

**From:** Kiesel, Lisa </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LKIESEL>

**To:** Mann, Sheila

Middlebrook, Mark

Embury, Jon

Aloia, Nancy K

**CC:**

**Date:** 6/8/2010 9:30:42 AM

**Subject:** Foreclosure Backlog Program - Clerk Allotments

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FYI-

Attached is a letter sent out on Friday from Chief Judge to the Clerks. He is asking the Clerks to meet with the Admin Judges and reply back to him by Wed, June 9 on their recommendations for allocation of resources to each county.

Lisa Kiesel, Chief Deputy Court Administrator  
Twentieth Judicial Circuit  
Administrative Office of the Courts  
1700 Monroe Street  
Fort Myers, FL 33901  
Office (239) 533-1711  
Fax (239) 533-1701

Our mission is to provide professional services to support the judiciary in their efforts to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.



TWENTIETH JUDICIAL CIRCUIT OF FLORIDA

ADMINISTRATIVE OFFICE OF THE COURTS  
LEE COUNTY JUSTICE CENTER  
1700 MONROE STREET  
FORT MYERS, FLORIDA 33901  
TEL. (239) 533-1700  
FAX (239) 533-1701

G. KEITH CARY  
CHIEF JUDGE

RICHARD CALLANAN  
COURT ADMINISTRATOR

## Memorandum

To: 20<sup>th</sup> Judicial Circuit Clerks of Court

From: G. Keith Cary, Chief Judge

Date: June 4, 2010

Re: Foreclosure Backlog Program Allotments to the Clerks of the 20<sup>th</sup> Circuit

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Dear 20<sup>th</sup> Judicial Circuit Clerks of Courts,

As you will see in the attached letter, the Florida Clerk of Courts Operations Corporation (CCOC) has asked for my input as Chief Judge on the most appropriate county allocation of the \$263,028 Foreclosure Backlog Program allotment to the Clerks of the 20<sup>th</sup> Circuit.

A major impact on the Clerks will be the additional court time required by added Senior Judge days for expedited default dockets and contested foreclosure trial dockets. Backlogged foreclosure cases may also be set for trial/conference dockets with Senior Judges or Magistrates to expedite these cases and move them directly to trial or default dockets. A summary of the 20<sup>th</sup> Circuit Foreclosure Backlog staffing plan for the Circuit for July 1, 2010 – June 30, 2011 is outlined below.

- Lee County is adding 180 Senior Judge days for expedited dockets; 20 Magistrate days per month in Lee will also handle foreclosure motions related to the new homestead mediation and handle foreclosure trial/conference dockets to expedite cases. Total new foreclosure hearing days approximately 420 per year/35 per month.
- Collier County is adding 162 Senior Judge days and 4 Magistrate days per month. Total foreclosure hearing time 210 per year/17.5 per month.
- Charlotte is adding 40 Senior Judge days and devoting 0.50 judge to foreclosures for a total foreclosure hearing time of 150 days/12/5 per month.

20<sup>th</sup> Judicial Clerks of Courts

Re: Foreclosure Backlog Program Allotments to the Clerks of the 20<sup>th</sup> Circuit

June 4, 2010

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- Hendry is adding 18 Senior Judge days and has approximately 0.10 judge FTE need for foreclosure volume for a total approximate foreclosure hearing time of 66 days per year/5.5 per month.
- Glades adding 38 Senior Judge Days and has approximately 0.05 judges assigned for total hearing time of 50 days per year/4.0 per month.

I would ask each of you to advise me on your opinion as to the best method to allocate the \$263,000 Clerk Foreclosure backlog reduction budget by county. Our county court allocations are based on the prorated percentage of foreclosure caseload for each county. If funded at this level, the prorated county allocations would be approximately:

Lee – 50%  
Collier – 25%  
Charlotte – 13%  
Hendry – 6%  
Glades – 6%

I would ask that you review the Foreclosure Backlog Plans, meet with your respective Circuit Administrative Judges and let me know your input on the best method of prorating the allocation of these Clerk funds by county. If the above prorated allocations look reasonable, I will forward those recommendations to the CCOC as requested. The CCOC has requested a response by June 10, 2010, so kindly let me know your input as soon as possible and no later than June 9, 2010.

Thank you for your assistance in this regard.

Attachment

cc: Honorable John S. Carlin, Administrative Judge  
Honorable Cynthia A. Pivacek, Administrative Judge  
Honorable Keith R. Kyle, Administrative Judge  
Honorable James D. Sloan, Administrative Judge  
Honorable Jack Lundy, Administrative Judge  
Richard Callanan, Trial Court Administrator

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11\_29\_2010



Honorable Howard Forman  
Broward County  
*Chair*

Honorable Harvey Ruvin  
Dade County  
*Vice Chairman*

Honorable Richard Weiss  
Polk County  
*Secretary/Treasurer*

Honorable John Crawford  
Nassau County

Honorable Scott Ellis  
Brevard County

Honorable Bob Inzer  
Leon County

Honorable Buddy Irby  
Alachua County

Honorable Tim Sanders  
Madison County

Honorable  
Margaret Steinbeck  
Judge

Senate  
Honorable Sharon Bock  
Palm Beach Clerk

House  
Vacant

Joe Boyd  
General Counsel

John Dew  
Executive Director

2560-102 Barrington Circle  
Tallahassee, Florida 32308

May 28, 2010

The Honorable G. Keith Cary  
Twentieth Judicial Circuit  
1700 Monroe Street  
Ft. Myers, FL 33901

Dear Chief Judge G. Keith Cary:

The Executive Council for the Clerks of Court Operations Corporation (CCOC) is requesting assistance in the allocation of the \$3.6 million nonrecurring appropriation dedicated to the Clerks of Court to assist in addressing the workload associated with the foreclosure and economic recovery initiative. This assistance will be invaluable to the success of the Clerks' ability to assist the courts in clearing the outstanding backlog of foreclosure cases in 10/11.

As already requested by the TCBC, the CCOC Executive Council also ask that you meet with each of the Clerks in your circuit to collaborate on a plan to provide resources to address the foreclosure backlog. While the CCOC has determined an amount to provide in total to Clerks in your circuit, we are still seeking additional information on how to distribute these dollars among the individual Clerks. Based on a methodology approved by the CCOC, the portion of the \$3.6 million appropriation dedicated to be distributed among the Clerks in your circuit is \$263,028.06.

After your collaboration with the Clerks in your circuit we would appreciate any information and/or suggestions you could provide to help the CCOC make a decision to allocate dollars among the Clerks in your circuit. Please provide this information/suggestion either as specific dollar amount dedicated to each county or as percentage of the circuit total.

This information can be emailed to John Dew, CCOC Executive Director at [jdew@flccoc.org](mailto:jdew@flccoc.org). Given the short timeframe to implement this initiative, please provide this information to Mr. Dew by close of business on June 5, 2010.

If you have any questions regarding this request, I have directed Mr. Dew to make himself available. In additional to the email address above, you can contact him at (850) 386-2223.

With appreciation,

Howard Forman  
Chair of the CCOC Executive Council

CC: John Dew

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

**To:** Carlin, John S.

**CC:**

**Date:** 6/9/2010 10:19:04 AM

**Subject:** ?RE: Foreclosure dockets for July and August

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Judge

Thank you! A great plan and we all really appreciate the leadership you have taken on foreclosure case management planning—

Thanks again

Rick

From: Carlin, John S.

Sent: Wednesday, June 09, 2010 11:11 AM

To: McHugh, Michael; Aloia, Nancy K

Cc: Callanan, Richard; Cary, G. Keith; Rose, Penelope; Kellum, Ken; Starnes, Hugh E; Thompson, James; Atkins, Joanne

Subject: Foreclosure dockets for July and August

Here is the long awaited draft for foreclosure hearings. I thought that it would be best to initially set out a two month schedule for your review and then we can expand it.

I also wanted to inquire if both of you would be available tomorrow to have brief telephone interviews with applicants for the Magistrate positions. It would also be nice if later today we could meet to look at the applicants. Would 2:30 work for both of you today in my office?

Nancy, have you prepared a draft Order of Referral for foreclosure cases?

Proposed July foreclosure dockets:

A. Judge Schreiber

20TH CIR 01697

11\_30\_2010

Judge Schreiber will handle hearings on July 1, 19, 20, 21, 22, 23 and 29

#### B. Senior Judges

Judge Starnes and Judge Thompson will be having hearings and docket soundings in July for a total of 9 days on the following dates: July 19, July 20, July 21, July 22, July 23, July 26, July 27, July 29 and July 30.

Courtroom 5-E will be used for contested hearings and docket soundings on July 19, 20, 21, 22, 26, 27, 29.

Courtroom 5-F will be used for contested hearings and docket soundings on July 23 and July 30

Courtroom 5-E will be used for foreclosure Friday high volume uncontested summary judgment docket on July 23 and July 30

\*\*\*\*\*Effective August 1, 5-E will be used for foreclosure Friday high volume uncontested summary judgment hearings and 5-F will be used for contested hearings, docket soundings and trials.

#### C. Full-time Magistrate

Courtroom assigned will be 1-B which is the old J on the first floor

Provide time for new Magistrate to shadow civil judges and any additional time could be used for preparing Trial Orders for future docket soundings

Set docket soundings for the Full-time Magistrate for July 27, July 28 and July 29 with 50 set for 8:30 a.m. and 50 set for 1:00 p.m. Use same Order for Trial as used with Senior Judges but need Order of Referral too.

#### D. Part-time Magistrate

**20TH CIR 01698**

Courtroom assigned for Part-time Magistrate will be 5-I

Provide time for new Part-time Magistrate to shadow civil judges and any additional time could be used for preparing Trial Orders for future docket soundings

Set docket soundings for Part-time Magistrate for July 27 and 28 with 50 set for 8:30 a.m. and 50 set for 1:00 p.m. Use same Order for Trial as used with Senior Judges but need Order of Referral too.

E. There are 7 Non-Jury trials set for July that we agreed to take away from the Civil Judges. Gerald has one, Rosman has 3 and Winesett has 3. I plan to request that these Judges contact me after the docket sounding if a trial date is needed and I will assign a date with a Senior Judge.

\*\*\*\*\*Any other ideas for July foreclosure cases?

August Foreclosure dockets:

A. Judge Schreiber has hearings scheduled on August 16, 17, 18, 20, 23, 30 and 31 and Senior Judges will cover. I will have Penelope book Judges Starnes and Judge Thompson for these dates. We will set hearings for 8:30 and 1:00 with up to 75 cases (hearings or docket soundings) in the a.m. and up to 100 cases (hearings and docket soundings) in the p.m. Courtroom 5-F used for these hearings. A sign needs to be put on 5-H directing people to 5-F as Schreiber has scheduled in 5-H.

B. We will always have foreclosure Friday high volume uncontested summary judgment hearings on Fridays of every week with a Senior Judge. August dates are Aug. 6, 13, 20 and 27. Penelope will book Starnes or Thompson. Courtroom 5-E is used for Friday high volume uncontested summary judgments.

C. Additional Senior Judges dates for Penelope to book in August:

Aug. 9, 10, 11, 12 and 13 and 24: Schedule 50 docket soundings for 8:30 and 50 for 1:00-Courtroom 5-F

Aug. 25, 26 and 27 leave open for Senior Judge trial days from previous docket soundings in July-Courtroom 5-F

D. Full-time Magistrate: Set 50 docket soundings in the a.m. at 8:30 and 50 docket soundings in the p.m. at 1:00 on Aug. 10, 11, 12, 17, 18, 19, 24, 25, 26, 31, Sept. 1 and Sept. 2. Leave Aug. 6, 13, 20, 27 and Sept. 3 open for trial referrals. All cases set in 1-B.

E. Part-time Magistrate: Set 50 docket soundings in the a.m. at 8:30 and 50 docket soundings in the p.m. at 1:00 p.m. on Aug. 10, 11, 17, 18, 24, 25, 31 and Sept. 1. Leave Aug. 12, 19 and 26 open in the a.m. at 8:30 for trial referrals. All cases set in 5-I.

Please let me know your thoughts on this draft schedule. Thank you.



## Starnes, Hugh E

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**From:** Carlin, John S.  
**Sent:** Wednesday, June 09, 2010 11:11 AM  
**To:** McHugh, Michael; Aloia, Nancy K  
**Cc:** Callanan, Richard; Cary, G. Keith; Rose, Penelope; Kellum, Ken; Starnes, Hugh E; Thompson, James; Atkins, Joanne  
**Subject:** Foreclosure dockets for July and August

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Please let me know your thoughts on this draft schedule. Thank you.

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

**To:** [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

**CC:**

**Date:** 7/1/2010 2:41:46 PM

**Subject:** ?FW: Instructions for Completing the OPS Authorization and Renewal Form

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From: Delcynth Schloss[SMTP:SCHLOSSD@FLCOURTS.ORG]

Sent: Thursday, July 01, 2010 3:41:16 PM

To: Personnel Reps

Cc: DCA Marshals; Trial Court Administrators; Charlotte Jerrett;

Gary Phillips; Dorothy Wilson; Theresa Westerfield; Payroll Staff

Subject: Instructions for Completing the OPS Authorization and Renewal Form

Auto forwarded by a Rule

Dear Personnel Representatives;

As a follow up to the email sent yesterday, I am attaching a blank OPS Employment Authorization and Renewal Form with numbered items. Please see the instructions/explanations below for completing these items.

1. Hire Date – The date the employee is scheduled to start working.

2. Renewal Date – Must be completed for current OPS employees and submitted as follows:

i. absolutely at the end of every fiscal year (June 30)

ii. at the end of each six months. For example, if an OPS employee is hired on 08/01/2010, the end date would be 01/31/2010. A new form must be completed and submitted with a renewal date of 02/01/2011. However, the end date can be no further than 06/30/2011 as another renewal must be completed prior to the beginning of the new fiscal year.

3. OPS Projected End Date – Must be no more than 6 months from the date of hire.

Note: If the hire date is in March, the end date must be June 30 as a renewal is always due prior to the beginning of the new fiscal year.

4. OPS Class Title – Please use current SCS classification titles available from the salary schedule.

**20TH CIR 01703**

5. Estimated Cost Per Period – The period is the time from date of hire to the projected end date. The estimated cost is the cost for this entire period plus 7.65% for Social Security and Medicare taxes. For example: An employee is projected to work 580 hours for the period and the hourly rate is \$15; the total estimated cost will be \$9,365.55 (580 X 15 = \$8,700; \$8,700 X 7.65% = \$665.55; \$665.55 + \$8,700 = \$9,365.55). You must insure that there is sufficient available balance for the estimated amount.

6. Court – Name of DCA or Circuit

7. Section – Name of unit, preferably as it relates to the org code listing, e.g. Court Administration.

8. Hourly Rate of Pay – Should be at least the minimum for the class.

9. Approved Hours per Week – The number of hours the employee is projected to work weekly.

10. Funding Source/RCC – The 11-digit org code is all Budget requires in this field. For example, the org code associated with the 1st Circuit's foreclosure and economic recovery project would be 2220-01-00-375. The 2nd Circuit's would be 2220-02-00-375 and so on.

