2 of the Standards of Operation attached to the administrative order. Section I.A (7) says:

Positions allotted to the ADR/Mediation element shall primarily perform Mediation Model functions; however, these positions shall not be prohibited from performing other ADR functions (except service delivery) to their primary responsibilities. [Trial Court Budget Commission and all trial courts]

There are other such provisions in the full report from the TCP&A along these lines which I imagine is how that provision ended up in the administrative order.

Gay Inskeep

From: Janice Fleischer [mailto:fleischerj@flcourts.org]

Sent: Wednesday, February 17, 2010 12:54 PM

To: Trial Court Administrators; Ann Olson; Betty White; Beverly Graper; Bruce Waddell; Carol Dunaway; Fullerton, Cathy; David Wolfson; Genie Williams; James Gardner; Jeanne Potthoff; Kara Lawson; Lourdes Leal; Marcia Phelps; Mary Norwich; Nancy Blanton; Paul McGuire; Rebecca Storrow; Robert Sterner; Stevie Buck; Vivian Perez Pollo

Subject: AO09-19 and Guidance Memo

20TH CIR 01419

Dear TCAs and ADR Directors:

I hope your week is going well and that what I am about to send you only makes it better. The DRC has received questions regarding AO09-19- Performance and Accountability (attached here for your convenience). In response and after discussions with the General Counsel's office, the DRC is issuing a "Guidance" document which we hope will assist you in the proper implementation of the AO. It, too, is attached here. As more questions or concerns are received, we will issue further guidance documents. Please let us know if you have any questions or concerns, thank you and best of weeks to you, Janice

Janice M. Fleischer, J.D.

Director, Dispute Resolution Center

Office of the State Courts Administrator

Supreme Court Building

500 South Duval Street

Tallahassee, Florida 32399

Tel: 850-921-2910 Fax: 850-922-9290

From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: Middlebrook, Mark

Mravic, Deborah

CC:

Date: 2/19/2010 4:21:52 PM

Subject: ?FW: Civil DCM/Backlog Reduction Pilot -Circuit Guidelines-Draft

Mark/Deb

Thanks again for progress report on Civil DCM..things are going great in Collier.. The idea with these Civil DCM guidelines is just to make sure the framework is clear and we have general consensus of judges, bar , staff before any major AO “launch” on new DCM procedures! Don’t want to leave anyone on the launching pad!

Good weekend

Rick

From: Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

To: Kellum, Ken

CC:

Date: 2/2/2010 2:47:26 PM

Subject: ?RE: big dates for MSJ

She can use her hearing room for regular foreclosure hearings and then the big courtroom for high volume days. Can you schedule her for the below dates? Thank you.

From: Kellum, Ken

Sent: Tuesday, February 02, 2010 2:45 PM

To: Carlin, John S.

Subject: RE: big dates for MSJ

Courtroom 5-H (old C) it is directly overhead from her office. I plan to make that courtroom available to her on a regular basis. I have already taken her on a tour up the back way to familiarize her with it.

Ken Kellum

From: Carlin, John S.

Sent: Tuesday, February 02, 2010 2:42 PM

To: Kellum, Ken

Cc: Rose, Penelope

Subject: FW: big dates for MSJ

Judge Schreiber will need a large courtroom for the below dates for foreclosure hearings. What courtroom do you want to assign? One over her office is preferred if available. Thanks.

From: Linda Johnston [mailto:ljohnston@leeclerk.org]

Sent: Tuesday, February 02, 2010 2:40 PM

To: Carlin, John S.

Subject: big dates for MSJ

03-17-10
03-24-10
03-31-10
04-21-10
04-28-10
05-19-10
05-26-10

This all of the dates that I am aware of at this point.

W

Senior Court Clerk

Judge Carlin's Clerk

ljohnston@leeclerk.org

Phone: 533-2505 ext. 42690

From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 2/23/2009 12:42:04 PM

Subject: ?FW: Circuit Administrative Orders

From: Brenda Johnson[SMTP:JOHNSONB@FLCOURTS.ORG]

Sent: Monday, February 23, 2009 12:41:59 PM

To: Bond, Nathan

Cc: Trial Court Administrators; Laura Rush; Lisa Goodner

Subject: Circuit Administrative Orders

Auto forwarded by a Rule

Nathan,

I just got out of the meeting. Sorry for the delay in getting this information back to you. It looks like the 18th 19th and 20th are the circuits who have issued some type of administrative order regarding the mortgage foreclosure issue. Others may be pending.

I have "cc" all trial court administrators with this email so that you can send your request for copies of the AO directly to them. I will be happy to assist in any way that I can.

Brenda G. Johnson

Director of Community and Intergovernmental Relations

Office of the State Courts Administrator

500 South Duval Street

Tallahassee, FL 32399-1900

(850)922-5692

20TH CIR 01423

From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 3/18/2009 10:49:00 AM

Subject: ?FW: Task Force on Residential Mortgage Foreclosure Cases - Response Requested

From: Sharon Press[SMTP:PRESS@FLCOURTS.ORG]

Sent: Wednesday, March 18, 2009 11:48:57 AM

To: Trial Court Administrators

Cc: Judge Jennifer Bailey; Blan Teagle

Subject: RE: Task Force on Residential Mortgage Foreclosure Cases - Response Requested

Importance: High

Auto forwarded by a Rule

My apologies... the e-mail should have said that responses were requested by this Friday, MARCH 20. Of immediate need are the AOs, If you need a little more time to gather the list of problems and proposed solutions, I will gladly accept them next week. Sorry for the confusion, sp

From: Sharon Press

Sent: Wednesday, March 18, 2009 8:57 AM

To: Trial Court Administrators

Cc: Judge Jennifer Bailey; Blan Teagle; Laura Rush

Subject: Task Force on Residential Mortgage Foreclosure Cases - Response Requested

Chief Justice Quince recently created a Task Force on Residential Mortgage Foreclosure Cases and appointed Judge Jennifer Bailey as the chair. <http://www.floridasupremecourt.org/clerk/adminorders/2009/AOSC09-8.pdf>

The Task Force will file an interim report by May 8 and a final report by August 15. In order to accomplish its work, the Task Force is interested in collecting the following information from you immediately:

- Copies of all Administrative Orders dealing with Mortgage Foreclosures from your circuit
- A listing of the three most significant problems with mortgage foreclosures in your circuit

* Any suggestion or ideas on rule amendments, procedures, or policies which would help you and your judges with mortgage foreclosures

Please send your comments via return e-mail by Friday, April 20. THANKS! sp

20TH CIR 01424

From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 3/23/2010 4:12:04 PM

Subject: ?FW: Foreclosure and Economic Recovery Funding Proposal

From: Dorothy Wilson[SMTP:BURKED@FLCOURTS.ORG]

Sent: Tuesday, March 23, 2010 5:11:57 PM

To: Trial Court Chief Judges; Trial Court Administrators

Cc: Lisa Goodner; Charlotte Jerrett; Kristine Slayden; Theresa Westerfield;

Heather Thuotte-Pierson; Sharon Buckingham; Elizabeth Garber;

Patty Harris

Subject: Foreclosure and Economic Recovery Funding Proposal

Importance: High

Auto forwarded by a Rule

Good Afternoon,

At the meeting of the Florida Conference of Circuit Judges' Judicial Administration Committee today, it was decided to allow the circuits to amend their Foreclosure and Economic Recovery Funding Proposals by category within the same total allocation as approved by the Trial Court Budget Commission on February 2, 2010. The attached chart reflects the current amounts for each circuit by category. Please send your amended category amounts to me by COB, Friday, March 26, 2010.

Also, keep in mind when reviewing and amending your request for resources by category that there are a limited number of senior judges that are available in the state. We understand that some TCA's are planning to use senior judges from other circuits. This may limit the availability of the resource for other TCA's.

As part of the Recovery Proposal, we will be providing statistics to the legislature on progress of reducing the backlog of these cases. We need to make sure that our plan (resources) allows us to maximize the number of cases we clear.

Please feel free to contact me if you have any questions.

Thank you

20TH CIR 01426

11_19_2010

Dorothy P. Wilson

OSCA - Office of Budget Services

500 S. Duval Street

Tallahassee, Florida 32399-1900

(850) 488-3735 / (850) 487-0664 Fax

Dorothy P. Wilson

OSCA - Office of Budget Services

500 S. Duval Street

Tallahassee, Florida 32399-1900

(850) 488-3735 / (850) 487-0664 Fax

Theresa D. Westerfield

Budget Administrator

20TH CIR 01427

500 South Duval St.

Tallahassee, FL 32333

850-410-1894

Fax 850-487-0664

Trial Court Budget Commission
Meeting February 2, 2010
Economic Recovery Proposal

Executive Committee Recommendation

Circuit	General Magistrate		Senior Judge Days	GM/Senior Judge Expense	Admin Support (GM/Senior Judge)			Case Management			Mediation Admin Support			FY 2010/11 Proposed Allocation
	OPS	Contracted Services			OPS	Contracted Services	Expense	OPS	Contracted Services	Expense	OPS	Contractual Services	Expense	
1			\$58,100	\$6,500				\$68,471		\$7,833	\$26,090		\$4,000	\$170,994
2			\$21,180	\$2,470	\$20,025		\$1,000	\$121,319		\$5,000				\$170,994
3								\$39,126		\$4,000	\$52,181		\$8,000	\$103,307
4		\$159,376				\$52,180			\$78,252			\$52,180		\$341,988
5			\$150,150	\$9,244				\$156,504			\$26,090			\$341,988
6			\$117,600	\$6,000	\$104,360		\$6,000	\$156,504		\$8,000	\$104,360		\$8,000	\$510,824
7		\$62,400	\$61,250	\$9,654	\$52,180			\$156,504						\$341,988
8		\$75,000	\$24,500	\$2,889	\$26,090		\$500	\$39,126		\$2,889				\$170,994
9			\$306,250	\$42,000	\$91,315		\$35,000	\$117,378		\$23,910	\$52,180		\$15,940	\$683,973
10			\$18,200			\$40,722			\$94,820			\$17,252		\$170,994
11		\$159,376	\$84,000	\$4,778		\$149,360	\$6,800		\$860,772	\$37,400		\$78,270	\$5,100	\$1,385,856
12		\$79,688	\$91,000			\$36,307			\$98,686			\$36,307		\$341,988
13			\$292,500	\$13,576	\$80,270		\$2,000	\$273,882		\$25,036				\$687,264
14			\$25,200					\$78,252		\$9,000	\$52,180		\$6,362	\$170,994
15		\$320,000	\$142,800	\$30,584	\$180,000		\$6,000	\$313,008		\$16,000	\$30,000		\$1,000	\$1,039,392
16		\$40,000	\$70,000	\$33,394		\$10,000			\$15,600	\$2,000				\$170,994
17			\$306,250	\$20,852	\$52,180		\$3,000	\$313,008		\$22,000	\$104,360	\$202,742	\$15,000	\$1,039,392
18	\$159,376		\$252,000	\$12,000	\$78,270		\$11,336							\$512,982
19		\$79,688	\$66,500	\$19,715		\$52,180			\$97,815			\$26,090		\$341,988
20	\$318,752		\$84,000		\$104,360			\$156,504			\$20,360			\$683,976
Total	\$478,128	\$975,528	\$2,171,480	\$213,656	\$789,050	\$340,749	\$71,636	\$1,989,586	\$1,245,945	\$163,068	\$467,801	\$412,841	\$63,402	\$9,382,870

From: Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>

To: Carlin, John S.