11. Authorization – Must be the name and signature of the Marshal or Trial Court Administrator or an authorized designee of either of these.

The Budget Office approves all OPS Employment Authorization and Renewal forms received by Personnel prior to their being processed. As a result, they require that all fields are properly and accurately completed and that sufficient budget is available before they will sign off on the forms. Forms that are not properly completed will be returned to the originating court and will delay processing.

If you have questions regarding your budget allotments, available balances or other budget-related matters, please address them directly with the Budget Office. You may contact Dorothy Wilson in that office at (850) 488-3735 or by email at [wilsond@flcourts.org](mailto:wilsond@flcourts.org).

Questions regarding the attached form, OPS timesheets, payroll schedules etc., should be addressed to your assigned

**20TH CIR 01704**

Thanks very much for your attention to these matters. Please let me know if you have any follow up questions.

Have a great day!

Delcynth Schloss

OSCA – Office of Personnel Services

Supreme Court Building

Telephone: (850) 488-3696

# STATE COURTS SYSTEM OPS EMPLOYMENT AUTHORIZATION AND RENEWAL FORM

Employee's Name: \_\_\_\_\_ ID#: \_\_\_\_\_ SSN#: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Gender:  M  F

- ① Hire Date: \_\_\_\_\_ ② Renewal Date: \_\_\_\_\_
- ③ OPS Projected End Date: \_\_\_\_\_ ④ OPS Class Title: \_\_\_\_\_  
(no more than 6 months past hire/renewal date or the end of the fiscal year, whichever is sooner)
- ⑤ Estimated Cost per Period: \_\_\_\_\_
- ⑥ Court: \_\_\_\_\_ ⑦ Section: \_\_\_\_\_
- ⑧ Hourly Rate of Pay: \_\_\_\_\_ ⑨ Approved Hours per Week: \_\_\_\_\_  
(Should be at least the minimum for the class)

I understand that this employee is covered by the Fair Labor Standards Act and shall be compensated at the hourly rate for all hours worked up to 40 in a workweek and one and one-half the hourly rate for all hours worked in excess of 40 in a workweek. I also certify that there are sufficient funds in the organizational code listed below to pay this employee for hours worked.

⑩ Funding Source/RCC: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_

⑪ Authorization: (SCA/Deputy SCA/SC Marshal/SC Librarian/SC Clerk/DCA Marshal/TCA)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### FOR OSCA USE ONLY

Required by OSCA Personnel Office (for new employees only)

- |                      |                          |                                  |                          |
|----------------------|--------------------------|----------------------------------|--------------------------|
| W-4 Card             | <input type="checkbox"/> | Worker's Comp. Employee Handbook | <input type="checkbox"/> |
| I-9 Form             | <input type="checkbox"/> | Drug Free Workplace Policy       | <input type="checkbox"/> |
| Social Security Card | <input type="checkbox"/> | EEO Policy                       | <input type="checkbox"/> |
| Driver's License     | <input type="checkbox"/> | Selective Service                | <input type="checkbox"/> |
| Oath of Loyalty      | <input type="checkbox"/> | Public Record Exemption          | <input type="checkbox"/> |
| Application          | <input type="checkbox"/> | Direct Deposit Form              | <input type="checkbox"/> |

\_\_\_\_\_  
BUDGET SERVICES APPROVAL (REQUIRED)

\_\_\_\_\_  
DATE

Revised 06/09

20TH CIR 01706

**From:** [Embury, Jon </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JEMBURY>](mailto:Embury, Jon </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JEMBURY>)

**To:** [Shelton, Jaremy](mailto:Shelton, Jaremy)

**CC:**

**Date:** 7/1/2010 1:12:22 PM

**Subject:** ?FW: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

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The beginning of this process. You can see the total form our circuit (20<sup>th</sup>)

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**From:** Callanan, Richard

**Sent:** Friday, May 21, 2010 3:42 PM

**To:** Aloia, Nancy K; Embury, Jon; Middlebrook, Mark; Kiesel, Lisa

**Cc:** Cary, G. Keith

**Subject:** FW: Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Dear All

We just received this from OSCA. Please review and we will discuss next week. Good news is the funding allocations are formally approved. Bad news is that ( see issue #2 below) – TCBC now says that funds must be initially used for Foreclosure backlog reduction ONLY, but can be used for civil backlog reduction once we reach our foreclosure backlog goal. I wanted to give you a heads up on this right away, but don't panic, we will move ahead as planned until we get better clarification on this from OSCA and discuss next week

Rick

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**From:** Kristine Slayden [mailto:slaydenk@flcourts.org]

**Sent:** Friday, May 21, 2010 2:42 PM

**To:** Trial Court Chief Judges; Trial Court Administrators

**Cc:** Trial Court Budget Commission; Lisa Goodner; Charlotte Jerrett; Dorothy Wilson; Gary Phillips; Theresa Westerfield; Heather Thuotte-Pierson; Kristine Slayden; Sharon Bosley; Sharon Buckingham

**Subject:** Foreclosure and Economic Recovery Non-recurring Funding FY 2010/11

Chief Judges/Trial Court Administrators – The Trial Court Budget Commission met yesterday and approved the following 5 issues for the implementation of the Foreclosure and Economic Recovery Funding for FY 2010/11. Any adjustments to your circuit's plan based on these decisions need to be emailed to Dorothy Wilson at [burked@flcourts.org](mailto:burked@flcourts.org) by COB Tuesday, May 25<sup>th</sup>. Please refer to the bottom of this email for further submission instructions.

Please note that the allocations will be provided to the Chief Justice and the Legislature for final approval.

#### **Issue 1: FY 2010/11 Funding Allocations Approved**

- 1) Approved the FY 2010/11 circuit allocations for the Foreclosure and Economic Recovery Funding, with an adjustment to the contracted services category for case management and administrative support for the 10<sup>th</sup>, 12<sup>th</sup>, and 15<sup>th</sup> circuits (due to restrictions with using contractual dollars). The revised allocation chart is attached.
- 2) Approved effective date for the implementation of the circuits' plans so resources can be deployed on July 1, 2010, using existing FY 2009/10 funds for advertising if necessary.

#### **Issue 2: Types of Cases and Disposition Goals Approved**

- 1) Approved real property/mortgage foreclosure cases as the focus of this initiative. If a circuit has cleared all real property/mortgage foreclosure cases from backlog, the circuit may request in writing to the TCBC Chair, with a copy to the TCBC Budget Management Committee Chair, and to the State Courts Administrator, asking to use the funds to handle contracts and indebtedness cases, and county civil cases valued from \$5,001 to \$15,000.
- 2) Approved a targeted goal for the disposition of backlog cases of 62%, which corresponds to the reduction in funding (\$9.6 million proposal reduced down to \$6.0 million appropriation is a 38% reduction)**20TH CIR 01707**

The attached chart indicates the targeted backlog reduction for the **estimated** Real Property/Mortgage Foreclosure backlog cases for each circuit. The actual number of backlog cases will need to be produced at the beginning of the initiative for tracking purposes.

### Issue 3: Budget Policy Considerations Approved

- a) In order to comply with legislative intent, any expenditure of any type utilizing this funding is strictly limited to direct support of the backlog reduction of the approved case types listed in Issue 2.
- b) In order to ensure that senior judges who are assigned to the Foreclosure and Economic Recovery initiative are paid with the appropriate funds, the current senior judge application will be modified to allow circuits to specify from which funding source the senior judge should be paid. The Trial Court Administrators are responsible for ensuring that the information is reported properly.
- c) Expenditures from the Expense category are limited to intra-circuit travel for staff, intra- and inter-circuit travel for Senior Judges, consumable office supplies, postage, copying, printing and reproduction. To maximize the Expense allotment, circuits are encouraged to use existing resources or surplus furnishings for any office furniture needs for OPS staff and/or Senior Judges. Subscriptions and the like are not allowable expenditures for this funding, neither are computers or other communication devices as those items are a county funding responsibility.
- d) A contingency for the Expense category was approved in the original proposal and factored into the appropriated amount. In order to access these contingency funds, a circuit must have exhausted its Foreclosure and Economic Recovery Expense allotment. Requests for additional Expense are to be made in writing to the TCBC Chair, with a copy to the TCBC Budget Management Committee Chair, and to the State Courts Administrator. The request must provide a complete, detailed explanation of how Expense funding came to be exhausted, what steps were taken to alleviate the impending shortfall, the amount requested and how that amount was calculated.

### Issue 4: Funding/Plan Monitoring Approved

- a. The Budget Management Committee (BMC) will monitor expenditures on a monthly basis to ensure that resources are only being used for the purpose of backlog reduction for the approved case types. In addition, the BMC will monitor case event data to ensure that expenditures correlate with the TCBC approved activities.
- b. The Supreme Court Inspector General will also be reviewing the Foreclosure and Economic Recovery initiative for potential inclusion in the branch's FY 2010/11 audit plan.

### Issue 5: Clerk Assistance Approved

Information on in-courtroom resources (general magistrates and senior judges) that will be assigned in each county and the maximum number of courtrooms that will be scheduled at any one time in each county will be shared with clerks once it has been finalized (see attached chart – please update this information, if needed). The chief judge in each circuit should work with their clerks to ensure the clerks appropriately support their plan. These plans need to be shared with the Office of the State Courts Administrator so that the legislature can be informed of the collaborative work on this issue. In addition, the TCBC approved the requirement that the clerks of court provide data support for this initiative.

Two other issues on performance measurement and FY 2011/12 Legislative Budget Request were postponed until the June 4<sup>th</sup> TCBC meeting.

### Directions:

If the decisions above require you to modify your plan allocations, please make the adjustments and notify Dorothy Wilson of the specific changes to the allocation categories by email at [burked@flcourts.org](mailto:burked@flcourts.org) by COB, Tuesday, May 25, 2010. If no changes are needed, please indicate that in an email to Dorothy. In addition, if any changes in your allocations require a revision to the in courtroom resources, please provide that information also.

Listed below are the job classes and hourly rates for OPS positions that were used in the original proposal for the

20TH CIR 01708



Foreclosure and Economic Recovery Funding. The TCBC approved the circuit allocations with direction to the circuits that they hire within these guidelines.

<u>Element</u>	<u>Position</u>	<u>Maximum rate</u>
Magistrates:	Magistrate	\$35.48 hourly
Case Management:	Court Program Specialist II	\$17.36 hourly
	Court Program Specialist I	\$14.58 hourly
	Court Program Specialist I	\$15.40 hourly w/ CAD – Hillsborough and Pinellas
	Court Program Specialist I	\$15.40 hourly w/ CAD – Broward, Dade, Monroe, Palm Beach
Admin. Support:	Senior Secretary	\$11.89 hourly
	Senior Secretary	\$12.10 hourly w/ CAD – Hillsborough and Pinellas
	Senior Secretary	\$12.48 hourly w/ CAD – Broward, Dade, Monroe, Palm Beach

This amount does not include the 7.65% FICA that needs to be added to the hourly rate.

Lastly, some circuits have already developed plans and position descriptions for the implementation of this initiative. You may want to check with our colleagues if you need some assistance in developing your own plan.

Please let me know if you have any questions. Kris

Kris Slayden  
 Research and Data  
 Office of the State Courts Administrator  
 Florida Supreme Court  
 500 S. Duval Street  
 Tallahassee, Florida 32399  
 850-922-5106 (wk)  
 850-556-2335 (cell)  
 850-414-1342 (fax)

**Target Backlog Reduction**  
**Foreclosure and Economic Recovery Funding**  
**Backlog Cases**  
**FY 2006/07 through Estimated FY 2010/11**

<b>Circuit</b>	<b>Estimated Real Property/ Mortgage Foreclosure Backlog Cases</b>	<b>62% of Estimated Real Property/ Mortgage Foreclosure Backlog Cases</b>
1	12,960	8,035
2	4,385	2,719
3	1,325	822
4	21,523	13,344
5	19,931	12,357
6	39,394	24,424
7	21,585	13,383
8	2,575	1,597
9	50,600	31,372
10	12,979	8,047
11	87,955	54,532
12	25,557	15,845
13	38,180	23,672
14	4,634	2,873
15	63,402	39,309
16	2,671	1,656
17	57,514	35,659
18	31,052	19,252
19	20,717	12,844
20	41,005	25,423
<b>Total</b>	<b>559,945</b>	<b>347,165</b>

## Foreclosure and Economic Recovery Funding Proposal In-Courtroom Resources Only

Circuit	County	Target Backlog Reduction	General Magistrate OPS	General Magistrate Contracted Services	Senior Judge Days	Estimated General Magistrate FTE	Senior Judge		Maximum Courtrooms
							Estimated FTE	Estimated Days	
1	Escambia						0.09	24	1
	Okaloosa						0.12	32	1
	Santa Rosa						0.05	12	1
	Walton						0.09	24	1
	<b>Total</b>	<b>8,035</b>	<b>\$0</b>	<b>\$0</b>	<b>\$32,200</b>	<b>0.00</b>	<b>0.35</b>	<b>92</b>	<b>4</b>
2	Franklin						0.04	10	1
	Gadsden						0.04	10	1
	Jefferson						0.04	10	1
	Leon						0.04	10	1
	Liberty						0.04	10	1
	Wakulla						0.04	10	1
	<b>Total</b>	<b>2,719</b>	<b>\$0</b>	<b>\$0</b>	<b>\$21,180</b>	<b>0.00</b>	<b>0.24</b>	<b>60</b>	<b>6</b>
3	Columbia								
	Dixie								
	Hamilton								
	Lafayette								
	Madison								
	Suwannee								
	Taylor								
	<b>Total</b>	<b>822</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00</b>	<b>0.00</b>	<b>0</b>	<b>0</b>
4	Clay						0.63	165	1
	Duval						0.84	218	2
	Nassau						0.42	110	1
	<b>Total</b>	<b>13,344</b>	<b>\$0</b>	<b>\$0</b>	<b>\$172,729</b>	<b>0.00</b>	<b>1.89</b>	<b>493</b>	<b>4</b>

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## Foreclosure and Economic Recovery Funding Proposal In-Courtroom Resources Only

Circuit	County	Target Backlog Reduction	General Magistrate OPS	General Magistrate Contracted Services	Senior Judge Days	Estimated General Magistrate FTE	Senior Judge		Maximum Courtrooms
							Estimated FTE	Estimated Days	
5	Citrus						0.10	25	1
	Hernando						0.10	25	1
	Lake						0.19	51	1
	Marion						0.10	25	1
	Sumter						0.00	0	0
	<b>Total</b>		<b>12,357</b>	<b>\$0</b>	<b>\$0</b>	<b>\$44,100</b>	<b>0.00</b>	<b>0.49</b>	<b>126</b>
6	Pasco						0.46	118	2
	Pinellas						0.46	119	2
	<b>Total</b>		<b>\$0</b>	<b>\$0</b>	<b>\$82,950</b>	<b>0.00</b>	<b>0.92</b>	<b>237</b>	<b>4</b>
7	Flagler						0.25	65	1
	Putnam						0.25	65	1
	St. Johns						0.25	65	1
	Volusia						0.25	65	1
	<b>Total</b>		<b>13,383</b>	<b>\$0</b>	<b>\$0</b>	<b>\$91,000</b>	<b>0.00</b>	<b>1.00</b>	<b>260</b>
8	Alachua					0.00	0.19	50	1
	Baker					0.10	0.00	0	1
	Bradford					0.10	0.00	0	1
	Gilchrist					0.10	0.00	0	1
	Levy					0.10	0.00	0	1
	Union					0.10	0.00	0	1
	<b>Total</b>		<b>1,597</b>	<b>\$0</b>	<b>\$37,035</b>	<b>\$17,500</b>	<b>0.50</b>	<b>0.19</b>	<b>50</b>
9	Orange						2.00	470	2
	Osceola						1.00	235	1
	<b>Total</b>		<b>\$0</b>	<b>\$0</b>	<b>\$246,750</b>	<b>0.00</b>	<b>3.00</b>	<b>705</b>	<b>3</b>

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## Foreclosure and Economic Recovery Funding Proposal In-Courtroom Resources Only

Circuit	County	Target Backlog Reduction	General Magistrate OPS	General Magistrate Contracted Services	Senior Judge Days	Estimated General Magistrate FTE	Senior Judge		Maximum Courtrooms
							Estimated FTE	Estimated Days	
10	Hardee						0.00	0	0
	Highlands						0.00	0	0
	Polk						0.20	52	1
	<b>Total</b>	<b>8,047</b>	<b>\$0</b>	<b>\$0</b>	<b>\$18,200</b>	<b>0.00</b>	<b>0.20</b>	<b>52</b>	<b>1</b>
11	Dade	54,532	\$82,481	\$0	\$171,500	1.00	2.00	490	3.5
12	Desoto						0.00	0	0
	Manatee						0.52	135	2
	Sarasota						0.52	135	2
	<b>Total</b>	<b>15,845</b>	<b>\$0</b>	<b>\$0</b>	<b>\$94,500</b>	<b>0.00</b>	<b>1.04</b>	<b>270</b>	<b>4</b>
13	Hillsborough	23,672	\$0	\$0	\$195,000	0.00	2.14	557	2
14	Bay						0.36	92	1
	Calhoun						0.00	0	0
	Gulf						0.00	0	0
	Holmes						0.00	0	0
	Jackson						0.00	0	0
	Washington						0.00	0	0
	<b>Total</b>	<b>2,873</b>	<b>\$0</b>	<b>\$0</b>	<b>\$32,430</b>	<b>0.00</b>	<b>0.36</b>	<b>92</b>	<b>1</b>
15	Palm Beach	39,309	\$0	\$0	\$140,000	0.00	1.54	400	2
16	Monroe	1,656	\$0	\$14,400	\$49,700	0.18	0.55	142	3
17	Broward	35,659	\$0	\$0	\$87,500	0.00	0.96	250	2
18	Brevard						1.91	496	2
	Seminole						0.95	248	1
	<b>Total</b>	<b>19,252</b>	<b>\$0</b>	<b>\$0</b>	<b>\$260,643</b>	<b>0.00</b>	<b>2.86</b>	<b>744</b>	<b>3</b>

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## Foreclosure and Economic Recovery Funding Proposal In-Courtroom Resources Only

Circuit	County	Target Backlog Reduction	General Magistrate OPS	General Magistrate Contracted Services	Senior Judge Days	Estimated General Magistrate FTE	Senior Judge		Maximum Courtrooms
							Estimated FTE	Estimated Days	
19	Indian River						0.18	48	1
	Martin						0.18	48	1
	Okeechobee						0.00	0	0
	St. Lucie						0.55	144	1
	<b>Total</b>		<b>12,844</b>	<b>\$0</b>	<b>\$0</b>	<b>\$84,000</b>	<b>0.00</b>	<b>0.91</b>	<b>240</b>
20	Charlotte					0.00	0.15	40	1
	Collier					0.20	0.62	162	1
	Glades					0.00	0.15	38	1
	Hendry					0.00	0.07	18	1
	Lee					1.50	0.69	180	2
	<b>Total</b>		<b>25,423</b>	<b>\$135,470</b>	<b>\$0</b>	<b>\$153,300</b>	<b>1.70</b>	<b>1.68</b>	<b>438</b>
<b>State Total</b>		<b>347,165</b>	<b>\$217,951</b>	<b>\$51,435</b>	<b>\$1,995,182</b>	<b>3.38</b>	<b>22.33</b>	<b>5,698</b>	<b>66</b>

Note: Information provided for Maximum Courtrooms in circuits 13 and 14 represent Hearing Rooms. All totals may not be exact due to rounding.

## Foreclosure and Economic Recovery Funding Proposal FY 2010/11 Circuit Allocations

Circuit	General Magistrate/Senior Judge				Case Management			General Magistrate/Senior Judge Administrative Support			Mediation Administrative Support			Total
	GM OPS	GM Contracted Services	GM/Senior Judge Expense	Senior Judge Days	OPS	Contracted Services	Expenses	OPS	Contracted Services	Expenses	OPS	Contracted Services	Expenses	
1			\$5,200	\$32,200	\$63,179		\$5,786							\$106,365
2			\$2,426	\$21,180	\$40,142		\$4,800	\$34,217		\$3,600				\$106,365
3					\$38,171			\$26,090						\$64,261
4				\$172,729				\$40,000						\$212,729
5				\$44,100				\$140,430		\$113	\$28,086			\$212,729
6			\$6,514	\$82,950	\$117,378		\$3,000	\$104,360		\$3,550				\$317,752
7			\$3,351	\$91,000	\$117,378		\$1,000							\$212,729
8		\$37,035	\$2,500	\$17,500	\$39,126		\$5,204		\$5,000					\$106,365
9				\$246,750	\$178,707									\$425,457
10				\$18,200	\$42,119		\$8,980	\$28,086		\$8,980				\$106,365
11	\$82,481		\$2,597	\$171,500	\$457,782		\$20,925	\$120,568		\$6,200				\$862,053
12			\$1,411	\$94,500	\$114,000		\$2,818							\$212,729
13			\$2,500	\$195,000	\$168,477		\$5,355	\$56,172						\$427,504
14			\$5,000	\$32,430	\$36,115		\$2,500	\$27,820		\$2,500				\$106,365
15			\$10,000	\$140,000	\$313,008		\$17,000	\$161,475		\$5,057				\$646,540
16		\$14,400	\$12,725	\$49,700				\$27,989		\$1,551				\$106,365
17				\$87,500	\$547,549		\$11,491							\$646,540
18				\$260,643				\$58,451						\$319,094
19			\$12,000	\$84,000	\$84,238		\$4,405	\$28,086						\$212,729
20	\$135,470			\$153,300	\$39,126			\$71,472			\$26,090			\$425,458
<b>Sub Total</b>	<b>\$217,951</b>	<b>\$51,435</b>	<b>\$66,224</b>	<b>\$1,995,182</b>	<b>\$2,396,495</b>	<b>\$0</b>	<b>\$93,264</b>	<b>\$925,216</b>	<b>\$5,000</b>	<b>\$31,551</b>	<b>\$54,176</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,836,494</b>
													<b>2% Expense Contingency</b>	<b>\$119,112</b>
													<b>Executive Direction</b>	<b>\$44,394</b>
													<b>2011 CIR 01/15 Grand Total</b>	<b>\$6,000,000</b>

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

**To:** Carlin, John S.

**CC:**

**Date:** 7/12/2010 1:50:16 PM

**Subject:** ?FW: Civil DCM AO- Final CM Procedures

---

Judge C

We are getting ready to move to a draft AO on the Civil DCM procedures. This is huge amount of paper to go through for you, but I wanted to give you an advance copy so that you know where we are. We won't get this out to all civil presiding judges for final comment until after you return from vacation.

Have a great time on road trip.

Rick

---

From: Callanan, Richard

Sent: Monday, July 12, 2010 10:46 AM

To: Ederr, Suzanne; Aloia, Nancy K; Mravic, Deborah; Embury, Jon; Mann, Sheila; Middlebrook, Mark

Cc: Cary, G. Keith; Kiesel, Lisa; Harkey, Sandra D

Subject: FW: Civil DCM AO- Final CM Procedures

Dear All

Since we received tentative approval at CBC and Civil Judges meeting on 6/11/10, we need to finalize the Civil DCM AO, DCM Procedures ( Attachment A) and Standardized Circuitwide Civil DCM Forms by 7/30/10.

I am attaching Suzanne's draft Civil DCM AO, Civil Case Management/DCM procedures( Attachment A) and Standard Forms ( These may not be the most current so please advise). I am counting on Nancy Aloia and Deb Mravic to "fly-speck" these to ensure that we are accurate.

I have inserted a 1/1/11 start date for Collier and 10/1/10 for Lee, because I understand that Lee Stakeholder group may still want to go on 10/1/10. I recommend against that with heavy backlog work underway, but that is up to Lee judges and Nancy. Charlotte, Hendry/Glades are noted as at local discretion.

Please let Suzanne and I know final revisions by 7/25/10, so we can get these out to all civil judges for final review in early August.

Again, much thanks to Nancy Aloia and Deb Mravic for a fantastic job in developing this program and moving us ahead. You might not see it now, but this will have a tremendous positive impact on the circuit for the future and is the first attempt in Florida at a circuit implementation of modern Civil DCM practices. Very difficult and impressive work by all judges and staff.

Thanks again.

Rick

Richard Callanan, Trial Court Administrator

20TH CIR 01716

11\_30\_2010



20th Judicial Circuit  
1700 Monroe Street  
Fort Myers, FL. 33901  
239 533-1712



**From:** [Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>](mailto:Callanan, Richard </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=RCALLANAN>)

**To:** [Ederr, Suzanne](#)

[Aloia, Nancy K](#)

[Mravic, Deborah](#)

[Embury, Jon](#)

[Mann, Sheila](#)

[Middlebrook, Mark](#)

**CC:** [Cary, G. Keith](#)

[Kiesel, Lisa](#)

[Harkey, Sandra D](#)

**Date:** 7/12/2010 9:46:24 AM

**Subject:** ?FW: Civil DCM AO- Final CM Procedures

---

Dear All

Since we received tentative approval at CBC and Civil Judges meeting on 6/11/10, we need to finalize the Civil DCM AO, DCM Procedures ( Attachment A) and Standardized Circuitwide Civil DCM Forms by 7/30/10.

I am attaching Suzanne's draft Civil DCM AO, Civil Case Management/DCM procedures( Attachment A) and Standard Forms ( These may not be the most current so please advise). I am counting on Nancy Aloia and Deb Mravic to "fly-speck" these to ensure that we are accurate.

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Please let Suzanne and I know final revisions by 7/25/10, so we can get these out to all civil judges for final.

Again, much thanks to Nancy Aloia and Deb Mravic for a fantastic job in developing this program and moving us ahead. You might not see it now, but this will have a tremendous positive impact on the circuit for the future and is the first attempt in Florida court history at a comprehensive circuit implementation of modern Civil DCM practices. Phenomenally difficult and impressive work by all.

Thanks again.

Rick

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

20TH CIR 01718

11\_19\_2010

---

From: Callanan, Richard  
Sent: Wednesday, June 30, 2010 4:42 PM  
To: Ederr, Suzanne; Aloia, Nancy K; Mravic, Deborah  
Cc: Fishbeck, Eric; Kiesel, Lisa  
Subject: Civil DCM AO- Final CM Procedures

Suzanne, Nancy, Deb

Great start Suzanne on the Civil DCM AO. I made one small change to the draft. I will defer to Nancy and Deb, but I would not exclude any cases from the AO, but explain in the Procedures that Homesteaded Foreclosures will be handled according to special procedures outlined in Homestead Foreclosure AO # XXX.

I took my best shot at refining the “Guidelines “ to more succinct “Civil DCM procedures” ( to be attached to the AO). I know they are very, very busy, but these CM Procedures really need an edit by Nancy and Deb to make sure they reflect the Final Case Management DCM Procedures and forms the stakeholder groups settled on. The procedures can be pared down to essentials, but have to be clear and comprehensive before Judge Cary signs an AO..

Here is my best first shot at getting this down to a manageable size. Need Nancy and Deb to comment and meet with you to help get a final product!

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

**To:** [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

**CC:**

**Date:** 7/6/2009 3:44:10 PM

**Subject:** ?FW: Twentieth Judicial Circuit Profile

---

-----  
From: Sean M. Burnfin[SMTP:BURNFINS@FLCOURTS.ORG]

Sent: Monday, July 06, 2009 4:44:12 PM

To: Cary, G. Keith

Cc: Callanan, Richard; Brenda Johnson

Subject: Twentieth Judicial Circuit Profile

Auto forwarded by a Rule

Our office is currently updating our documents and other materials. Attached is a copy of last year's circuit profile for your judicial circuit. Please take an opportunity to review this document and provide us with any updated changes or suggestions to your information by July 17th.

Sean M. Burnfin

Senior Court Analyst

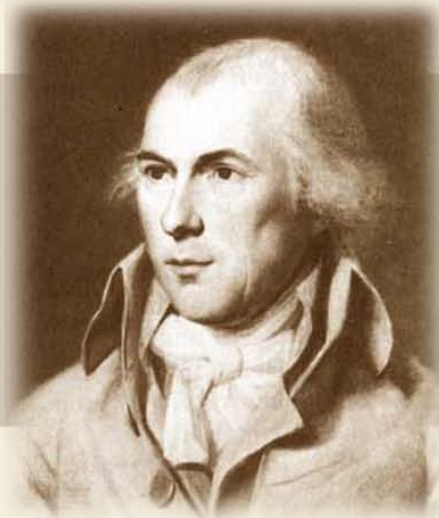
Community and Intergovernmental Relations

Office of the State Courts Administrator

# TWENTIETH

## JUDICIAL CIRCUIT COURT

**“LAWS ARE A DEAD LETTER  
WITHOUT COURTS  
TO EXPOUND AND DEFINE  
THEIR TRUE MEANING  
AND OPERATIONS”  
- ALEXANDER HAMILTON**



**CHIEF JUDGE  
G. KEITH CARY**

## 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, eight circuit judges are assigned in Collier County, one circuit judge is assigned in Glades County, and one in Hendry County, and 16 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 239-533-9140

Facsimile 239-485-2588

Susan Kellum  
Judicial Assistant

Email  
skellum@ca.cjis20.org

## Trial Court Administrator Richard Callanan

## Public Information Officer Sheila Mann



Telephone 239-533-1712

Facsimile 239-533-1701

Email  
rcallanan@ca.cjis20.org

Telephone 239-533-1723

Facsimile 239-533-1702

Email  
smann@ca.cjis20.org

## Total Caseload FY 2007-08

Below, the total number of cases filed under the Circuit and County courts in the Twentieth Judicial Circuit of Florida for the Fiscal Year 2007-08 according to Florida's Trial Courts Statistical Reference Guide.