McHugh, Michael

CC: Aloia, Nancy K

Cary, G. Keith

Date: 3/26/2010 1:08:30 PM

Subject: ?FW: Civil/Foreclosure Backlog Funding- Proposed Allocations

Judges McHugh and Carlin,

Nancy and I have discussed the allocation for the Civil Backlog funding plan and recommend the adjustments in the table below. Funding is not final yet, but the Senate has included the proposal in their 2010-11 budget, and funding looks likely for 7/1/10.

Essentially, under our original budget request we asked for 2 Magistrates/2 CM's/ 2 AA's for Lee. OSCA budgeted Lee for 2 FTE Magistrates, 2 FTE Case Managers, 2 FTE AA's, 1 FTE Mediation AA and 120 Sr Judge days, so they gave us an extra FTE AA position. OSCA wants final adjustments today. My recommendation is that we do not need 3 FTE AA's, and I would prefer staying with 2 FTE AA's and moving funds to Senior judge days to give Lee a total of 194 Senior Judge days instead of 120. This will give you more flexibility to use additional SR Judge days in Foreclosure, Circuit Civil or County Civil, if needed.

Here is the plan on distribution generally, but how you allocate will be up to you and Nancy:

2 FTE Magistrates—Circuit Civil backlog cases (these can be FT or PT contract/OPS positions, but must focus on backlog)

2 FTE Case Managers – Circuit Civil and possibly some (0.5 FTE) help to Foreclosure docket or County Civil backlog

2 FTE AA's – Support Magistrates, Case Managers and Sr. Judge Foreclosure docket

Sr Judge Days – 194

n Residential Foreclosure Default & Contested Residential Foreclosure- 144 days -- (12 per month/144 per year)

n Circuit Civil (Reserve days) -14 days

n County Civil – 36 days -- (3 days/mo or 36 days per year) If needed for a 3-day per month “special set” docket to handle the 1,300 county civil pending over 12 months—Many(up to 50%) of these over 12 month cases on the list are likely non-service cases according to Judge Duryea. But, they may need some backlog help.

20TH CIR 01430

Adding more Sr Judge time to Contested Foreclosure docket will also give you flexibility to use Judge Schreiber's 2 civil weeks per month to assist Civil judges.

Will see you at 2:30 PM to discuss.

Rick

Magistrate FTE

\$

Case Manager FTE

\$

Admin Asst FTE

\$

Mediation FTE

\$

Sr Judge Days

\$

(\$350/day)

Total Cost

Lee

2

\$159,376

2

\$78,252

20TH CIR 01431

2 1

\$52,180

26,090

1

\$26,090

120 194

\$42,000

\$68,090

\$357,898

Collier

1

\$79,688

1

\$39,126

1

\$26,090

0

60

\$21,000

\$165,904

Charlotte

.5

.5

\$19,563

.5

\$13,045

0

30

\$10,500

\$82,952

Hendry

.25

\$19,922

.25

\$9,781

.25

\$6,522

0

15

\$5,250

\$41,475

Glades

.25

\$19,922

.25

\$9,781

.25

\$6,522

0

15

\$5,250

\$41,475

Total

4

\$318,752

4

\$156,503

4

\$104,359

1

\$26,090

240

\$84,000

\$689,704

From: [Callanan, Richard <RCallanan@CA.CJIS20.ORG>](mailto:RCallanan@CA.CJIS20.ORG)

To: [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

CC:

Date: 3/30/2010 7:29:30 AM

Subject: ?FW: Final Circuit Profile for the 20th

From: Alexis Fleck[SMTP:FLECKA@FLCOURTS.ORG]

Sent: Tuesday, March 30, 2010 8:28:51 AM

To: Cary, G. Keith; Callanan, Richard

Subject: Final Circuit Profile for the 20th

Auto forwarded by a Rule

Attached are the final copies of the 20th Circuit Profile in PDF and Word.

Alexis Fleck

Senior Court Analyst

Community and Intergovernmental Relations

Office of the State Courts Administrator

500 South Duval Street

Tallahassee, FL 32399-1900

(850) 413-0884

20th Circuit
CHIEF JUDGE
G. KEITH CARY



I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crisis. The great point is to bring them the real facts.

-Abraham Lincoln

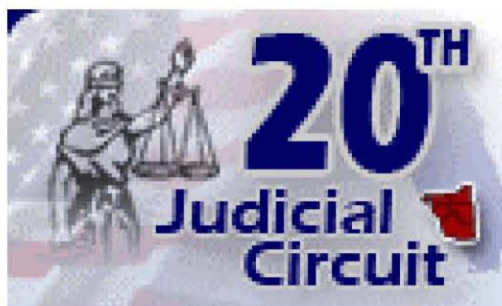
TWENTIETH JUDICIAL CIRCUIT COURT

The circuit court is Florida's trial court of general jurisdiction. Each of the state's 20 judicial circuits incorporates one or more counties. Circuit courts have exclusive original jurisdiction in all of the following: actions in which the matter in controversy exceeds \$15,000, exclusive of interest and costs; proceedings relating to the settlement of estates; guardianship; involuntary hospitalization; determination of incapacity; and other matters concerning court of probate; in all cases in equity including all cases relating to juveniles except traffic offenses. In criminal matters, the circuit courts have original jurisdiction in all felonies and in all misdemeanors arising out of the same circumstances as a felony that is concurrently charged. Also, circuit courts preside over all cases involving the legality of tax assessment, in the actions of ejectment, in all actions involving the titles or boundaries or rights of possession of real property, and in other actions not heard by county court. Family cases such as dissolution of marriage, child custody, visitation, domestic violence, and juvenile dependency cases are all heard in the Circuit Court.

The circuit court handles appeals from the county court except those appeals that may be taken to the district court of appeal. Five circuit judges are assigned in Charlotte County, seven circuit judges are assigned in Collier County, Glades County and Hendry County share one circuit judge, and 18 circuit judges are assigned in Lee County.

The county courts are Florida's trial court of limited jurisdiction. There is a county court in each of the 67 counties with the county boundaries serving as the territorial jurisdiction.

County courts have original jurisdiction in all criminal misdemeanor cases where there is not a concurrent felony, and in all violations of municipal and county ordinances. In civil matters, county courts have original jurisdiction in all actions of law in which the matter in controversy does not exceed the sum of \$15,000, exclusive of interest and costs, and which is not within the exclusive jurisdiction of the circuit courts. County court judges also serve as committing magistrates. There are three county judges in Charlotte County, six county judges in Collier County, one county judge in Glades County, and one in Hendry County, and eight county judges in Lee County.



Twentieth Judicial Circuit



Chief Judge G. Keith Cary

TELEPHONE 239-^{Fla. R. Court 2.420}~~485-2588~~
FACSIMILE 239-485-2588
JUDICIAL ASSISTANT Susan Kellum
EMAIL skellum@ca.cjis20.org



Trial Court Administrator Richard Callanan

TELEPHONE 239-533-1712
FACSIMILE 239-533-1701
EMAIL rcallanan@ca.cjis20.org

Public Information Officer Sheila Mann

TELEPHONE 239-533-1723
FACSIMILE 239-533-1702
EMAIL smann@ca.cjis20.org

Total Caseload FY 2008-09

Below, the total number of cases filed under the Circuit and County courts in the Twentieth Judicial Circuit of Florida for the Fiscal Year 2008-09 according to Florida's Trial Courts Statistical Reference Guide.

Circuit/ County	Circuit Court					County Court			Total
	Criminal	Civil	Family Court*	Probate	Total	Criminal	Civil**	Total	
Charlotte	1,725	5,850	3,026	1,614	12,215	4,895	8,993	13,888	26,103
Collier	2,087	10,849	4,008	1,653	18,597	14,036	21,059	35,095	53,692
Glades	289	132	194	33	648	691	1,598	2,289	2,937
Hendry	738	746	895	131	2,510	2,979	2,346	5,325	7,835
Lee	5,867	30,209	9,530	3,021	48,627	32,287	41,649	73,936	122,563
Circuit 20	10,706	47,786	17,653	6,452	82,597	54,888	75,645	130,533	213,130

* Family Court filings include Domestic Relations, Juvenile Delinquency, Juvenile Dependency, and Termination of Parental Rights

** This data does not include all Civil Traffic Infractions reported to the Department of Highway Safety and Motor Vehicles by the clerks of court. They only represent those Civil Traffic Infraction filings involving a judge or hearing officer.

20TH CIR 01438

Twentieth Judicial Circuit

Statistical Information

50 Judges (31 Circuit Judges / 19 County Court Judges)
173.5 FTEs (135.5 Circuit Courts / 38 County Courts)

Annual Trial Court Budget (FY 2009-2010) : \$18,190,584
\$13,658,945 Circuit Courts / \$4,531,639 County Courts

Population

County	2000	2010
Charlotte	141,627	167,598
Collier	251,377	331,811
Glades	10,576	11,633
Hendry	36,210	42,666
Lee	440,888	622,940
Total	880,678	1,671,846

Source: Florida Demographic Estimating Conference, February 2009 and the Florida Demographic Database, August 2009.