Circuit/ County	Circuit Court					County Court			
	Criminal	Civil	Family Court	Probate	Total	Criminal	Civil	Total	Total
Charlotte	2,124	4,951	3,565	1,863	12,503	5,472	10,050	15,522	28,025
Collier	2,532	8,220	4,377	1,744	16,873	22,312	23,745	46,057	62,930
Glades	213	156	255	58	682	960	2,382	3,342	4,024
Hendry	842	665	909	183	2,599	3,704	2,474	6,178	8,777
Lee	6,820	28,893	10,384	3,456	49,553	43,203	42,697	85,900	135,453
<b>Circuit 20</b>	<b>12,531</b>	<b>42,885</b>	<b>19,490</b>	<b>7,304</b>	<b>82,210</b>	<b>75,651</b>	<b>81,348</b>	<b>156,999</b>	<b>239,209</b>

\* 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.

# Twentieth Judicial Circuit

## Statistical Information

 **50 Judges ( 31 Circuit Judges / 19 County Court Judges )**

 **Annual Trial Court Budget (FY 2008-2009) : \$18,395,945**

## Population Data

<b>County</b>	<b>2000</b>	<b>2009</b>	<b>2010</b>
Charlotte	141,627	167,749	169,694
Collier	251,377	345,787	353,878
Glades	10,576	11,438	11,597
Hendry	36,210	40,529	40,828
Lee	440,888	642,994	654,599
<b>Total</b>	<b>880,678</b>	<b>1,208,497</b>	<b>1,230,596</b>

Provided by Florida Legislature Office of Economic and Demographic Research Estimates/ Projections

## Twentieth Circuit Legislators

<b>Senators</b>	<b>District</b>	<b>Representatives</b>	<b>District</b>
Alexander, JD	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
		Grimsley, 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  
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

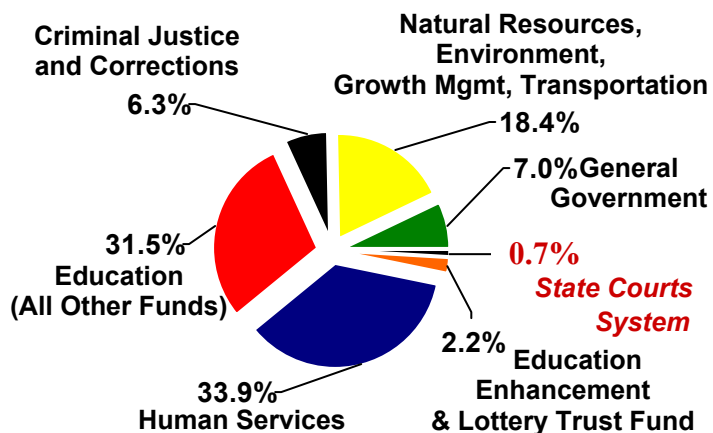


PO BOX 567  
LaBelle, FL 33935

# Budgets

## Florida's Budget Fiscal Year 2007-2008

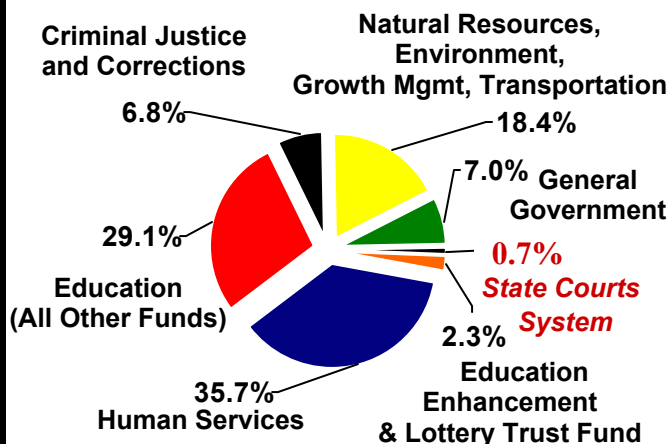
\$71,494,143,896



## Florida's Budget Fiscal Year 2008-2009

After Special Session A & Governor's Vetoes

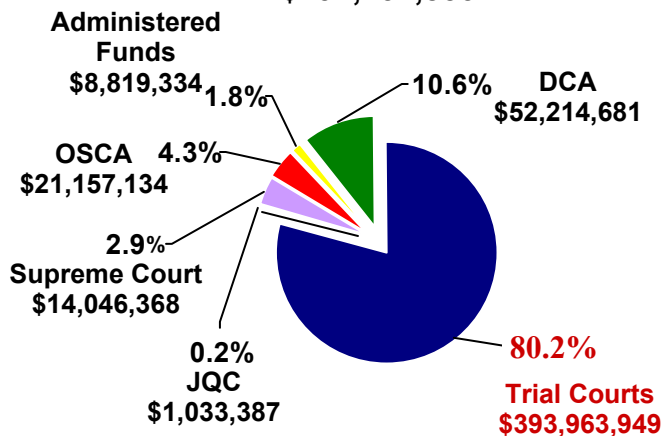
\$65,345,539,598



## State Courts System's Budget

Fiscal Year 2007-2008 (Effective 7/1/07)

\$491,234,853

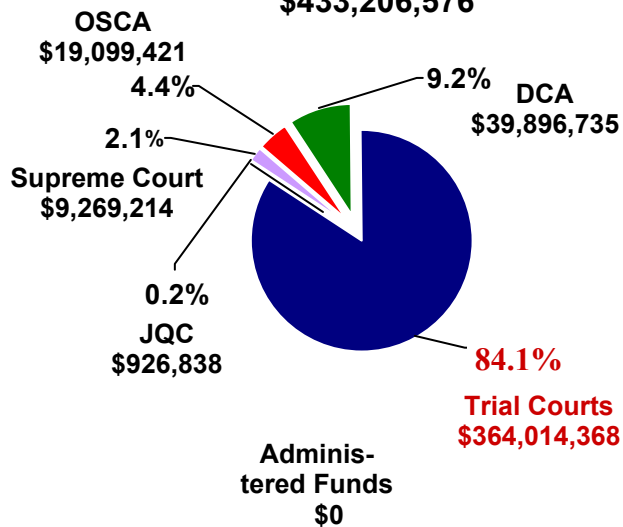


## State Courts System's Budget

Fiscal Year 2008-2009

After Special Session A

\$433,206,576



## Impact of Legislative Budget Reductions to the Judiciary

Given the economic picture, it's likely the state of Florida is not yet done with cutting its budget, even after serious and painful reductions the last two years. Government certainly must live with its means, just as its citizens do, but some government functions must be preserved, including the rule of law.

### 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**

### 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 Overview

The court system sustained a 1.25 percent reduction rather than the 4 percent reduction that was contemplated at one point, avoiding another round of massive staff reductions.

The courts lost nearly \$15.9 million in general revenue funds from their budget, but most of the reductions were then restored through trust fund dollars. The final cut to the courts, then, was just over \$5 million.

The Legislature's also created a new State Courts Revenue Trust Fund, the first step in implementing the courts' plan for stabilizing court funding. It was through this fund that the courts were shielded from deeper cuts during Special Session A.

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 regular session. The judicial branch does not want a return to the perception or opportunity for cash register justice, which was why it pressed for approval of the Senate proposal. House and Senate members have indicated their willingness to address this concern during the regular session.

## Impact of Legislative Budget Reductions to the Judiciary

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

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

- Further layoffs of staff will significantly impair court operations, forcing citizens to wait substantially longer for court action.
- Funding for civil traffic hearing officers was not allocated for the first part of the fiscal year, pending the outcome of potential current year budget reductions. This action resulted in slowing 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 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.

### 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
- language interpretation

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

## Impact of Legislative Budget Reductions to the Twentieth Circuit

Statewide, the Twentieth Judicial Circuit ranked #1 in case filing growth and #2 in growth for judges needed. Foreclosures and commercial filings have inundated the courts and no state staff or resources have been provided to deal with this crisis. Additionally, no new judgeships were authorized in 2007, 2008, or 2009 and this has put overwhelming pressure on court resources and non judicial staff to keep pace with the workload. Despite innovative programs and re-structuring, the budget cuts have impacted the 20<sup>th</sup> in that:

- Reduced state funding has increased case delay and the 20th Circuit is able to clear only 78% of cases, well below the national 100% clearance standard;
- The Circuit had one Drug Court position in 2007; reductions in state court staff eliminated the position and now the circuit has no capacity for Drug Court coordination or new development;
- 2008 state cuts resulted in a family support staff reduction of 33%. The circuit case management staff is currently 13 positions below minimum standards; case management support to Criminal, Civil, and County judges is now predominantly county funded as opposed to state funded as envisioned under Revision 7; and
- Additional staff cuts will completely eliminate the Family Magistrate program and reduce pro-se assistance to families in the 20<sup>th</sup> Circuit.

The courts of the Twentieth Circuit are straining to maintain quality services and provide prompt and efficient justice under the weight of fewer resources, fewer staff and skyrocketing case filings. Further reductions to state funding for the courts will undoubtedly slow the judicial process to the point of becoming grossly inefficient and creating backlogs that will last years.

# State Court System Legislative Budget Request Fiscal Year 2009-10

Currently, dedicated court staff continue to work feverously to meet the goals and objectives of the court so that the public is served as is constitutionally mandated despite continued depletion of work-force. In addition, a solution is being developed to keep the court system from being so financially disabled that Florida's Judiciary becomes dysfunctional as a branch of government.

The people's rights and freedoms must have an independent judiciary with sufficient fiscal and human resources to address all cases brought before the courts. Our nation is different in this world. Citizens and businesses have the constitutional right to challenge government authority and seek relief before the independent judicial branch of government. Action that limits the courts' resources restricts their ability to enforce those rights and protect freedoms. Because of our commitment to people's rights and freedoms, the people of Florida in 1998 gave the Legislature new and increased responsibility to provide state funding for all Florida courts and to promote "uniformity" of justice irrespective of geography. The citizens wanted equity throughout the court system and maintenance of a system that provides "Justice for All Floridians."

The new issues in the Judicial Branch Legislative Budget Request include necessary funds for building maintenance, technology needs, and restoring some of the cuts the Legislature made last session to needed due process funding and case management support.

Our goals for the 2009 Legislative Session are to avoid additional budget reductions that would be devastating to the third branch of government and to continue the work for a stabilized funding source for the future of the judicial branch of government.

**Note: Only Trial Court issues are included in this document.**

## TRIAL COURTS

### ► **Due Process Issues: 48 FTE, \$6,684,096 (\$2,690,396 non-recurring)**

- Court Reporting: additional funding required for digital court reporters, digital court reporting equipment maintenance costs, equipment expansion and refresh, and development of digital recordation software – 33 FTE, \$5,737,594 (\$2,648,921 non-recurring)
- Court Interpreting: increase in demand for court interpreting services – 15 FTE, \$946,502 (\$41,475 non-recurring)

**TOTAL: 48 FTE, \$6,484,096**  
(\$2,690,396 non- recurring)

# State Court System Legislative Budget Request Fiscal Year 2009-10

## CERTIFICATION OF NEED FOR ADDITIONAL JUDGESHIPS - Placeholder

▶ **Circuit Courts: 46 FTE, \$5,326,089** (\$127,190 non-recurring)

- 19 Judges, 19 Judicial Assistants, and 8 Law Clerks

▶ **County Courts: 84 FTE, \$10,149,971** (\$232,260 non-recurring)

- 42 Judges and 42 Judicial Assistants

▶ **Florida Cases Southern 2<sup>nd</sup> Reporter: \$100,650**

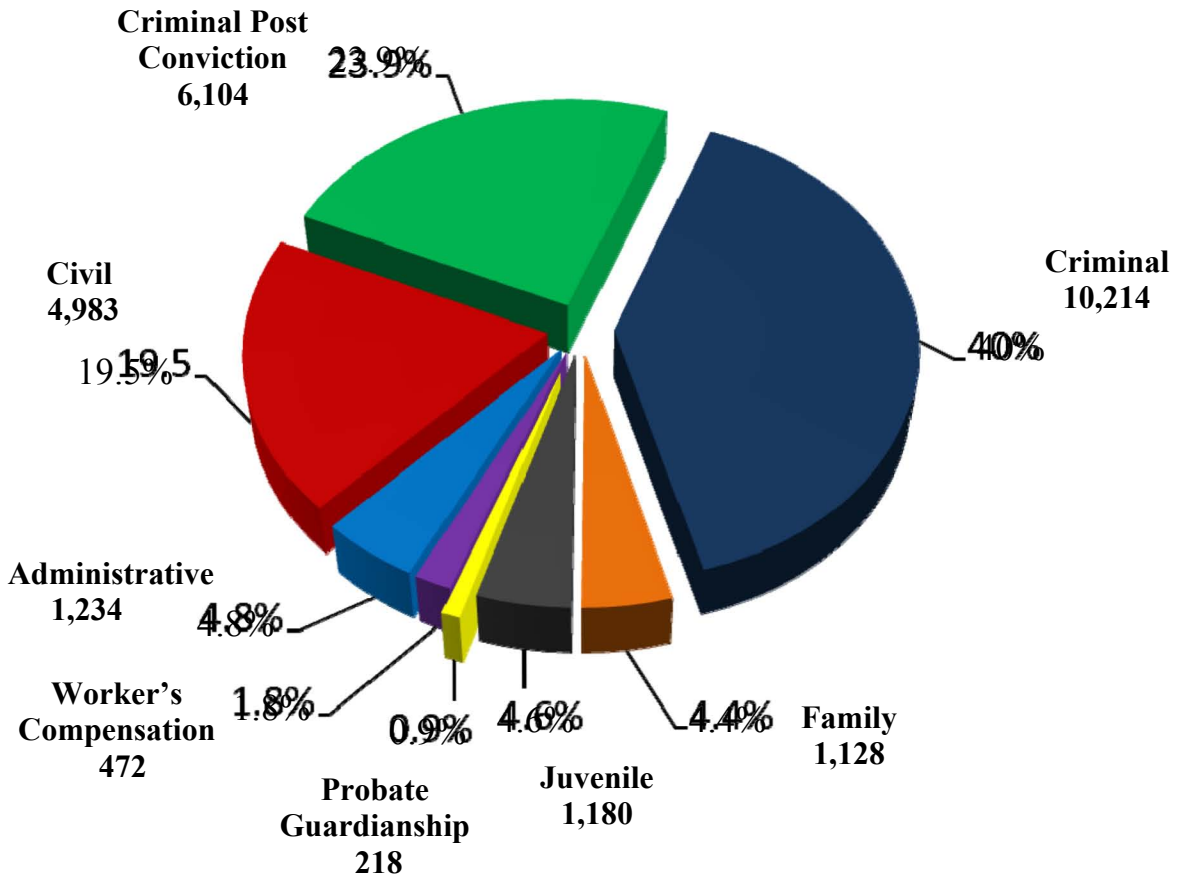
**TOTAL: 130 FTE, \$15,576,710**  
(\$359,450 non-recurring)

### Judgeship Needs

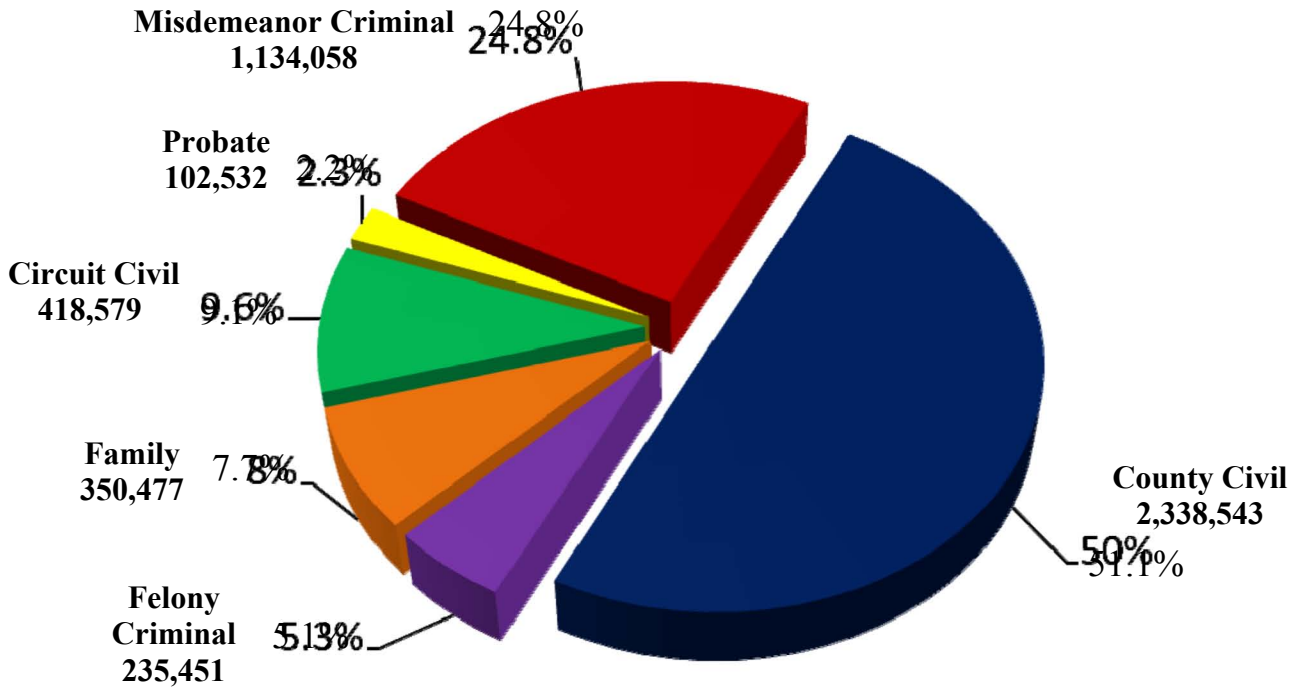
Year	Certified	Funded
FY 2009-10	Pending Supreme Court Order	TBD
FY 2008-09	61	0
FY 2007-08	37	0
FY 2006-07	66	55
FY 2005-06	110	59
FY 2004-05	88	0
FY 2003-04	56	0
FY 2002-03	49	18
FY 2001-02	44	27
FY 2000-01	43	0

### 2007-2008 CASE FILINGS

#### DCA



#### Circuit/County





# Court Structure

## Appellate Courts

### Supreme Court

Seven justices, six-year terms  
Sits in Tallahassee  
Five justices constitute a quorum

### District Courts of Appeal

61 judges, six-year terms  
Five districts:

- 1st District Tallahassee: 15 judges
- 2nd District Lakeland: 14 judges
- 3rd District Miami: 10 judges
- 4th District West Palm Beach: 12 judges
- 5th District Daytona Beach: 10 judges

\*Cases generally reviewed by three-judge panels

## Trial Courts

### Circuit Courts

599 judges, six-year terms  
20 judicial circuits  
Number of judges in each circuit based on caseload  
Judges preside individually, not on panels

### County Courts

322 judges, six-year terms  
At least one judge in each of the 67 counties  
Judges preside individually, not on panels

**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. For the fiscal year 2007-08 the Legislature authorized 3,408.5 staff positions. In the current fiscal year of 2008-09, the Legislature has authorized 3,140.25 staff positions. These numbers **do not** include Judges (989).

**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.

# Judicial Facts

**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 TaxWatch*

**The Judicial budget is less than 0.7%** of the 2008-2009 General Appropriations Act. **58.6% of that is for judges and judges assistants (General Revenue).**

**Floridians get good value** for the money spent on their state court system. The total dollar amount (\$1.15 billion) for the state courts system plus state attorneys, public defenders and the Justice Administrative Commission for FY 2006-07 is 1.6% of Florida's \$71.3 billion budget. *Florida Tax Watch*

**Cases continue to increase** The work of the district courts and trial courts continues to grow. Overall, **4.5 million cases** were filed in the trial courts last year, **up 12 percent from two years ago**. The latest statistics show the following increases in specific areas (from FY 05-06 to FY 07-08):

- Capital murder has increased by 20 percent.
- Robbery has increased by 47 percent.
- Small claim cases have increased by 40 percent.
- Civil cases up to \$15,000 have increased by 37 percent.
- Contract cases increased by 42 percent.
- Real property / mortgage foreclosure has **increased by 365 percent!**

**In the District Courts** Criminal Post Conviction filings have increased by 15 percent over the last 4 years (5 percent increase from FY 06/07 to FY 07/08). This increase is a direct result of the increase in prison admissions in the last 4 years of 29% (approximately 10 percent from FY 06/07 to FY 07/08).

**The Circuit Civil Division** In October, the OSCA figures give a statewide foreclosure filing explosion of 374.5 percent, or growth from 9,907 in **2004-2005** to 284,263 in **2007-08**.

**Legislative Mandates** Florida's courts are struggling to fully meet all state and federal requirements at a time of diminished resources. Many child custody cases now contain allegations of domestic violence and substance or child abuse. Many of these cases are self represented litigants and courts struggle to proceed in a fair and effective manner. Criminal, civil and traffic laws are more complex, require more judicial time and increase as the state experiences population and economic difficulties.

**Complex procedures** Statutory requirements affecting juvenile dependency cases require multiple post-disposition hearings and intensive judicial oversight, as well as increased responsibilities for counsel representing parents and children. Dependency cases are also governed by strict federal and state time-frames.

**Overburdened legal system** The Florida legal system is confronting and seeking answers to fundamental questions, such as how the courts will be able to adequately exercise their responsibilities to monitor guardianship cases and protect the incapacitated adults entrusted to their care. There are between 30,000 and 40,000 open guardianship cases in Florida at any given time and the number continues to grow.

# Judicial Facts

**The budgetary unification** of the trial courts was the critical first step in ending the fiscal fragmentation that previously resulted in disparities in the equality and availability of essential court services.

**Over the last several years, the judicial branch has worked with the governor, the legislature and other stakeholders** to implement the constitutional amendment known as Revision 7 to Article V. The primary objectives were fulfilled. The state assumed the greater share of funding for the trial court system. Resource inequities that existed among trial courts were substantially eliminated. The legislature set in statutes the “core” elements of the trial courts such as case management, court interpreting, court reporting, court appointed expert witnesses, masters and hearing officers and court administration. The will of Floridians, as expressed in the ballot language itself, was to make “justice less dependent on a county’s size or wealth” and to promote “uniformity” of justice irrespective of geography. The goal was equity and to provide “Justice for All Floridians”. Budget reductions continue to push us further from achieving this goal.

**Florida is a national leader** in issues relating to family courts and remains committed to strengthening the protection of our children, families, and the elderly.

**It is the court system’s responsibility** to ensure that cases involving children are given adequate and appropriate attention. The courts are developing ways to expedite the processes that provide children with permanent safe, stable families.

**Currently, Florida has the largest population of older adults** in the United States. More than 16.6% of Florida’s population is 65 and older which is the greatest number per capita in the nation.

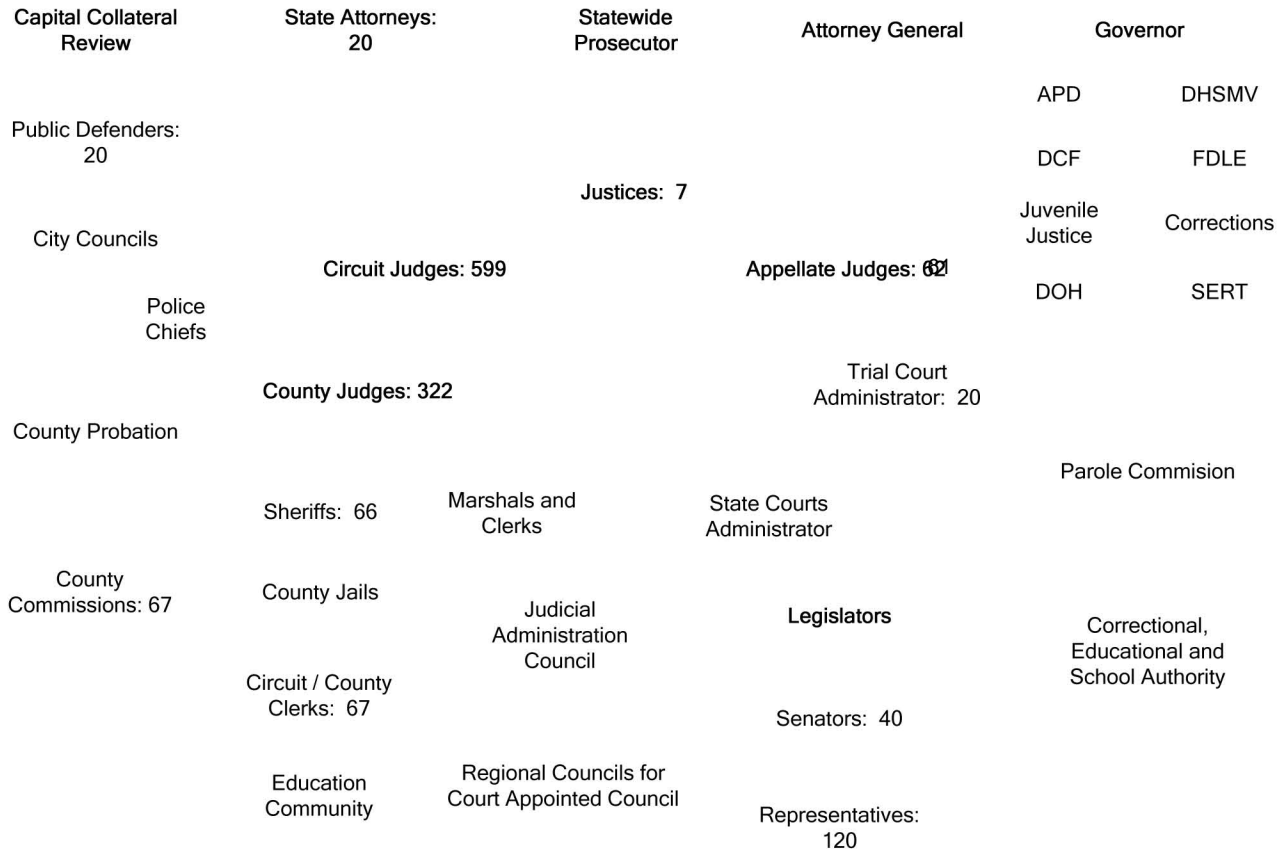
**The number of judicial reviews of guardianship** issues involving either a review of an annual plan or some other court actions continue to increase.

**Equity and access** The structure, operation, and funding of judicial branch activities and services should provide meaningful and equal access to justice in all courts of the state. The court system must also continue to conduct self-evaluations and advance efforts to eliminate from court operations bias that is based on: race; gender; ethnicity; age; disability; socioeconomic status; or any characteristic that is without legal relevance.

**Independence & Interdependence** The independence of the courts, in the adjudication of cases and the administration of the court system, is a cornerstone of American jurisprudence and government and must be maintained. Yet, it is equally important to recognize that the three branches of our government are jointly responsible for a well-functioning justice system and that the judicial branch must be accountable to the people of Florida for the expenditure of public funds and the efficiency of judicial operations.

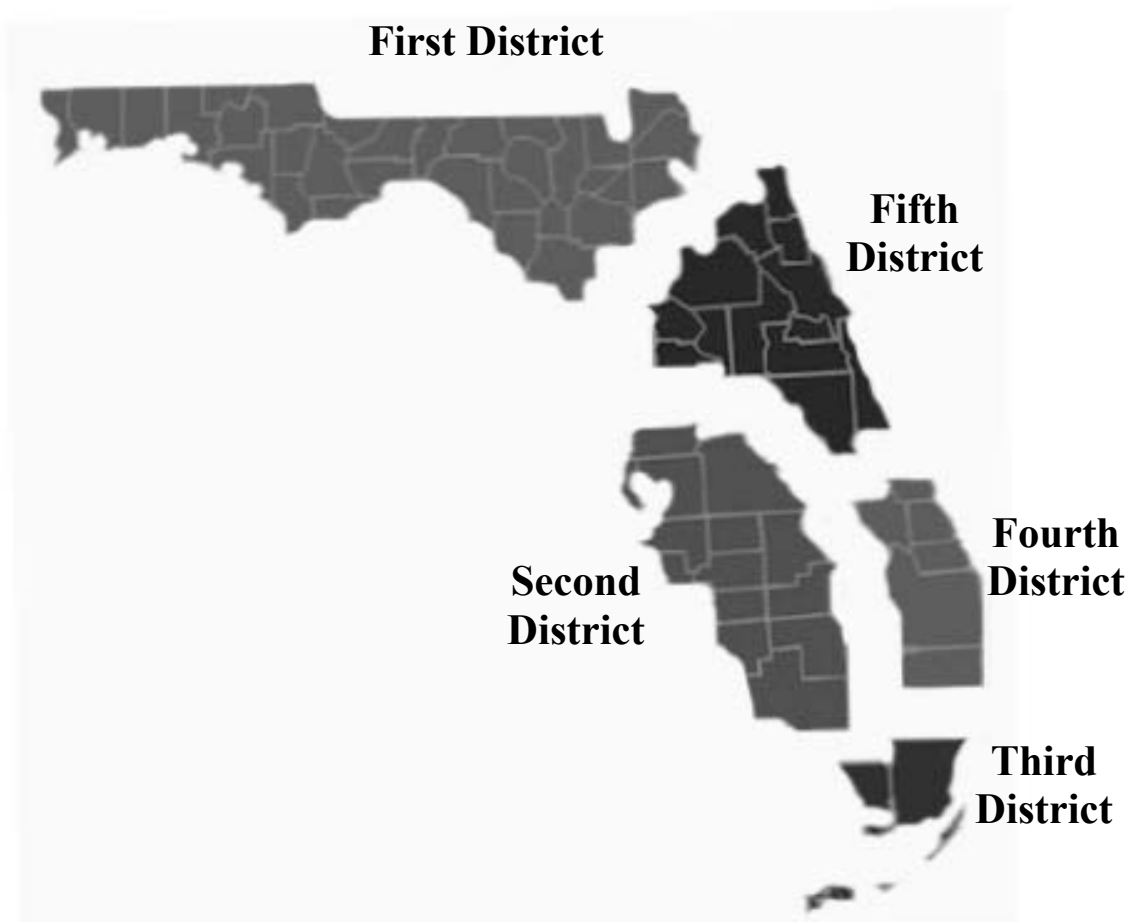
**Responsiveness** The courts must be responsive to the needs of the people. Just as Florida courts were responsive in creating drug courts, they are responding in other areas such as improving the management of cases in areas such as mental health and complex civil cases. Likewise, the courts are seeking improvement such as the standardization of jury instructions for business and contract disputes.