Twentieth Circuit Legislators

Senators	District	Representatives	District
Alexander, J.D.	17	Roberson, Ken	71
Bennett, Michael S. "Mike"	21	Kreegel, Paige	72
Detert, Nancy C.	23	Thompson, Nick	73
Aronberg, Dave	27	Aubuchon, Gary	74
Richter, Garrett	37	Williams, Trudi	75
Bullard, Larcenia J.	39	Grady, Tom	76
		Grimsely, Denise	77
		Hudson, Matt	101
		Rivera, David	112

Twentieth Judicial Circuit Courthouses

Lee County Justice Center



1700 Monroe Street
Fort Myers FL 33901

Collier County Government Complex



3301 Tamiami Trail East
Naples, FL, 34112

Glades County Courthouse



PO BOX 579
Moore Haven, FL 33471

Charlotte County Justice Center



350 E. Marion Ave
Punta Gorda, FL 33950

Hendry County Courthouse



PO BOX 567
LaBelle, FL 33935

Florida's Court Structure

Florida's court system consists of the following entities: two appellate level courts—the Supreme Court and five district courts of appeal—and two trial level courts—20 circuit courts and 67 county courts. The chief justice presides as the chief administrative officer of the judicial branch. On July 1, 1972, the Office of the State Courts Administrator (OSCA) was created.



Supreme Court of Florida

The Supreme Court is the highest court in Florida. Five of the seven justices are required to constitute a quorum to conduct business, and four justices must agree on a decision in each case. The court has exclusive authority to regulate the admission and discipline of lawyers in Florida as well as the responsibility to discipline and remove judges. Justices serve six-year terms.

Mandatory jurisdiction includes death penalty cases, district court decisions declaring a state statute or provision of the state constitution invalid, bond validations, rule of court procedures, and actions of statewide agencies relating to public utilities.

District Courts of Appeal

The bulk of trial court decisions that are appealed are reviewed by three-judge panels of the district courts of appeal (DCAs). In each district court, a chief judge, who is selected by the body of district court judges, is responsible for the administrative duties of the court.

Jurisdiction extends to appeals from final judgments or orders of trial courts in cases that either are not directly appealable to the Supreme Court or aren't taken from a county court to a circuit court, and to the review of certain non-final orders. The district courts have been granted the power to review most final actions taken by state agencies in carrying out the duties of the executive branch of government.

Currently there are 61 DCA judges, serving six-year terms. The first district, located in Tallahassee, has 15 judges; the second district, in Lakeland, has 14 judges; the third district, in Miami, has 10 judges; the fourth district, located in West Palm Beach, has 12 judges; and the fifth district, in Daytona Beach, has 10 judges.

Circuit Courts

The majority of jury trials in Florida take place before circuit court judges. The circuit courts are referred to as the courts of general jurisdiction. Circuit courts hear all criminal and civil matters not within the jurisdiction of county courts, including family law, juvenile delinquency and dependency, mental health, probate, guardianship, and civil matters over \$15,000. They also hear some appeals from county court rulings and judgments and from administrative hearings. Finally, they have the power to issue extraordinary writs necessary to the complete exercise of their jurisdiction.

Currently, there are 599 circuit judges, serving six-year terms. There are 20 judicial circuits in the state. The number of judges in each circuit is based on caseload. These judges preside individually, not on panels.

County Courts

Each county has at least one county court judge. The number of judges in each county court varies with the population and caseload of the county. There are currently 322 county judges, who serve six-year terms. These judges preside individually, not on panels. County courts are courts of limited jurisdiction, which is established by statute. The county courts are sometimes referred to as “the people’s courts” because a large part of the courts’ work involves citizen disputes such as violations of municipal and county ordinances, traffic offenses, landlord-tenant disputes, misdemeanor criminal matters, and monetary disputes up to \$15,000.

Office of the State Courts Administrator

The Office of the State Courts Administrator (OSCA) was created to serve the chief justice in carrying out his or her responsibilities as the chief administrative officer of the judicial branch. OSCA’s purpose is to provide professional court management and administration of the state’s judicial system – basically the non-adjudicatory services and functions necessary for the operation of the judicial branch, which includes the Supreme Court of Florida, the five district courts of appeal, the 20 circuit courts, and the 67 county courts.

Trial Court Administrators

Each circuit has a trial court administrator who supports the chief judge in his or her constitutional roles as the administrative supervisor of the circuit and county courts. The trial court administrator provides professional staff support to ensure effective and efficient court operations. They manage judicial operations such as courtroom scheduling, facilities management, case flow policy, ADA compliance, statistical analysis, inter-branch and intergovernmental relations, technology planning, jury oversight, public information, and emergency planning. They also oversee court business operations including personnel, planning and budgeting, finance and accounting, purchasing, property and records, and staff training.

Positions

In fiscal year 1995-96, the legislature authorized 892 staff positions. In fiscal year 2004-05, the year of Revision 7, the legislature authorized 2,206.5 staff positions. In fiscal year 2007-08, the legislature authorized 2,424.5 staff positions. In fiscal year 2008-09, it was necessary to reduce the authorized positions because the *salary dollars were reduced by the legislature*, making the total available positions 2,135.

For fiscal year 2009-10, 4 new positions were authorized by the legislature for workload associated with the new State Courts Revenue Trust Fund, resulting in a total of 2,139 positions available. Please note, these available positions **do not** include judges (989) or judicial assistants (989).

In 2006, Florida Tax Watch reported State Courts System Salaries were on average 12.3% lower than their executive branch counterparts.

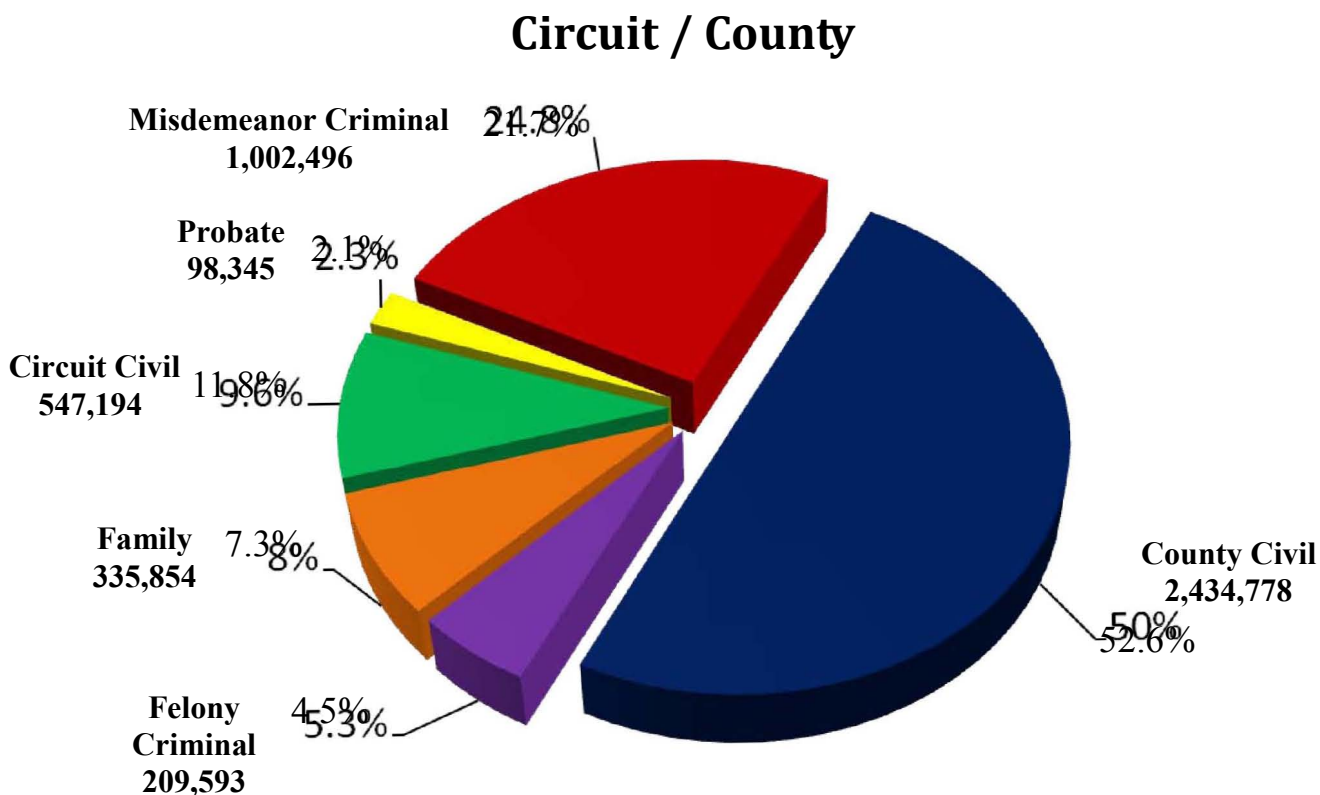
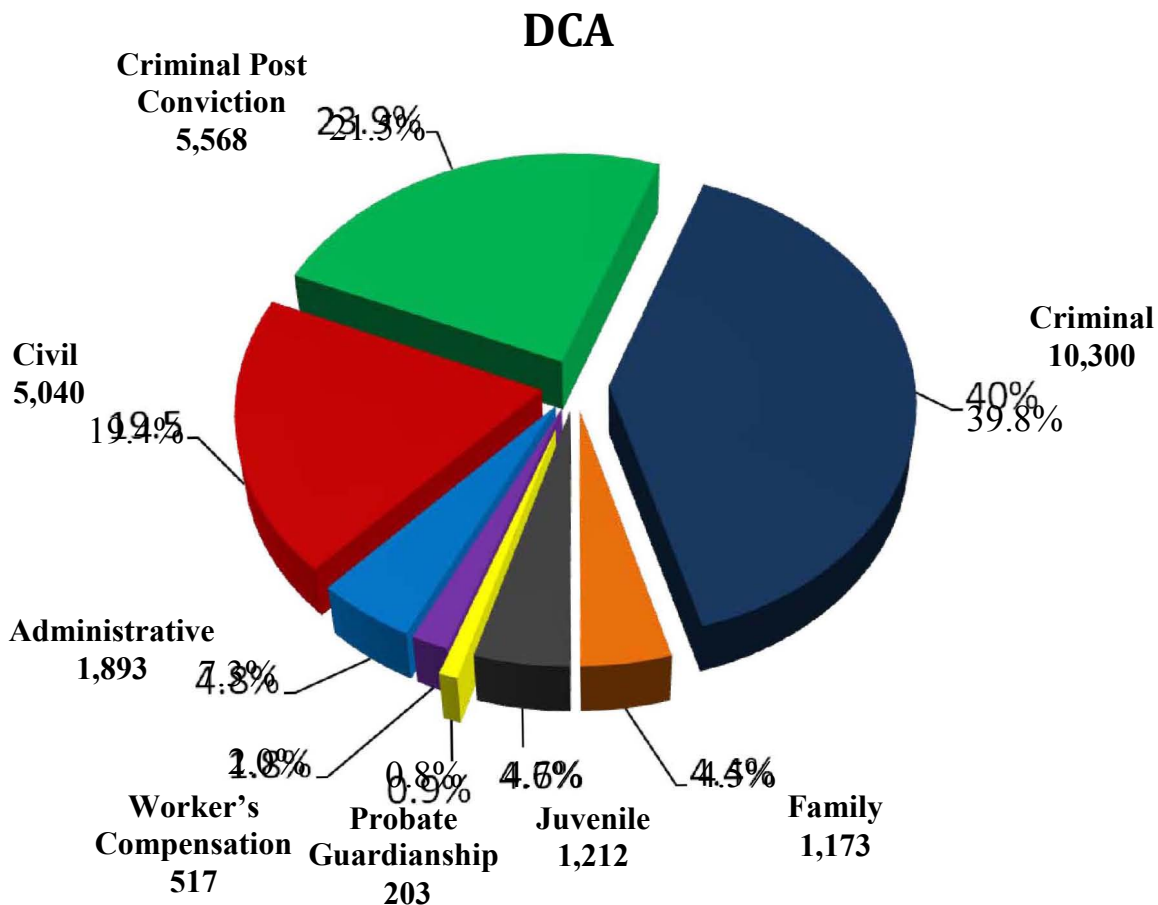
Courtrooms