# 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

**1<sup>st</sup>**

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

**2<sup>nd</sup>**

Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk and Sarasota

**3<sup>rd</sup>**

Miami-Dade and Monroe

**4<sup>th</sup>**

Broward, Indian River, Martin, Okeechobee, Palm Beach and St. Lucie

**5<sup>th</sup>**

Brevard, Citrus, Flagler, Hernando, Lake, Marion, Orange, Osceola, Putnam, Seminole, St. Johns, Sumter and Volusia

# Florida's Circuits



## Circuit

## Counties within

<b>1<sup>st</sup></b>	<b>Escambia, Okaloosa, Santa Rosa and Walton</b>
<b>2<sup>nd</sup></b>	<b>Franklin, Gadsden, Jefferson, Leon, Liberty, and Wakulla</b>
<b>3<sup>rd</sup></b>	<b>Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee and Taylor</b>
<b>4<sup>th</sup></b>	<b>Clay, Duval and Nassau</b>
<b>5<sup>th</sup></b>	<b>Citrus, Hernando, Lake, Marion and Sumter</b>
<b>6<sup>th</sup></b>	<b>Pasco and Pinellas</b>
<b>7<sup>th</sup></b>	<b>Flagler, Putnam, St. Johns and Volusia</b>
<b>8<sup>th</sup></b>	<b>Alachua, Baker, Bradford, Gilchrist, Levy, and Union</b>
<b>9<sup>th</sup></b>	<b>Orange and Osceola</b>
<b>10<sup>th</sup></b>	<b>Hardee, Highlands, and Polk</b>
<b>11<sup>th</sup></b>	<b>Miami-Dade</b>
<b>12<sup>th</sup></b>	<b>DeSoto, Manatee, and Sarasota</b>
<b>13<sup>th</sup></b>	<b>Hillsborough</b>
<b>14<sup>th</sup></b>	<b>Bay, Calhoun, Gulf, Holmes, Jackson and Washington</b>
<b>15<sup>th</sup></b>	<b>Palm Beach</b>
<b>16<sup>th</sup></b>	<b>Monroe</b>
<b>17<sup>th</sup></b>	<b>Broward</b>
<b>18<sup>th</sup></b>	<b>Brevard and Seminole</b>
<b>19<sup>th</sup></b>	<b>Indian River, Martin, Okeechobee and St. Lucie</b>
<b>20<sup>th</sup></b>	<b>Charlotte, Collier, Glades, Hendry and Lee</b>

# Challenges of Today's Courts

**Clarifying the Role of the Courts** - respect for judicial independence is a cornerstone of our system of government. While courts respect the unique roles of the legislative and executive branches, decisions made in the other branches can affect the administration of justice. Because these decisions are best made with input from the judicial branch, our courts continue to seek ways to provide appropriate input on matters relating to the administration of justice. The judiciary continues to collaborate with its justice system partners and members of the public on topical issues and trends affecting the administration of justice in Florida. Challenge: *To maintain a secure, strong foundation for the Judicial Branch of Florida.*

**Improving the Administration of Justice** - The Trial Court Budget Commission, the District Court of Appeal Budget Commission, the Commission on Trial Court Performance and Accountability, the Commission on District Court of Appeal Performance and Accountability, the Florida Courts Technology Commission, and the Supreme Court collaborate in the development and presentation of legislative budget requests that accurately identify what is needed to carry out the mission of the State Courts System. These groups also coordinate oversight of budgets consistent with statutory requirements. Challenge: *To maintain the collaborative effort to ensure justice in Florida is accountable. Also, to secure resources needed to carry out court operations including resources for due process, dispute resolution, technologies that enhance court services, and services to protect children, strengthen families and assist other vulnerable Floridians.*

**Supporting Competence and Quality** - Florida's judicial education program is among the best in the nation. Ongoing education of judges and court staff is critical to the maintenance of quality in the courts. Challenge: *To meet the educational needs for judges and court personnel so Florida's diverse population will be served well and without bias.*

**Building Public Trust, Confidence and Enhancing Public Access and Service** - The judicial branch must be accountable to the public and good stewards of the resources provided. Challenge: *To be accessible, fair, effective, responsive and accountable to the expectations of the public regarding the courts.*

**Meeting courts fiscal needs during times when our state experiences economic difficulties** - In the Federalist Papers #22, Alexander Hamilton made this observation: "Laws are a dead letter without courts to expound and define their true meaning and operations." The Constitution requires the courts to interpret and apply the laws that govern our state. Potential budget cuts would impact the day-to-day-operations of the courts and the people the courts serve during a period when crime, family issues and mortgage foreclosures are increasing. President Lincoln enumerated the many blessings bestowed on the United States and in particular referred to the observance of law and order when he said that "in the midst of a civil war of unequalled magnitude and severity order has been maintained, the laws have been respected and obeyed, and harmony has prevailed every where except in the theatre of military conflict..." Challenge: *To secure adequate funding for the courts so that constitutional rights can be protected and laws mandated by the Legislature implemented.*

**EDITED AND PRODUCED BY:  
BRENDA G. JOHNSON, DIRECTOR OCIR  
SEAN M. BURNFIN  
JENNIFER R. EDWARDS**

**FOR MORE INFORMATION, CALL  
(850) 922-5692  
OR EMAIL: [JOHNSONB@FLCOURTS.ORG](mailto:JOHNSONB@FLCOURTS.ORG)**

**FEBRUARY 16, 2009**

**20TH CIR 01740**



**From:** [Kiesel, Lisa </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LKIESEL>](mailto:Kiesel, Lisa </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LKIESEL>)

**To:** [Mann, Sheila](mailto:Mann, Sheila)

**CC:**

**Date:** 7/7/2010 11:59:24 AM

**Subject:** ?RE: info

---

Approx \$425,000 for FY10/11

Lisa Kiesel, Chief Deputy Court Administrator  
Twentieth Judicial Circuit  
Administrative Office of the Courts  
1700 Monroe Street  
Fort Myers, FL 33901  
Office (239) 533-1711  
Fax (239) 533-1701

Our mission is to provide professional services to support the judiciary in their efforts to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

---

**From:** Mann, Sheila  
**Sent:** Wednesday, July 07, 2010 11:35 AM  
**To:** Kiesel, Lisa  
**Subject:** RE: info

Thanks Lisa. Can you tell me how much money we received to move our foreclosures along? I don't have that available to me here. I am sure I will get questions about all our foreclosure efforts as well as how they are funded etc. Thanks.

---

**From:** Kiesel, Lisa  
**Sent:** Wednesday, July 07, 2010 9:38 AM  
**To:** Mann, Sheila  
**Subject:** info

Estimated number of backlog cases statewide 559,945 and circuit 41,005.

Monthly foreclosure stats by county since Jan 2010 << File: Foreclosure Stats 2010.xlsx >> .

**Jonathan Conant – cell 822-5729**

Lisa Kiesel, Chief Deputy Court Administrator  
Twentieth Judicial Circuit  
Administrative Office of the Courts  
1700 Monroe Street  
Fort Myers, FL 33901

**20TH CIR 01741**

Office (239) 533-1711

Fax (239) 533-1701

Our mission is to provide professional services to support the judiciary in their efforts to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

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

**To:** Judges-Charlotte

Judges-Collier

Judges-Hendry

Judges-Lee

Lundy, Jack


**CC:**

**Date:** 9/17/2009 4:06:46 PM

**Subject:** ?FW: PUBLICATION NOTICE: Report of the Supreme Court Task Force on Residential Mortgage Foreclosure Cases

---

G. Keith Cary

239-

From: Victoria Milton [mailto:miltonv@flcourts.org]

Sent: Friday, September 11, 2009 3:41 PM

To: Judge Jennifer Bailey; 'Jesse H. Diner'; 'John F. Harkness, Jr.'; 'Mayanne Downs'; Laura Rush; Judge Belvin Perry, Jr.; Judge Charles A. Francis; Judge Daniel B. Merritt, Sr.; Judge Donald R. Moran, Jr.; Cary, G. Keith; Judge Hentz McClellan; Judge J. David Langford; Judge David J. Walsh; Judge Lee E. Haworth; Judge Luis Garcia; Judge Manuel Menendez, Jr.; Judge Paul Hawkes; Judge Robert M. Gross, Chief; Judge Victor Tobin; Judge Darryl Casanueva, Chief; Judge David A. Monaco; Judge David Fina; Judge J. Preston Silvernail; Judge J. Thomas McGrady; Judge Joel Brown; Judge Juan Ramirez Jr., Chief; Judge Martha A. Lott; Judge Peter Blanc; Judge Steven Levin; Judge Terry Terrell; Randy Long; Rules Opins-DCA Clerks; Rules Opins-Trial Court Clerks

Subject: PUBLICATION NOTICE: Report of the Supreme Court Task Force on Residential Mortgage Foreclosure Cases

Good Afternoon,

The Florida Supreme Court is seeking comments on the above report and will publish the attached notice in the October 1, 2009, edition of the Florida Bar News. Any comments must be filed on or before October 15, 2009, as indicated in the attached notice.

Thank you,

Victoria Milton

20TH CIR 01743

Florida Supreme Court

(850) 488-0125

The Supreme Court Task Force on Residential Mortgage Foreclosure Cases (Task Force) has submitted to Chief Justice Peggy A. Quince a report proposing a number of administrative strategies, including a statewide managed mediation program, to address the extremely high volume of residential mortgage foreclosure cases pending in the circuit courts.

The Court invites all interested persons to comment on the Task Force report, which is posted online at [http://www.floridasupremecourt.org/pub\\_info/documents.shtml#Reports](http://www.floridasupremecourt.org/pub_info/documents.shtml#Reports). Comments must be submitted on or before October 15, 2009, either electronically to [e-file@flcourts.org](mailto:e-file@flcourts.org), or as hard copy mailed to:

Clerk of Court  
Supreme Court of Florida  
500 South Duval Street  
Tallahassee, FL 32399-1900

The Task Force chair has until October 22, 2009, to submit a response to any comments provided to the Court.

Oral argument on the Task Force report has been scheduled for November 4, 2009. The Court requests the attendance at oral argument of the Task Force chair and a representative of each of the minority reports.



# Supreme Court of Florida

Office of the Clerk  
500 South Duval Street  
Tallahassee, Florida 32399-1925

THOMAS D. HALL  
CLERK  
TANYA CARROLL  
CHIEF DEPUTY CLERK  
GREGORY J. PHILO  
STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125  
[www.flcourts.org/clerk.html](http://www.flcourts.org/clerk.html)

September 11, 2009

Ms. Cheryle Dodd, Editor  
The Florida Bar  
651 East Jefferson Street  
Tallahassee, Florida 32399-2300

Re: Report of the Task Force on Residential Mortgage Foreclosures

Dear Ms. Dodd:

I have provided you with a copy of a publication notice for the above report. Please publish said notice in the October 1, 2009, Bar News. Please publish a statement that the Court has placed the report on the Internet at location:

**[http://www.floridasupremecourt.org/pub\\_info/documents.shtml#Reports](http://www.floridasupremecourt.org/pub_info/documents.shtml#Reports).**

Any comments should be filed with the Supreme Court on or before October 15, 2009. The committee must file a response on or before October 22, 2009, to all comments filed. All comments must be filed in paper format and an electronic copy provided to the Court in accordance with AOSC04-84. An original and nine copies must be filed.

Ms. Cheryle Dodd, Editor  
September 11, 2009  
Page Two

Thank you for your cooperation in this matter.

Most cordially,

By:   
Deputy Clerk

Thomas D. Hall

TDH/vm  
Enclosure

cc: Honorable Jennifer Bailey, Chair, Task Force on Residential Mortgage  
Foreclosure Cases  
Honorable Jesse H. Diner, President, The Florida Bar  
Honorable Mayanne Downs, President-elect, The Florida Bar  
John F. Harkness, Jr., Executive Director, The Florida Bar  
Laura Rush, Task Force Liaison  
Chief Judges of the District Court of Appeal  
Clerks of the District Court of Appeal  
Chief Judges of the Judicial Circuits  
Clerks of the Judicial Circuits  
Deborah J. Meyer, Central Staff Director

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

**To:** [Kiesel, Lisa](#)

[Harkey, Sandra D](#)

**CC:**

**Date:** 9/3/2009 10:10:34 AM

**Subject:** ?FW: Creation of a pro bono foreclosure defense funding program

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

Sent: Thursday, September 03, 2009 11:10:26 AM

To: SC-JUSTICES; DCA Budget Commission; Trial Court Chief Judges;

Trial Court Budget Commission; Trial Court Administrators;

Judge Peter Blanc; Judge Gary Flower

Cc: Lisa Goodner; Blan Teagle; Laura Rush; Steve Henley; Cal Goodlett

Subject: Creation of a pro bono foreclosure defense funding program

Auto forwarded by a Rule

The attached "Media Advisory" provides information regarding the creation of a pro bono foreclosure defense funding program and the partnership between Attorney General Bill McCollum and the Florida Bar Foundation.

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



MEDIA ADVISORY

To: Interested Media  
Date: September 3, 2009  
Subject: Attorney General to make South Florida announcement on foreclosure defense funding

Members of the Media,

Attorney General Bill McCollum will make an important announcement this afternoon regarding his pro bono foreclosure defense funding program, created in partnership with The Florida Bar Foundation. He will be joined by representatives from several South Florida organizations which will be involved in this program.

Who: Attorney General Bill McCollum  
Tony Karrat, Executive Director, Legal Aid Service of Broward County  
Luis Felipe Pinzon, Director of Programs, Hispanic Unity of Florida  
Shawn Boehringer, Director of Advocacy, Legal Aid Service of Broward County  
Kathleen Thomsen, Director of Development, Legal Aid Service of Broward County  
Roland Sanchez Medina, President, Cuban American Bar Association  
Carolina Lombardi, senior housing attorney, Legal Services of Greater Miami, Inc.  
Richard Champagne, President, Haitian Lawyers Association  
Maria D. Garcia, board member, Spanish American League Against Discrimination, Inc.  
Lorenzo Cobiella, executive director, Spanish American League Against Discrimination, Inc.  
Osvaldo Soto, board Chairman, Spanish American League Against Discrimination, Inc.  
Marcos Regalado, board member, Spanish American League Against Discrimination, Inc.  
Reverend Guillermo Revuelta, board member, Spanish American League Against Discrimination, Inc.

What: South Florida announcement on pro bono foreclosure defense funding

When: Thursday, September 3, 2009, 2:00 p.m.

Where: Office of the Attorney General  
Rivergate Plaza, Sixth Floor  
444 Brickell Ave  
Miami, FL

Contact: Sandi Copes/850.245.0150  
[Sandi.Copes@myfloridalegal.com](mailto:Sandi.Copes@myfloridalegal.com)

###

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

**To:** McHugh, Michael

**CC:**

**Date:** 9/8/2009 9:34:32 AM

**Subject:** ?RE: Judge Richards - Foreclosure

---

Thanks, Mike, for sending this out. I apologize for my delayed response to your email last week. I think that it looks great. We'll see if there are any comments.