Almost 900 courtrooms are utilized in the state of Florida.

Court Interpreters

Court Interpreters provide services in over 50 different languages around the state.

2008-2009 Case Filings



Judicial Certification

Since 1999, the Supreme Court has used a weighted caseload system to evaluate the need for new trial court judgeships. The weighted caseload system analyzes Florida's trial court caseload statistics according to complexity. Cases that are generally more complex, such as capital murder cases, receive a higher weight, while cases that are typically less complex, such as civil traffic cases, receive a lower weight. These weights are then applied to case filing statistics to determine the need for additional judgeships.

Having an adequate number of judgeships is essential: if judicial workload exceeds capacity and a judicial need deficit is not addressed, likely consequences are case processing delays, less time devoted to dispositions, and potentially diminished access to the courts.

On February 25, 2010, the Florida Supreme Court certified the need for 37 additional circuit judges and 53 additional county court judges for fiscal year 2010-11.

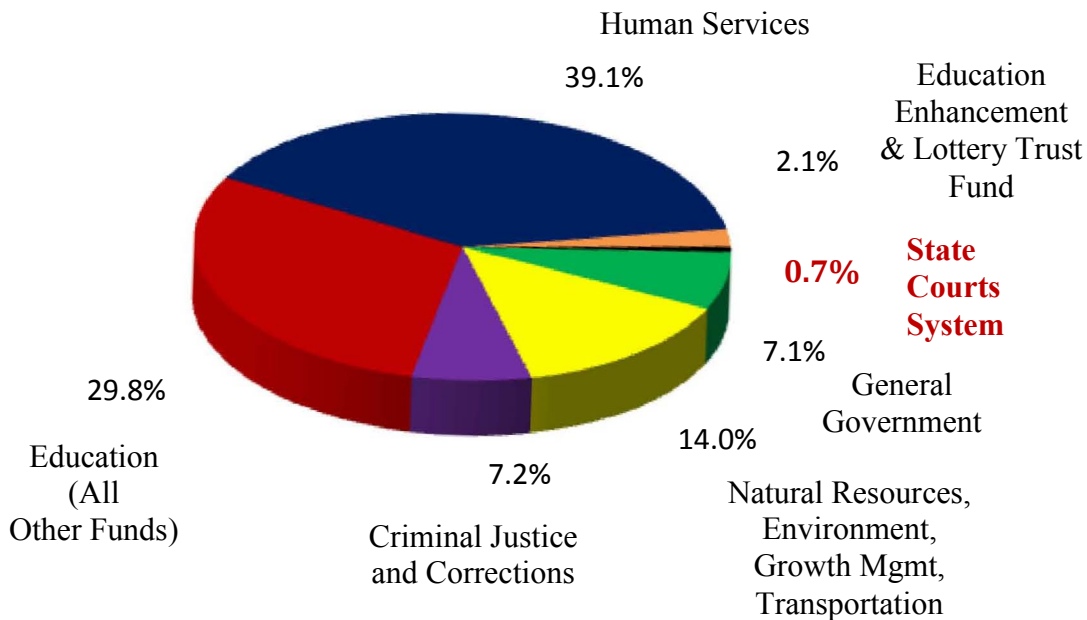
Year	Certified	Funded
FY 2010-11	90	TBD
FY 2009-10	68	0
FY 2008-09	61	0
FY 2007-08	37	0
FY 2006-07	66	55
FY 2005-06	110	59
FY 2004-05	88	0
FY 2003-04	56	0
FY 2002-03	49	18
FY 2001-02	44	27
FY 2000-01	43	0

Budgets

Florida's Budget

Fiscal Year 2009-2010

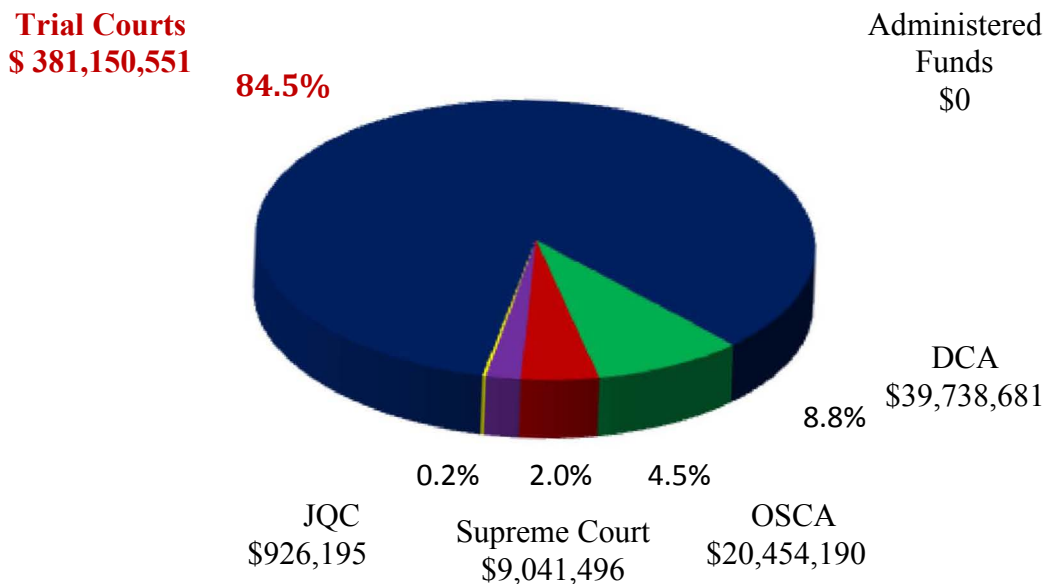
\$66,536,360,098



State Courts System's Budget

Fiscal Year 2009-2010

\$451,311,113



Summary of Budget Cuts

In 1998, Floridians voted to approve a constitutional amendment (Revision 7), which requires a shift in funding of a substantial part of our trial court costs from the counties to the state. The will of the voters was to implement a budgetary unification of Florida's court system to eliminate the fiscal fragmentation that had existed for so many years, with poorer counties being shortchanged in the quality and availability of court services. In 2004-05, the three branches of government—the court system, the governor, and state lawmakers—worked long and hard together to establish the baseline of court functions necessary to meet the needs of our citizens. Some 1,200 positions were shifted from county funding to state funding to better ensure equal justice from one end of Florida to another. *Now, the branch could face cutting almost as many positions, a reduction in workforce that could push the whole court system back 30 years.*

Budget Cuts Made Prior to July 1, 2008

- * FY 2007-08 – \$26 million in recurring general revenue (6 percent)
- * FY 2008-09 – \$18 million in recurring general revenue (4 percent)
- * Two-year total – \$44 million in recurring general revenue (10 percent) and 280 jobs

Special Session A, January 5th-16th, 2009 Budget Reductions

- * FY 2008-09 – \$16 million reduction in recurring general revenue
 \$11 million added back into newly created State Courts Revenue Trust Fund
 – \$5 million net reduction, or 1.25 percent

Creation of Trust Fund – Laws of Florida Chapter 2009-6 and 2009-7 (SB 12A and 14A)

In Special Session A, January 2009, the Legislature created a new State Courts Revenue Trust Fund, the first step in implementing the courts' plan for stabilizing court funding.

The Senate and House differed on the source of revenue for this new trust fund. The Senate proposed using filing fees, and the House proposed using fines. The House prevailed on this point, which leaves an issue that must be addressed during the 2010 regular session. The judicial branch does not want a return to the perception of or opportunity for cash register justice, which was why it pressed for approval of the Senate proposal.

Regular Session, 2009 Budget Reductions

While further cuts to the courts' operating budgets were avoided in the 2009 Regular Session, the legislature reduced the salary for all judges by 2%. Although the Governor vetoed the 2% reduction for staff making over \$45,000, the salary and benefit dollars were not restored. The total 2% cut to salaries and benefits for all funds (GR and all trust funds) for FY 2009-10 was \$4,979,188.

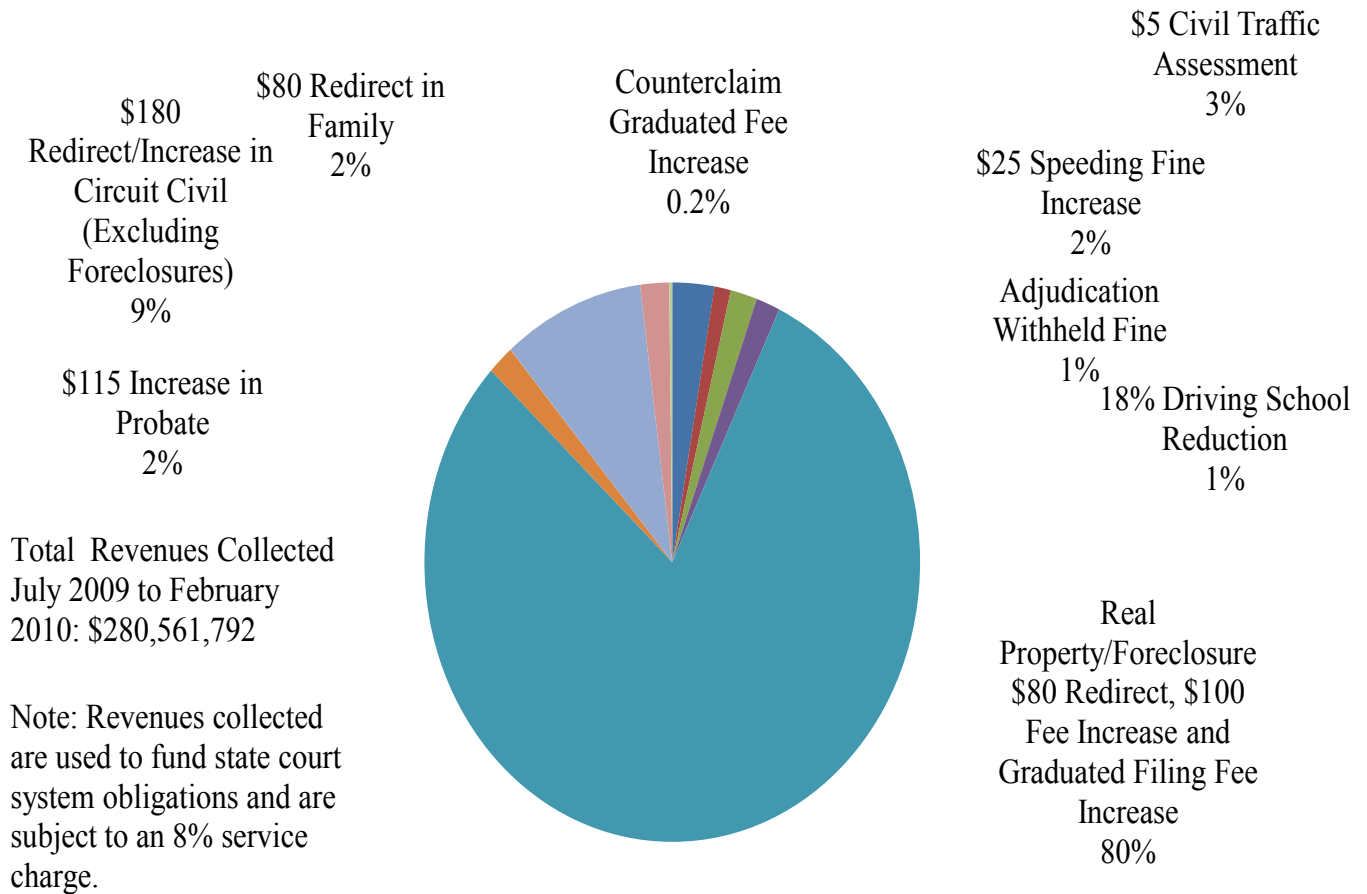
2010 Proposed Budget Cuts

During the fall interim committee meetings, both House and Senate budget committees heard presentations regarding a 10% reduction to budgets exercise. A 10% reduction for the courts could result in an FTE reduction of 674.25 or 22.2% of court staff. The legislative intent by setting up the State Revenue Trust Fund (SCRTF) was to provide a stable funding source for the courts. The projections for the SCRTF indicate that sufficient revenue is coming in to make cuts of this magnitude unnecessary.

State Courts Revenue Trust Fund

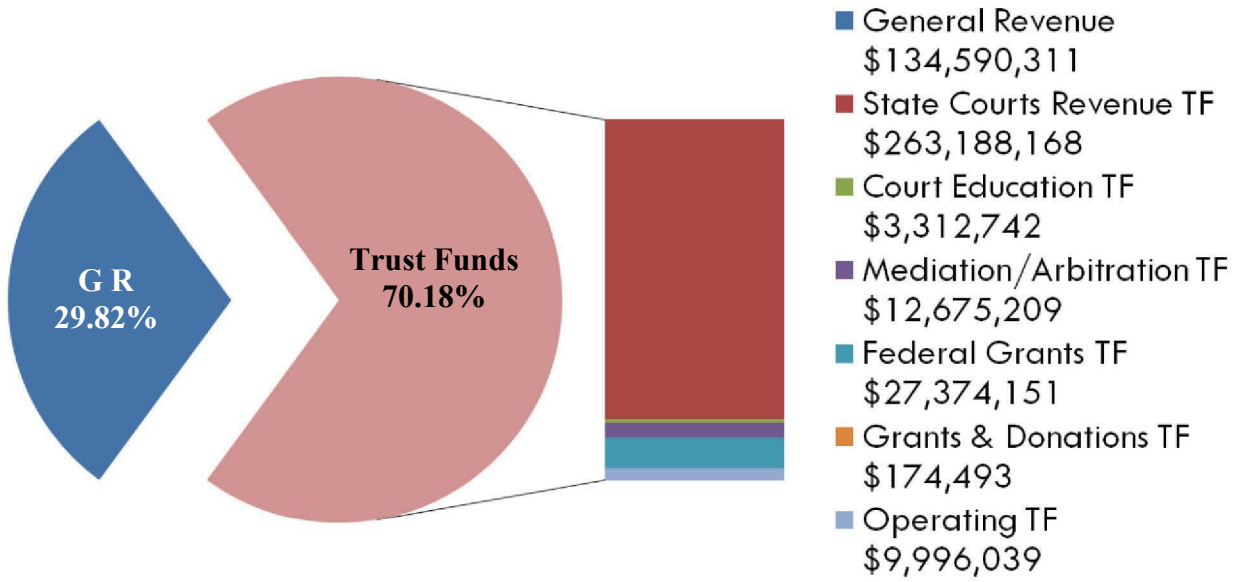
Revenue Collections by Source

July 2009 to February 2010



State Courts System Funding Fiscal Year 2009/10

Total: \$451,311,113



Seven Principles for Stabilizing Court Funding

In order to maintain the timely administration of justice and to preserve the viability of the court system, new budgeting practices must be adopted to better stabilize the operations of the courts during times of economic crisis. Outlined below are seven principles for stabilizing court funding. These principles are offered to address both the immediate crisis and solutions for long-term, sustainable funding stability for a truly unified state courts system.

- 1) The elements of the State Courts System codified in section 29.001, Florida Statutes, should be adequately funded by the State to ensure the guarantee of court access by Florida's citizens.**
- 2) Court fees assessed and paid by Florida's citizens to access their court system should be dedicated to the court system, as already provided for by state law.**
- 3) Unless adequate safeguards are in place, court-related revenue other than filing fee revenue (revenue derived from fines, service charges, and costs) should not be dedicated to court funding but used to support other justice system partners.**
- 4) All current court-related revenue being collected should be reevaluated to determine what portion of current filing fee revenue should be dedicated to court funding.**
- 5) Additional or increased filing fees should be considered, but only after an adequate review of the distribution of the current filing fee revenue has been made.**
- 6) Some components of the State Courts System are more appropriately funded from the general fund and should remain so.**
- 7) State Court Trust Funds are the appropriate depositories for court filing fee revenue.**

State Court System Legislative Budget Request Fiscal Year 2010-11

Florida's battered economy remains in a downward spiral, and the courts and the Legislature continue to work together to keep the court system open and operating to carry out its constitutional duty of providing justice. More specifically, the courts are needed to protect the rights and liberties of our people and to provide for the peaceful resolution of disputes. The latter is a critical component of a healthy economy.

The trust fund created by the Legislature in 2009 was the first step toward funding the needs of the courts.

The 2010-11 Legislative Budget Request was submitted to the Legislature in the fall. It requested an additional 841 positions, \$149,384,508 total funds and \$22,679,174 in non-recurring funds for all levels of the courts system. The current budget (2009-10) is \$451,311,113. The request for new positions and funding reflects real needs stemming from increased workloads and the need to financially stabilize the courts after past budget reductions.

The total request for new critical budget priorities for fiscal year 2010-2011 is \$53,352,624 in spending authority and \$20,546,390 in non-recurring dollars. This includes an economic recovery funding proposal, restoring the 2% salary cut for judges, technology refresh projects and necessary court maintenance and capital improvement projects.

The revenue available to the Legislature continues to decline while the state's needs increase. Chief Justice Peggy Quince has pledged that with the support of our citizens, legislators, the business community, and The Florida Bar, we will secure the funding needed for our courts to handle every case efficiently and effectively. The new State Courts Revenue Trust can provide the funding the courts need for critical priorities and reduce the need for further budget reductions. This is our priority for the 2010 Legislative Session.

Cases Continue to Increase

The work of the district courts and trial courts continues to grow. Overall, **4.6 million cases** were filed in the trial courts last year, **up 13 percent from two years ago**. The latest statistics show the following increases in specific areas (from FY 2006-07 to FY 2008-09):

- condominium cases increased by 99 percent
- contract and indebtedness cases increased by 65 percent
- product liability cases increased by 34 percent
- county civil cases up to \$15,000 increased by 24 percent
- real property/mortgage foreclose **increased by 258 percent!**

In the district courts, administrative, criminal appeal (excluding post conviction), and family filings increased 19 percent, 16 percent, and 13 percent respectively over the last 5 years (from FY 2004-05 to FY 2008-09).

Florida's courts must have the capacity to process the cases coming to them, or their ability to deliver justice will be significantly impacted.