---

**From:** McHugh, Michael

**Sent:** Tuesday, September 08, 2009 9:44 AM

**To:** Gerald, Lynn; Winesett, Sherra; Rosman, Jay; Fuller, Joseph; Golden, Diana; Hamsharie, Deborah; Trammell, Cindy; Thompson, Lucinda; Poulston, Lisa

**Cc:** Carlin, John S.; Cary, G. Keith; Sauls, Sandi; Johnston, Linda

**Subject:** Judge Richards - Foreclosure

Attached is my first draft of the procedures I put together for the use of Judge Richards for Foreclosures. Let me know your thoughts so we can revise this document as appropriate.

**To:** Ederr, Suzanne  
**Cc:** Aloia, Nancy K; Mravic, Deborah; Fishbeck, Eric  
**Subject:** RE: Civil DCM - Draft AO

Suzanne, Nancy, Deb

Great start Suzanne on the Civil DCM AO. I made one small change to the draft. I will defer to Nancy and Deb, but I would not exclude any cases from the AO, but explain in the Procedures that Homesteaded Foreclosures will be handled according to special procedures outlined in Homestead Foreclosure AO # XXX.

I took my best shot at refining the "Guidelines" to more succinct "Civil DCM procedures" (to be attached to the AO). I know they are very, very busy, but these CM Procedures really need an edit by Nancy and Deb to make sure they reflect the Final Case Management DCM Procedures and forms the stakeholder groups settled on. The procedures can be pared down to essentials, but have to be clear and comprehensive before Judge Cary signs an AO..

Here is my best first shot at getting this down to a manageable size. Need Nancy and Deb to comment and meet with you to help get a final product!



ATTACH A-Civil CM 1 13 - Civil Case  
AO Procedure... Management 6..

---

**From:** Ederr, Suzanne  
**Sent:** Tuesday, June 29, 2010 5:45 PM  
**To:** Callanan, Richard; Kiesel, Lisa  
**Cc:** Aloia, Nancy K; Mravic, Deborah; Fishbeck, Eric  
**Subject:** RE: Civil DCM - Draft AO

I have the initial draft AO prepared, which is very similar in format to the Criminal AO. I'm attaching the draft hereto and invite comments. << File: 1.13 - Civil Case Management 6-29-10.docx >>  
I'm currently going through and reviewing the actual Plan already prepared by the Committee, and which will be attached and will be the true meat of the AO. The version I am reviewing is dated 2/28/10. Please advise if there is a more recent version.

Thank you,

Suzanne

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**From:** Callanan, Richard  
**Sent:** Tuesday, June 29, 2010 10:41 AM  
**To:** Ederr, Suzanne; Fishbeck, Eric  
**Cc:** Kiesel, Lisa; Mravic, Deborah; Middlebrook, Mark; Aloia, Nancy K  
**Subject:** Civil DCM - Draft AO

As discussed, I would like to get a draft Civil DCM AO, hopefully by 7/15/10.

Based on results of the Civil Judge and Managers meeting on 6/11 it looks like we will need:

1. Using 3.25 Criminal DCM AO as a template, draft an AO that outlines circuitwide initiative to begin civil and foreclosure backlog reduction on date of signature and initiate full Civil DCM procedures as a pilot on 10/1/10 for Lee County and 1/1/11 for Collier county. Other counties to develop plans to implement as possible in future.

Attachments:

Attachment A-the Backlog Reduction Plan - Effective on signing initiates circuit backlog reduction plan: – sets general procedures for circuitwide backlog reduction in Circuit Civil and Foreclosure cases : (1)Sets 10-20% backlog reduction goals for Civil cases over 18 months, Sets backlog reduction goal of 62% for all pending foreclosures, (2) allows for referral to the Magistrate for hearing of Foreclosure cases, allows referral to Magistrate/Case Manager for case management conferences in backlog civil cases, allows referral to Magistrate in pretrial discovery motions/pretrial case management;

Attachment B – Civil DCM procedures ( use guidelines and forms as accepted by Civil Bar Committees) effective 10/1/10 in Lee as a pilot; 1/1/11 in Collier as a pilot: Sets 3 case tracks, sets presumptive time frames and goals for time to disposition, sets requirement for Approved case management plan filed by Counsel within 120 days of first answer in all cases not designated as complex or Foreclosures( which will be handled through a separate procedure), sets Standing Order for CM in all cases filed, Sets procedures for referral to the Magistrate/Case Manager for case management conference or pretrial discovery motions, sets procedures for Pretrial Conferences at discretion of trial judge.

2. Circuitwide forms need to be attached.
3. Draft AO and procedures need to be circulated Collier, Charlotte CM Bar committees and civil PJ's for review before Chief Judge

Suzanne, please get started with Nancy, Debbie and Eric on this and bring me in when needed. Thanks

## **Agenda Item 4 – New Complex Civil Case Management Initiative- 20<sup>th</sup> Circuit**

### Summary:

Circuit Administrative Judges and Civil Judges in Lee and Collier have been working on a new pilot program to expand staff support and use of successful practices used in Family and Criminal DCM to Civil Case Management. The program is scheduled to begin implementation with preliminary backlog reduction efforts in December/January and new screening and case management procedures in April 2010.

The program will initially assign a Civil Case Manager and a Civil Magistrate in each county to focus on civil backlog reduction and assistance to civil judges in handling complex litigation. No new state staffing is provided for this project and it will be implemented with reassignment of existing county and state positions to these functions. The intent is to identify best practices in civil case management and expand circuitwide as possible.

### Training Workshop:

A circuitwide Civil Case Management training workshop for judges and selected staff will be held using a national expert, Dr Barry Mahoney, President of the Justice Management Institute in Denver, Colorado. The workshop is tentatively scheduled to be held at Edison College, Ft Myers on January 14, 2010 for all Administrative Judges and Circuit Civil judges.

Dr. Mahoney will also hold a one-half day workshop for Circuit Criminal judges to facilitate a review of progress to date and practices in Criminal Caseflow management on Friday, January 15<sup>th</sup>. Tentative workshop agendas are attached.

### Scope of the Initiative:

The Civil Case Management procedures are still under discussion with civil judges, but some new aspects of the Civil Case Management program will include:

- **Complex Case Management Procedures** will be established to identify and assist Civil Judges in implementing new Complex civil litigation rules, forms and procedures recently enacted under R. 1.201  
( See: <http://www.floridasupremecourt.org/decisions/2009/sc08-1141.pdf>)
- **New Case Management Staff support** will be re-assigned from other areas and new pilot will identify case processing duties and best use of a Civil Case Manager and Magistrate to assist civil judges in the civil case management process;

- **Initial focus will be on assistance to civil judges in civil backlog reduction**, use of management reports to identify older problem cases and use of Magistrate to set Case management/Status conferences;
- **Procedures will be developed for early screening of civil cases and identification of presumptive criteria for complex business/commercial or complex tort cases**, for holding the Initial Case Management Conference within 60 days of first answer in complex cases, and for use of simplified standardized forms for Case Management/Pretrial Conference Orders;
- **New Civil Cover sheet will be implemented on 1/1/2010** and procedures coordinated with the Clerk for early screening, referral and MIS tracking of complex cases and backlogged standard cases;
- **Tentative Case Tracks and flexible time standards** will be recommended for time to disposition (Standard- 18 months; Complex cases- 24 months) and for discovery cut-off, mediation and for pretrial conference based on case complexity;
- **Case Management MIS needs of Civil Judges** will be addressed to enable better case tracking and management information reports on pending caseload;

This item is for information and discussion.

**From:** Aloia, Nancy K </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=NKW2884>

**To:** Jordan, Deborah

Kantor, Marianne

Lee, Kimberly

Schreiber, Lee Ann

Studybaker, Steven

**CC:**

**Date:** 4/3/2009 12:39:58 PM

**Subject:** Emailing: leeforeclosuretaskforce.com

**Attachments:** leeforeclosuretaskforce.com.url

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Hello

You may already be aware of this but I am forwarding on just in case. This is the new webpage created by the local bar's foreclosure taskforce. It has some helpful information on the right-hand side for self represented litigants and also under the resource page. Thanks- Nancy

The message is ready to be sent with the following file or link attachments:

Shortcut to: <http://leeforeclosuretaskforce.com/>

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

**ATTACHMENT A**

***Civil Differentiated Case Management (DCM) Procedures and  
Backlog Reduction Plan***

**TABLE OF CONTENTS**

- I. Purpose and Goals**
- II. Circuit wide Foreclosure and Civil Backlog Reduction Plans**
- III. Civil DCM Case Management Plans - Time Standards & Goals**
- IV. Civil Case Tracks - Definition & Guidelines**
  - a. Complex case track – Goal 24 months
  - b. Standard Case track - Goal 18 months
  - c. Expedited Case track - Goal 12 months
- V. Case Management Procedures- Guidelines**
  - a. Screening and Judicial Assignment to Case Tracks
    - 1. Civil Case Cover Sheet
    - 2. Early Case Review and Screening of Selected Cases
    - 3. Standing Order for Case Management
  - b. Case Management Procedures – Complex cases
    - 1. Designation to the complex track
    - 2. Initial Case Management Conference
    - 3. Joint Statement of Counsel
    - 4. Case Management Order
    - 5. Interim Case Management Conference – Magistrate
    - 6. Pretrial Conference and Trial
  - c. Case Management Procedures – Standard/Expedited Cases
    - 1. Standing Order for Case Management
    - 2. Counsel Stipulated (Agreed) Case Management Scheduling Plan
    - 3. Case Management Conference – Standard cases
    - 4. Case Scheduling Plan/Time goals
- VI. Standardized Circuit Civil Case Management Orders & Forms**



# ***Civil Differentiated Case Management (DCM) Procedures and Backlog Reduction Plan***

## **I. Purpose and Goals**

This 20<sup>th</sup> Circuit Civil Caseflow Management and Backlog Reduction Plan seeks to use innovative strategies to address the growing backlog and to implement modern differentiated caseflow management procedures in the circuit civil courts for the future to accomplish the following goals:

- Improve the courts ability as required by FL.R.2.545, to provide early and continuous control of case processing through use of additional Magistrate and Case Management resources, to ensure fair and prompt resolution of disputes consistent with the nature and complexity of the case;
- Identify immediate strategies for civil and foreclosure case backlog reduction plans to assist in prompt resolution of the current 31% of civil cases pending over 18 months;
- Improve the courts ability to respond to the growing number of commercial, business and other economic based civil filings having a direct impact on economic recovery in the circuit;
- Develop uniform procedures for effective early judicial intervention and management of complex cases consistent with new Florida Civil procedure rules for managing complex litigation (FL. R. 1.201);
- Reduce public costs of civil litigation through early identification and expedited handling of relatively simple two-party cases to ensure prompt resolution of expedited matters through early referral to mediation or expedited hearing where appropriate;
- Improve the quality and timeliness of Management Information from the Clerk/Court MIS systems to assist judges and the court in management of civil cases and identification of cases pending over Florida Supreme Court time standards (per R. 2.250);

## **II. Circuit wide Civil and Foreclosure Backlog Reduction Goals**

Each Circuit Administrative Judge, in consultation with the civil judges and the local Bar, has developed a civil and foreclosure backlog reduction plan to be effective 7/1/10.

Economic Recovery Funds provided by the state may only be used for Foreclosure backlog reduction. No funds provided under this program can be used for other civil backlog reduction efforts.

Each county backlog reduction effort includes the following components.

### **a. Backlog Reduction Goals**

1. To reduce the number of pending/backlogged Foreclosure cases by 62% circuitwide by 6/30/11.
2. To reduce the number of economic-related circuit civil cases over 18 months of age by 10-20% by 6/30/11.

### **b. Civil and Foreclosure Backlog Reduction Strategies**

- Expedited Foreclosure Default Dockets of 200-300 cases per day- Defaulted Foreclosure cases will be set before Senior Judges to accelerate early disposition of default judgments
- Accelerated Foreclosure Trial Dockets will be set before the Magistrate or Senior Judge – Foreclosure cases pending over 6-12 months with no activity will be set for Trial before the Foreclosure Magistrate. If not tried on that date, the case should resolved or set for summary judgment or date certain trial;
- Case Management/Settlement Conferences in Backlogged Circuit Civil Cases– Referral to Magistrate or Case Manager may be made by order of referral for case management conferences. Cases not disposed will result in a Case Management Order/Report to the trial judge with firm discovery cut-off dates, pretrial issues to be resolved and date matter to be ready for trial.

## **III. Civil DCM Case Management Plans - Time Standards & Goals**

These time standards/goals are developed consistent with Florida Supreme Court Rules of Judicial Administration (FL.R.2.250) and are intended to be flexible, presumptive time periods for disposition of civil cases.

Complex case time standard/goal is expanded to 24 months upon designation of a case as complex consistent with R. 1.201 regarding management of complex civil litigation. The local goal of 80 - 90% disposition of cases within time standards recognizes, consistent with court rule, 2.250(a) that there are a portion of cases that present unique pretrial problems that may cause reasonable delay. Time standards established by case track are:

- a. Complex cases 80% disposed within 24 months
- b. Standard cases 80% disposed within 18 months
- c. Expedited cases 90% disposed within 12 months

#### **IV. Case Track Definition and Criteria**

##### **a. Complex Case Track – (Goal 24 months)**

The complex case track involves those cases with extraordinary complexity as to require or benefit from early intervention and individual judge management. Complex cases are defined by FL R. 1.201. Cases may be designated for handling on the complex track in one of the following ways:

1. Complex cases designated by motion or stipulation of Counsel and approved by Court as cases meeting complex litigation criteria under FL R. 1.201(a); OR,
2. Cases identified by the court on its own motion as complex case under FL R. 1.201 due to extraordinary procedural complexity, number of parties or other case factors that will require or benefit from individual judicial management;

*Presumptive Case Types-* Local plans may establish presumptive complex case types for review with the assigned judge based on local needs and filing trends.

Examples of presumptive complex case types that may be appropriate for early screening and review of case complexity are:

- **Class Action** Cases as noted on Civil Cover Sheet (Form 1.997, section V.)
- **Environmental/Toxic Tort/Mass Tort** Litigation (Form 1.997, section II)
- **Anti-Trust/Securities** Litigation
- **Malpractice** – Medical (or involving Wrongful Death)
- **Nursing home negligence**
- Other complex cases with extraordinary number of parties, experts, pretrial discovery issues

Presumptive complex case types may be designated for early screening and review by Case management. Multiple parties are a key factor, as referenced by the rule; however procedures should be developed in cooperation with the Clerk's Office to identify "presumptive" case types from the Civil Case Cover Sheet.

The Case Manager should be notified of presumptive case types upon filing by the clerk so that they may be actively monitored by the case manager after all defendants have been served, an appearance has been entered in response to the complaint by each party or a default entered. The case manager will review with the assigned Judge each case by evaluating the Civil Cover Sheet, Answer(s) and Complaint to determine the need for assignment to complex track.