Impact of Cuts

“The aggregate of all quantifiable costs associated with court-related delays in civil case adjudication results in direct economic impacts (i.e., costs to the economy) approaching \$10.1 billion annually. These added direct costs and burdens on the economy adversely impact employment, the generation of labor income, economic output and public revenues throughout the State of Florida. In the current economic climate, the State cannot afford the loss of economic dynamism attributable to the under-funding of the court system.” *The Washington Economics Group, Inc. February 9, 2009*

If cuts continue to be made, significant alterations in the deployment of judicial resources would occur.

Cases would be prioritized, with criminal cases and family cases that have mandated time-frames being heard first.

- Further layoffs of staff would significantly impair court operations, forcing citizens to wait substantially longer for court action.
- Elimination of civil traffic hearing officers would slow the disposition of these cases.
- With criminal and certain family cases getting priority, significant delays will be seen in many civil cases. **Businesses across all sectors would be impacted:**
 - Banks, title companies, real estate brokers, and other related industries would see increased delays in foreclosures, guardianship cases, estate settlements, bank access to property determinations, and real estate transactions.
 - Business contract disputes would take longer to resolve.
 - Landlords seeking to evict tenants who don't pay their rent would have to wait longer to regain possession of their property.
 - Workers' compensation cases would be delayed, increasing the bottom line cost to employers in terms of time spent, benefits paid, and attorney fees.

20TH CIR 01451

Due Process

Essential to the rule of law is the concept that people are constitutionally entitled to judicial due process when their liberty or other fundamental rights are at stake:

- when they face jail time
- when they face losing custody of their children
- when they face institutional commitment without their consent

A person facing these possibilities is entitled to essential elements of the court system before the authority of the state may be brought to bear. Such services include:

- court reporting services
- court interpreting services

If the courts are forced to cut their budgets for these due process services, criminal and family cases cannot move through the system. The courts will be unable to comply with speedy trial requirements or process family matters on a timely basis. As a result:

- local jail overcrowding will increase
- trials cannot occur, forcing release of those accused of crimes
- children will remain in foster care longer

The Legislature can fund the “machinery” of the judicial system, but without the “fuel” of due process services, the wheels of the judicial machine will not turn.

Efficient, Accountable and Innovative

Florida’s court system operates efficiently. Our state has fewer trial judges, on a per capita basis, than many other large states. In fact, some states have twice as many judges per 100,000 population:

- Georgia – 10.7 judges per 100,000 population
- Texas – 10 judges per 100,000 population
- New Jersey – 8.9 judges per 100,000 population
- Pennsylvania – 8.2 judges per 100,000 population
- National average – 7.3 judges per 100,000 population
- **Florida – 4.5 judges per 100,000 population**

Technology

Electronic Filing in Florida's Courts

The Florida State Courts System has been working on automating the process for filing court documents for many years. In 2008, the Legislature supported these efforts by mandating a transition to the electronic filing—"e-filing"—of court records and requesting the Supreme Court to set standards, which it did on July 1, 2009. One of those standards provided that a statewide electronic filing portal—"e-portal"—would be developed under the direction of the Supreme Court.

Why should the courts implement e-filing?

The use of automation and technology is making many government functions more accessible and more convenient for citizens to use. Filing court documents is no different. In addition to saving litigants time and money, e-filing will also significantly reduce the costs of paper and storage for the courts.

Why is it taking some time to achieve e-filing?

Judicial records lie at the heart of the judicial function. The ability to receive, review, and issue court records and court orders is essential for a judge to be able to rule in a case. Since electronic files will replace the traditional paper court file, they must contain everything a judge needs to make decisions, just as the paper file did. The success of e-filing depends on a thorough understanding of how an electronic file is best used by a trial judge hearing cases in the courtroom.

E-filing is expected to save the state money. But reducing costs for clerks of court and the judiciary is not the only goal that e-filing must achieve. State law (section 28.22205) specifically states that e-filing must give courts the information they need to decide cases more quickly and to improve judicial case management. These two goals – increased timeliness in the processing of cases and improved judicial case management – are critically important and must not be overlooked or overshadowed. These goals can be met only if judges get all the information they need to decide cases properly and manage their dockets efficiently. It's equally important that e-filing provide the judicial branch with the necessary data to be able to best allocate the resources that are available to the courts.

What is the e-filing portal?

The electronic filing portal will be a uniform public electronic gateway to be used for the transmission of electronically-filed documents from filers to the courts. It will be governed by the courts. The e-portal will provide for e-filing of court documents in all five district courts of appeal and the Florida Supreme Court as well as in all 20 judicial circuits. The electronic filing portal will provide parties with a common entry point for filing and viewing court documents that are electronically filed.

With regard to e-filing, what is the role of the clerks of court?

A clerk's duties begin when the document or record is received. The acceptance of a filing is a ministerial duty to effectuate the clerk's statutory duty to maintain the court record. Individual clerks of court use e-filing systems to maintain court records.

The e-portal will uniformly deliver to the clerks statutorily-mandated filing fees and electronic filings in a form that the clerks can immediately receive, review, accept, docket, file, and maintain. The clerk will also continue to have duties respecting paper filing.

What is the status of e-filing?

The Supreme Court has had rules on e-filing since 1979. Under those rules, Supreme Court approval is required for all e-filing systems implemented in the trial courts. As of December 2009, 27 electronic court filing systems, 3 electronic distribution systems, 12 electronic/digital signature systems, 3 electronic mail/fax filing systems, and 2 other electronic systems were approved. Additionally, 1 electronic filing system proposal is currently under review.

What is the status of the e-filing portal?

In the summer of 2009, the Florida Courts Technology Commission determined that statewide e-filing should begin in the probate division of the circuit courts. A workgroup consisting of clerks of court, representatives of court administration and chief technology officers, probate judges, and attorneys who specialize in probate law have defined and compiled the data elements to be captured in all filings in the probate division. The work on probate is nearly complete, and a workgroup has begun the same process for juvenile dependency cases.

Another workgroup was also established to define and compile the requirements for a statewide portal.

The State Courts System issued a Request for Information (RFI) for an e-filing portal in October 2009. In conformance with purchasing guidelines for the judicial branch that require an open, fair, and competitive purchasing process, the courts are developing an Invitation to Negotiate (ITN) that will allow all qualified vendors to compete for the opportunity of providing a solution that meets the needs and standards of the judicial branch.

Also under review is a proposal from the Florida Association of Court Clerks, Inc., for a Statewide E-Filing Portal Interlocal Authority to own and operate the e-portal, which would be created by the county clerks of court through a Chapter 163, Florida Statutes, interlocal agreement.

Good Stewards of State Resources

Florida has a budget of less than \$67 billion, and funding for the courts is **less than 0.7 percent of that total budget**. The budget for the courts has not kept up with new laws and demands placed on the courts. The courts have found innovative ways to align their resources to keep the court doors open to the public.

Florida's court system manages its workload in a cost-effective and productive way by utilizing professionals such as judicial assistants, staff attorneys, court administrators, magistrates, hearing officers, mediators, and case managers. In a variety of ways, these court professionals allow judges to focus their time effectively on the cases that come before them to help ensure that the people who turn to the courts are well and expeditiously served. Unfortunately, these are the type of positions that are cut when budget reductions are made.

The overall opinion of the state courts for most Floridians – 56 percent in a survey of more than 2,000 adults in January and February 2009 – was good, very good, or excellent. Only 13 percent had a poor opinion of the state courts. We must maintain and improve upon this level of confidence in order to preserve the Rule of Law. When asked the top issue facing the court system, the most common answer – given by 15 percent of those surveyed – was that the system was too crowded and the volume of cases too high.

“The work of the Florida Supreme Court in establishing a performance and accountability system for all courts in the state deserves mention. It has, perhaps, made more progress in reducing the goals of fairness, timeliness, and consistency to writing and offers some concrete products for other courts to consider” *Roger Hanson, Jurisdiction, Caseload, and Timeliness of State Supreme Courts National Center for State Courts.*

“Florida's innovations, groundbreaking achievements, and overall excellence have been touted by the National Center for State Courts, the American Bar Association, and others. Since the 1970s, Florida has led the way in openness of court proceedings and records: access to justice for litigants without attorneys; innovations to reduce time spent on jury duty; efficiency and timeliness in processing a large volume of cases; and drug courts that save money – and lives! Adequate compensation is an essential component of continuing this tradition.” *Report by Florida Tax Watch*

We must not go backwards.

In the last five years, just 27 percent of the new judgeships needed in Florida to handle the workload have been funded by the Legislature. This year, the branch needs (pending) more judges to properly handle the demands placed on the courts by our citizens.

Courts Touch Everyone

Florida's court system touches millions of lives. Each of the more than 4.6 million cases filed in Florida's trial courts last year represents at least one Floridian with a need for justice:

Victims of crime... people accused of crimes...couples in the throes of divorce/families grappling with custody issues/abused and neglected children ... vulnerable elders...drivers who break traffic laws/those they hurt and endanger... business owners ... homeowners ... landlords and tenants/neighbors with disputes and consumers with small claims.

The court system is an integral part of the justice system and is essential for public safety. State budgetary difficulties must not impede the court from upholding its constitutional obligations to Florida's citizens, businesses, and communities.

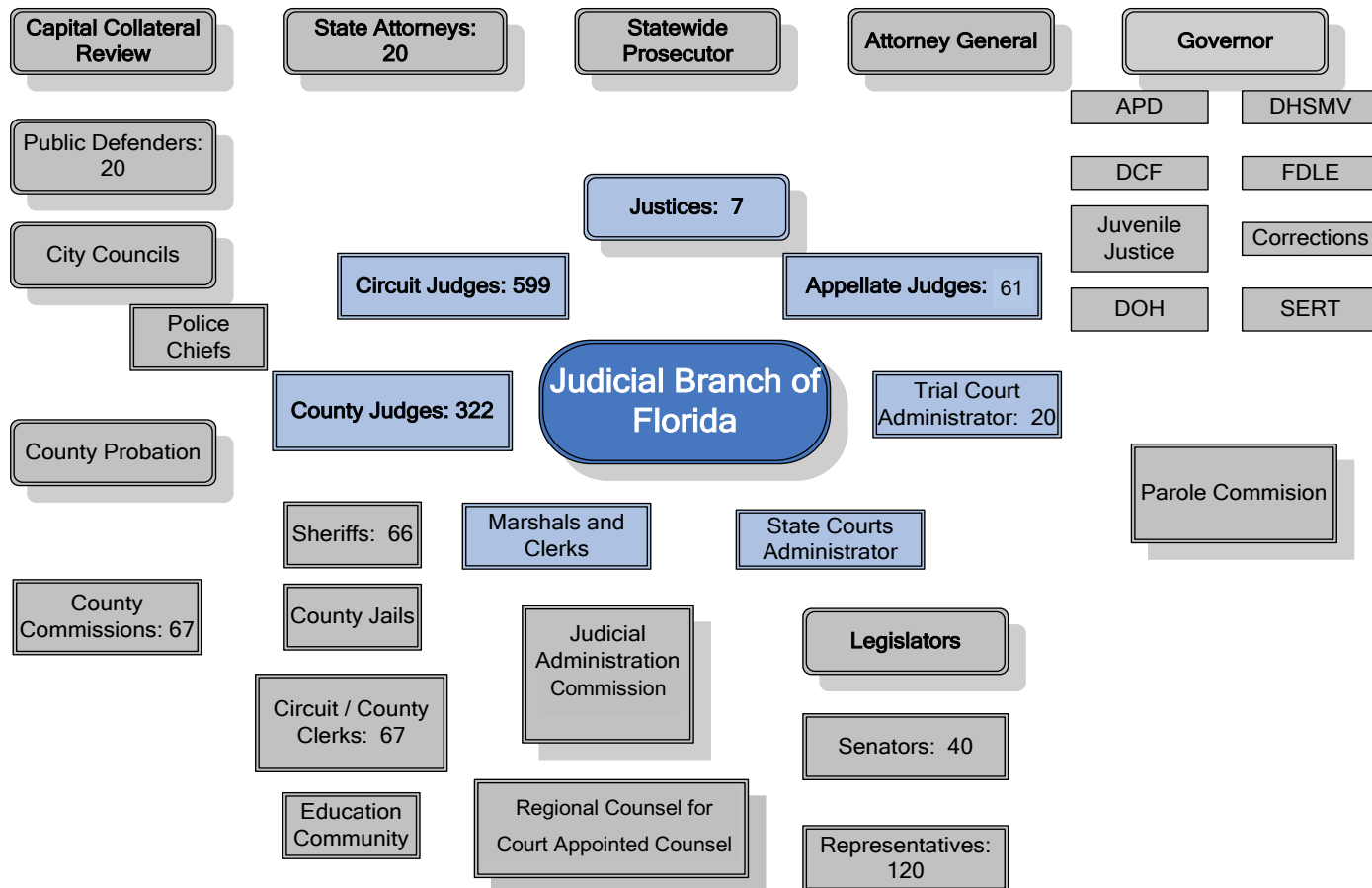
The court system budget is only 0.7 percent of the budget for state government, a small amount to be paid to honor fundamental expectations of government:

- * to protect Floridians' rights and liberties
- * to ensure that the law is upheld and correctly interpreted
- * to provide for the peaceful resolution of disputes

Court Facts

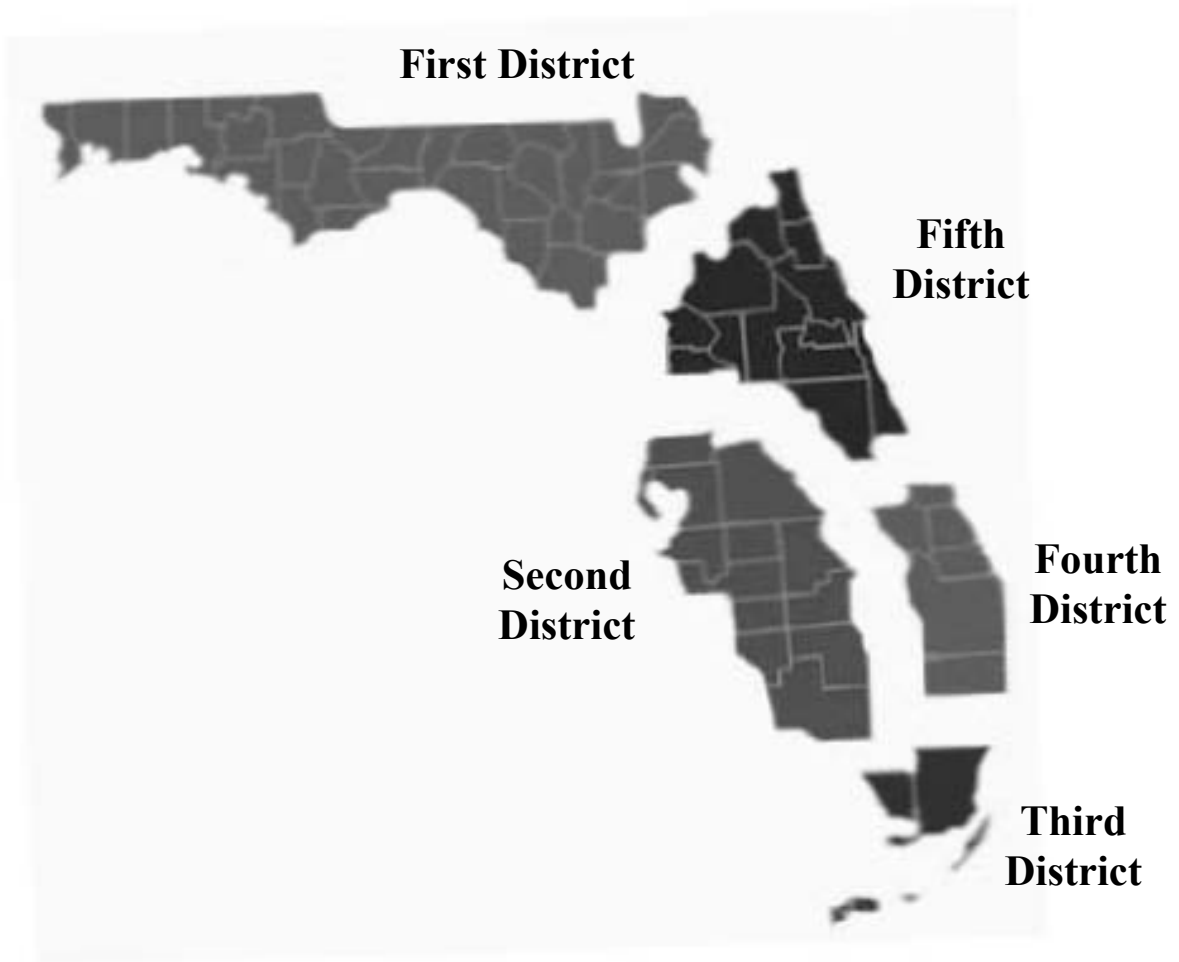
- Florida is still on track to break the 20 million mark in 2015, becoming the third most populous state sometime before then – surpassing New York.
- Every Floridian is likely to be touched by the judicial branch of government. Whether as a plaintiff or a defendant in a business or property dispute, a personal injury case, a child in a custody dispute, a victim of violent crime, an heir in a probate proceeding, or a witness, juror, or attorney, most Floridians interact with a court in some direct way during their lifetime. *Florida Tax Watch*
- Legislative mandates – Florida's courts are struggling to fully meet all state and federal requirements at a time of diminished resources. Many cases involving children now contain allegations of domestic violence and substance or child abuse. Many of these cases involve self – represented litigants, and courts struggle to proceed in a fair and effective manner. Criminal, civil, and traffic laws are becoming more complex, requiring more judicial time, and the number of these cases is increasing as the state experiences population growth and economic difficulties.
- More than 25,600 Floridians have graduated from drug court in the last five years alone. Thanks to drug court, thousands of Floridians who might otherwise still be entangled in the criminal justice system are, instead, sober, hard-working, forward-looking, and productive family members, neighbors, and citizens.

Florida's Justice System Serves the People



Florida's justice system is made up of a wide range of independent, state, and local constitutional authorities, executive agencies and contract service providers who depend on Florida's court system.

Florida's Districts



Districts	Counties within each DCA/ Chief Judge
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1st	Alachua, Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Chief Judge Paul Hawkes (850) 487-1000
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2nd	Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk, and Sarasota Chief Judge Darryl C. Casanueva (813) 272-3430
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3rd	Miami-Dade and Monroe Chief Judge Juan Ramirez, Jr. (305) 229-3200
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4th	Broward, Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie Chief Judge Robert M. Gross (561) 242-2068
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5th	Brevard, Citrus, Flagler, Hernando, Lake, Marion, Orange, Osceola, Putnam, Seminole, St. Johns, Sumter, and Volusia Chief Judge David A. Monaco (386) 947-1502
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Florida's Circuits



Circuit	Counties within / Chief Judge
1 st	Escambia, Okaloosa, Santa Rosa, and Walton Chief Judge Terry D. Terrell (850) 595-4464
2 nd	Franklin, Gadsden, Jefferson, Leon, Liberty, and Wakulla Chief Judge Charles A. Francis (850) 577-4306
3 rd	Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, and Taylor Chief Judge David W. Fina (386) 362-6353
4 th	Clay, Duval, and Nassau Chief Judge Donald R. Moran, Jr. (904) 630-2541
5 th	Citrus, Hernando, Lake, Marion, and Sumter Chief Judge Daniel Merritt, Sr. (352) 754-4221
6 th	Pasco and Pinellas Chief Judge J. Thomas McGrady (727) 464-7457
7 th	Flagler, Putnam, St. Johns, and Volusia Chief Judge J. David Walsh (386) 239-7790
8 th	Alachua, Baker, Bradford, Gilchrist, Levy, and Union Chief Judge Martha Ann Lott (352) 374-3646
9 th	Orange and Osceola Chief Judge Belvin Perry, Jr. (407) 836-2008
10 th	Hardee, Highlands, and Polk Chief Judge J. David Langford (863) 534-4650
11 th	Miami-Dade Chief Judge Joel H. Brown (305) 349-5720
12 th	DeSoto, Manatee, and Sarasota Chief Judge Lee E. Haworth (941) 861-7950
13 th	Hillsborough Chief Judge Manuel Menendez, Jr. (813) 272-5022
14 th	Bay, Calhoun, Gulf, Holmes, Jackson, and Washington Chief Judge Hentz McClellan (850) 674-5442
15 th	Palm Beach Chief Judge Peter D. Blanc (561) 355-1721
16 th	Monroe Chief Judge Luis M. Garcia (305) 852-7165
17 th	Broward Chief Judge Victor Tobin (954) 831-6332
18 th	Brevard and Seminole Chief Judge J. Preston Silvernail (321) 617-7262
19 th	Indian River, Martin, Okeechobee, and St. Lucie Chief Judge Steven J. Levin (772) 223-4827
20 th	Charlotte, Collier, Glades, Hendry, and Lee Chief Judge G. Keith Cary (239) <small>Fla. R. Court 2.420</small>

Long-Range Strategic Plan for the Florida Judicial Branch

Long-Range Issue #1: Strengthening Governance and Independence

The Constitution of the State of Florida creates the judicial branch along with the legislative and executive branches, and vests the judicial power exclusively in its courts. To fulfill its mission, the judicial branch must strengthen its ability to fully function as a coequal and independent branch of government, to govern itself with coherence and clarity of purpose, to manage and control its internal operations, and to be accountable to the people.

To achieve this in an era of increasing workloads and limited resources, the branch must govern itself effectively and efficiently. The judicial branch must also have the capacity to develop and implement effective and responsive policies, to deploy its resources efficiently, and to provide transparency and accountability in the management of resources.

Long-Range Issue #2: Improving the Administration of Justice

The state courts of Florida annually dispose of more than 3.5 million cases, ranging from simple traffic citations to serious criminal cases and complex civil disputes with multiple parties. These cases are disposed through a range of dispute resolution processes, including diversion, mediation, plea, and adjudication by trial. The resources needed to process cases vary depending on the type of case and the manner of disposition. Increasingly, many litigants choose to represent themselves without counsel, which can pose challenges to the court. In addition, the Constitution of the State of Florida provides for a right of appeal of all final judgments as well as some non-final orders.

The management of such large caseloads and the administration of the resources and personnel necessary to manage the different types of cases is a complex undertaking. This task is increasingly challenged by growing caseloads and decreasing resources. To meet these challenges, the courts must constantly find ways to improve the processes used to accomplish their constitutional mission. The judicial branch must remain committed to ongoing improvement in the administration of justice, including effective case processing policies and the efficient management of resources.

Long-Range Issue #3: Supporting Competence and Quality

The delivery of justice is affected by the competence and quality of judicial officers, administrators, and court staff. Law and court procedures are increasingly complex, and those within the judicial system face difficult legal and ethical issues as well as heightened societal expectations. Consequently, advanced levels of training and development are critical to enable those who work within the system to effectively perform the challenging work of the courts and meet demands placed on them. The Florida State Courts System is committed to having a workforce that is highly qualified and dedicated to service.

Ongoing professional development, education, and training, with appropriate emphasis on effective resource management policies and practices and ethical behavior, are essential to ensure a competent and high quality workforce to adequately address court operations, improve interactions with the public, and enhance perceptions of procedural fairness. Court system users reasonably expect the courts to employ effective management techniques, continuous operational improvement, innovative technologies, and superior service levels. The State Courts System will continue to foster working environments and organizational cultures marked by high achievement and work satisfaction while successfully meeting these challenges.

Long-Range Issue #4: Enhancing Court Access and Services

Public access to the courts is a cornerstone of our justice system. Article I, section 21 of the Constitution of the State of Florida requires that “the courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.” Inherent in this mandate is the precept that our courts are neutral bodies that will interpret the law fairly and will ensure equal treatment of all parties.

However, litigants do face some obstacles in seeking access to the courts. The cost of litigation, communication and language barriers, lack of information, complexity, cultural and attitudinal biases, and physical obstructions can be substantial impediments to accessing the courts. Additionally, the elderly and individuals with developmental disabilities, mental illness, dementia, and visual and hearing disabilities may also experience difficulty with access. Obstacles are particularly difficult for the increasing number of pro se litigants in Florida’s courts; they may come to the courts for many reasons but often have a minimal understanding of the law, little information about court procedures and rules, and limited access to assistance.

Long-Range Issue #5: Enhancing Public Trust and Confidence

Public trust and confidence in the judicial branch is at the core of maintaining a peaceful and democratic society. The judicial branch must consistently strive to maintain and improve the public’s trust and confidence by fulfilling its mission of protecting rights and liberties, upholding and interpreting the law, and providing for the peaceful resolution of disputes; and by achieving its vision of being accessible, fair, effective, responsive, and accountable to all Floridians.

Recent findings indicate that confusion still exists among the public about the role, purposes, and function of courts, and a compelling need remains to better educate and inform the public about the role and accomplishments of the branch. To further fulfill its mission and achieve its vision, the judicial branch must also perform its duties with impartiality, integrity, and honesty. The State Courts System can also enhance public trust and confidence by maintaining the highest standards of accountability for its use of public resources, adhering to statutory and constitutional mandates, and continuing to improve its overall performance.

Challenges for the Twentieth Judicial Circuit

Strategic Issue #1 - Stable Funding for Future of the 20th Circuit Judiciary

State and County budget cuts to the courts in the 20th circuit have diminished the local circuit courts ability to meet rising caseloads that have shown a 16.3% annual increase in circuit filings and 9.3% average annual increase in county court filings since 2005.

State budget reductions to the 20th Circuit in 2007-08 and 2008-09 cut 15 % of the support staff FTE's and reduced circuit budget by over \$1.4 million despite caseload growth. The circuit courts also found efficiencies to reduce county budgeted costs to support local courts by \$1 million since 2007.

The 20th Circuit Courts recognize the need to reduce costs and improve efficiencies in these difficult economic times. However, the economic downturn has created enormous demands on the courts from foreclosures, families in crisis and civil contract and indebtedness cases. As the economy slumps, the court's work increases in civil, family and criminal areas. Stable funding support for the courts is now critical to sustain any level of economic and community recovery.

The judiciary needs a stable and balanced funding source for the future that includes adequate state funding of judicial needs, due process costs and case management support to fairly and effectively handle the 230,000 disputes filed in the 20th circuit.

Less than 0.7% of the state budget is allocated to the state judiciary. The trial courts and 20th Circuit Courts serve a core role in community and economic recovery, and require legislative commitment to full and "stable" court funding that provides a base of state general revenue committed to core judicial needs including due process costs, case management staffing and an adequate number of judges.

Strategic Issue #2 - Civil Justice/Foreclosure Funding Initiative & Reform

The 20th Circuit Courts have been inundated by economic downturn and the foreclosure crisis. Lee County in particular has been ranked among the top three metropolitan areas in the U.S. in foreclosure impact. Civil and Foreclosure filings increased 396% in the circuit over the past three years, and while they are showing recent leveling trends, the current trend projects 30,000 filings in the circuit during 2010-11. Civil and business cases have also shown large increases and the backlog of civil cases is growing, with 31% of civil cases delayed beyond the time standard of 18 months.

The 20th Circuit Courts have initiated a civil caseload management/delay reduction initiative in cooperation with the local Bar Associations for 2010. State level economic recovery funding to support this effort is a critical need for 2010.

Strategic Issue # 3 – Improve Judicial Capacity -20th Circuit

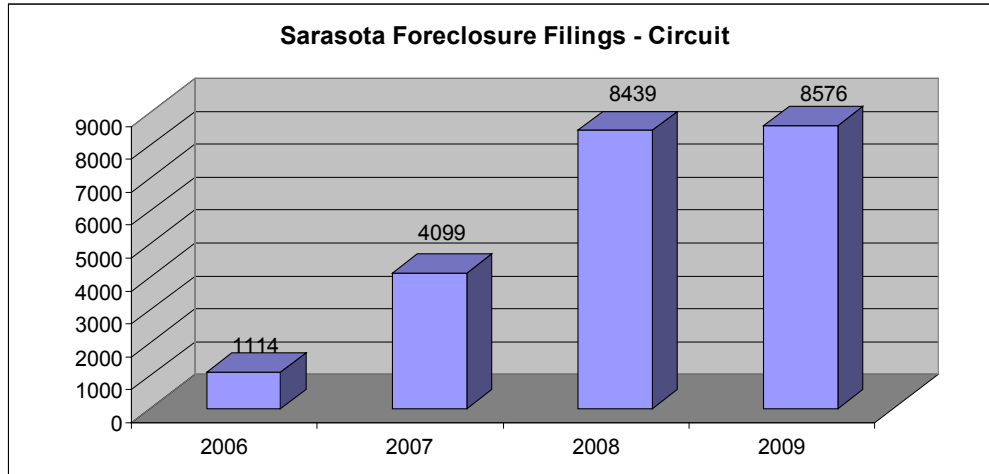
The 20th Circuit currently has only 83% of the Supreme Court certified number of judges needed to stay even with current case filings, with essentially no judicial resources to address the growing backlog in civil cases. No additional judges have been allocated to the circuit over the past 4 years, despite caseload growth averaging 9.3% or 16% per year on average.

The circuit has been forced to reassign and move judges throughout the circuit to balance judge shortages and growing needs. Adequate judicial allocations are needed to minimize these stop gap measures and ensure adequate judicial capacity throughout the circuit.

Strategic Issue #4 – Integrate Court/ Criminal System Technology in the Circuit

Criminal systems technology in the circuit is not well integrated and depends on five Clerk systems, five Jail systems, SAO, Public Defender and Court IT systems to share data and information. A National Center for State Courts study and five year technology integration plan has been developed to provide a solution. Funding is needed from the \$2.00 technology fee or other state/county funding source to build a modern criminal court IT system for the future. Funding to support AWAC- Active Warrant Alert systems in the state is needed to tie Warrant system (FDLE) to Court calendars (5 Clerks systems), SAO, Sheriffs system (5 systems). Integrating these systems should be a state public safety priority.

The circuit has seen no abatement in the number of foreclosures. Calendar year 2009 ended with our two most populous counties exceeding the prior year in foreclosure filings. The following charts indicate the historical growth of foreclosure cases in Manatee and Sarasota Counties.



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