**b. Standard Case Track – (Goal 18 months)**

Standard case track involves the large majority of standard cases that normally will not require a high level of judicial case management to reach timely resolution unless unusual pretrial delay arises. Examples of general case types that would be defined as standard cases, assuming no unusual complexity are:

- Personal injury/tort
- Auto negligence
- Standard contract cases without extraordinary pretrial discovery complexity

1. Case Management Conferences in Standard Cases- A Case Management Conference will be scheduled in standard cases after service of Complaint on all parties, to be held generally within 120 days from date of complaint. The parties may set the initial case management conference or the Court, in its discretion may set the date for initial case management conference. Parties may also request case management conferences by written request through the Magistrates office.

***The Initial Case Management Conference may be waived / canceled upon submission of the Counsel Stipulated (Agreed) Case Management Plan, signed by all parties, and approved by the court. Forms will be available on the Court's website.***

2. Counsel Stipulated (Agreed) Case Management Plan – A Counsel Stipulated (Agreed) Case Management may be developed jointly by counsel, and filed within 120 days of date of first answer. This will allow counsel to consult early in the case, devise an agreed upon

pretrial discovery plan and to waive an initial case management conference, if approved by the court.

The use of a Counsel Stipulated (Agreed) Case Management Plan early in the case (within 120 days) is intended to allow counsel to set a reasonable pretrial discovery plan, without court intervention, provided that general time parameters are set and adhered to by counsel to ensure target dates for discovery, expert reports and referral to ADR based upon the complexity and needs of the case.

**c. Expedited Case Track - (Goal 12 months)**

Expedited cases are those cases normally requiring little judicial intervention with relatively simple procedural and legal issues that can be resolved promptly by early referral to mediation, ADR or expedited hearing.

Expedited cases may include:

- Contested Residential and Commercial Foreclosure
- Simple, two-party Collection/Indebtedness cases under \$50,000.
- Non Jury cases

Contested cases identified as expedited may be set directly by counsel for mediation within 270 days or as practical as part of the Counsel Stipulated (Agreed) Case Management Plan.

Foreclosure cases will not require a Counsel Stipulated Case Management Plan and would continue to be set on an expedited hearing docket, possibly before a Senior Judge.

**NOTE: Homesteaded Foreclosure** cases will be handled through a separate managed mediation/conciliation process developed per Supreme Court order and local Administrative Order #\_\_\_\_\_.

**V. Civil DCM Case Management Procedures**  
(New Cases filed as of 10/1/10)

**a. Screening and Assignment to Case Tracks**

1. Civil Cover Sheet (Form 1.997)  
To be filed with the initial complaint by Counsel with the Clerk. After review, data entry clerk will forward Cover Sheet/Complaint/Answer for cases that meet presumptive complex criteria to Case Manager.
2. Case Review and Screening by Case Manager

After responsive pleadings are filed, cases meeting presumptive complex case criteria will be reviewed by Case Manager for recommended track decision. Potentially complex cases will be reviewed with, and approved by, the assigned trial judge for assignment to the appropriate case track. (Upon complex case designation, case management procedures will follow Section V.b. of this document).

3. Standing Order for Case Management/Counsel Stipulated (Agreed) Case Management Plan  
Plaintiff counsel will attach the Standing Order for Case Management and Request for Counsel Stipulated Case Management plan with the initial complaint for service on all parties (with the exception of Homesteaded or defaulted Foreclosure actions).

#### **b. Case Management Procedures – Complex Cases**

1. Designation to the complex track  
Cases may be designated to the complex track as provided under Rule 1.201 by:
  - Stipulation by Counsel  
Motion or stipulation for designation as a complex case under 1.201 must be filed with the Clerk of Court. Clerk will provide a copy to the Case Manager in order to assist the judge in case preparation for Initial Case Management Conference or motion hearing;
  - On Courts Motion  
Case Manager may recommend designation as a complex case to trial judge after receipt of responsive pleadings and review of complaint, answer and civil case cover sheet in presumptive case types.
2. Initial Case Management Conference  
Set by the assigned trial judge to occur within 60 days of designation as a complex case with assigned judge or magistrate in selected cases with consent of counsel;
3. Joint Statement of Counsel  
To be filed jointly by counsel 15 days prior to the initial case management conference as required under R. 1.201;
4. Case Management Order  
Developed by counsel to be consistent with uniform circuit Case Management Order resulting from the conference which provides:
  - Pretrial Discovery/Case scheduling plan

- Plan for referral to ADR
  - Next Case Management Conference Date
  - Date for next Pretrial Conference  
(that is not less than 90 days from trial date)
  - Estimated date for trial/readiness date within 24 months
5. Interim Case Management Conference or Pretrial Conferences  
At the trial judge's discretion, an interim case management conference or Pretrial Conference may be set with the Judge or Magistrate to facilitate resolution of pretrial management or discovery matters, resolve outstanding issues and set a firm trial date.
  6. Trial  
Trial date set by judge at the Pretrial Conference or upon receipt of notice for trial.

**C. Case Management Procedures – Standard/Expedited Cases**

1. Standing Order for Case Management/Counsel Stipulated (Agreed) Case Management Plan- Plaintiff counsel will attach the Standing Order for Case Management and Request for Counsel Stipulated (Agreed) Case Management plan with the initial complaint for service on all parties( with exception of Homesteaded and Defaulted Foreclosure actions).
2. Case Management Conference  
In standard cases, counsel may waive initial case management conference by filing a Stipulated Case Management Plan, approved by the Court, within 120 days of first answer.  
  
In cases where counsel does not file a Counsel Stipulated(Agreed) Case Management Plan within 120 days, or in cases where the plan has been filed but not approved by the Court, both parties and counsel will be required to attend an initial Case Management Conference as scheduled by the court to establish a case management/scheduling plan.
3. Presumptive case scheduling plan/time goals  
Counsel Stipulated (Agreed) Case Management Plans may be flexible and based upon individual case factors, but should be consistent with reasonable and presumptive pretrial discovery and ADR time goals as follows:

<u>Case Track</u>	<u>Completion Discovery</u>	<u>Referral to Mediation</u>	<u>Trial/Disposition</u>
Standard	420	450	540 days
Expedited	240	270	365 days

## **VI. Standardized Circuit Civil Case Management Forms**

**Rev. 6/28/10**





## **20<sup>th</sup> Judicial Circuit**

### ***Civil Case Management: Backlog Reduction Plan***

Charlotte County

Jon Embury

5/28/10

## Civil Backlog Reduction Plan

### A). Civil Case Management Stakeholders Working Group

#### Local Approach and Activities

The Charlotte County Civil Case Management Planning Committee was formed in early February 2010. Judges Kyle, Richards, Schreiber, and Alessandrone represent the Charlotte Judiciary. Additionally, we also have six experienced civil litigation attorneys. Representatives also include members from the Charlotte County Clerk's Office and the Administrative Office of the Courts (AOC). The planning committee meets monthly.

Topics of discussion have included scheduling, mediation, and case management conferences (CMC). Based on the pending civil caseload data, the Committee determined that significant focus should be on the foreclosure backlog. The Committee addressed a number of issues regarding the scheduling of foreclosure cases, the review and processing of such cases, and the amount of work and time in preparing such cases for the final sale. The latter presents a significant stressor for the Clerk's Office. Many of the attorneys discussed the lack of movement on foreclosure cases and cited several circumstances where parties are inclined to simply take no action on the case, rather than pursuing the case to its appropriate conclusion. The Committee discussed the foreclosure calendar. One of the proposals is to allow parties to schedule summary judgment matters within a 30 to 60-day window. This will hopefully better utilize all available timeslots. Another proposal is to increase the timeslots by another 100 to 200 cases to accommodate more foreclosure cases. The final proposal is to utilize an expedited case management track for all newly filed foreclosure cases to proactively address new cases. This process is discussed in greater detail below.

A number of the attorneys had questions concerning the mediation process and the Circuit's selection process. At the last meeting, the Committee was informed that the interview process was under way and a successful candidate would be selected shortly.

Significant time was spent discussing the lack of prosecution process. Our Clerk's Office resurrected the process. The Clerk's Office generated lists of inactive cases and sent out the notices of inactivity in April. We currently have our first court dates set in June and July. This process is detailed further in section D.

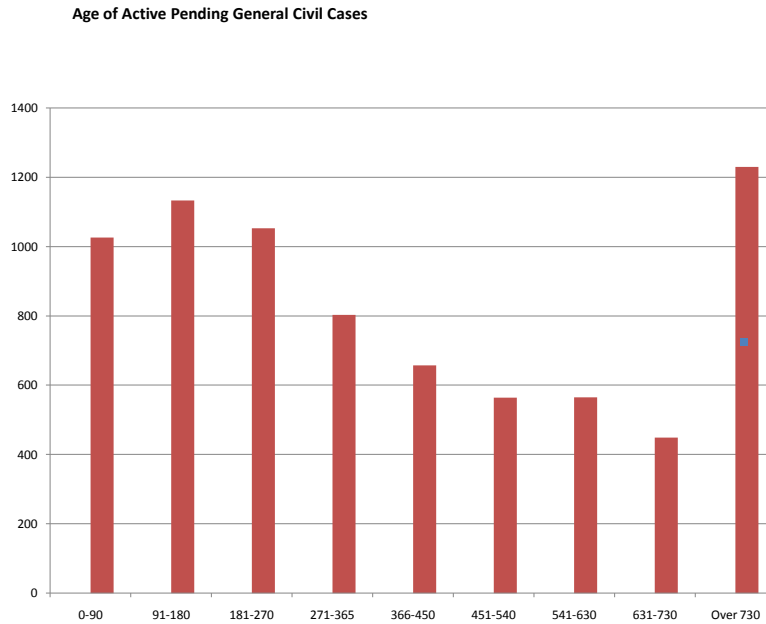
Our Committee also addressed Differentiated Case Management (DCM) tracks and conferences. However, as discussed above, significant time must be set aside for processing the current backlog before full implementation of a DCM program in Charlotte. Draft orders and documents, prepared by the circuit, have been disseminated to our group for feedback and input.

An additional issue, brought up by an attorney, was discussed relating to the age of our population and the fact that we have many elderly citizens in Charlotte. The Committee is exploring whether cases involving the elderly should be included in an expedited docket.

B). Analysis of Civil Backlog-Identification of Delayed/Backlog Target Cases

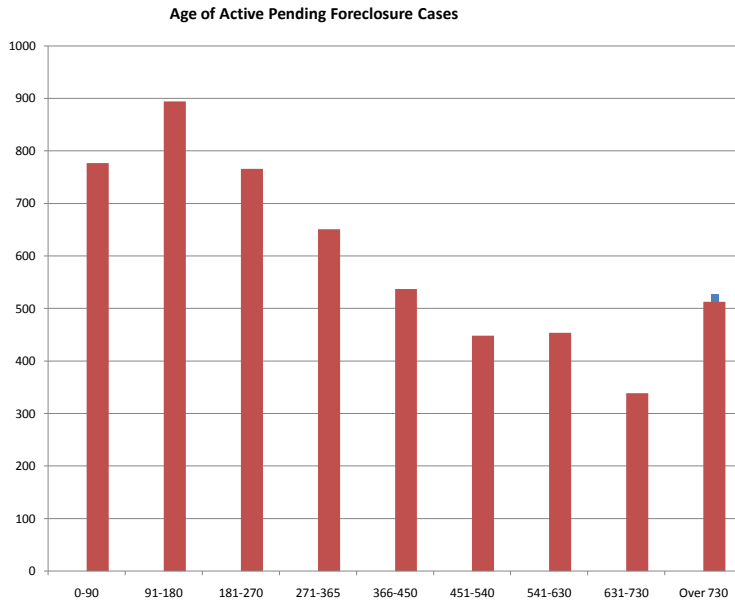
Filing Trend, Clearance Rates and Baseline Data on All Pending Circuit Civil cases

Below is the pending report extrapolated from data that the Charlotte County Clerk’s Office prepared. All circuit civil case information was essentially converted into an excel spreadsheet. The information was then easily sorted by all categories. All data was collected on 4/8/10 and processed into these reports on 4/12/10. Our total starting case load (baseline) is 7,480 pending cases.



Age of Pending General Civil Summary

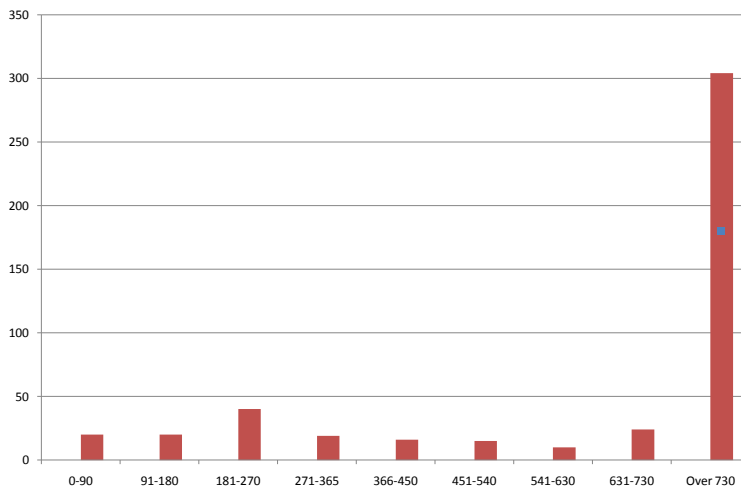
According to the information provided by our Clerk, Charlotte currently has 1,230 cases over 2 years old. There are an additional 1,014 cases presently over 18 months old. A large percentage of these cases have already been targeted for the lack of prosecution process.



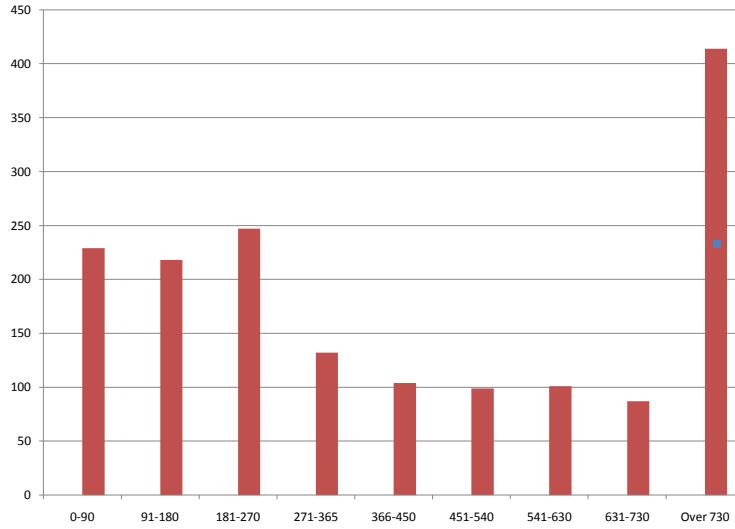
**Age of Active Pending Foreclosure Cases Summary**

We currently 5,379 cases pending foreclosure, which represents over 70% of our pending civil case load. There are 2,291 pending cases over 1 year old.

**Age of Active Pending Civil -JURY CASES ONLY**



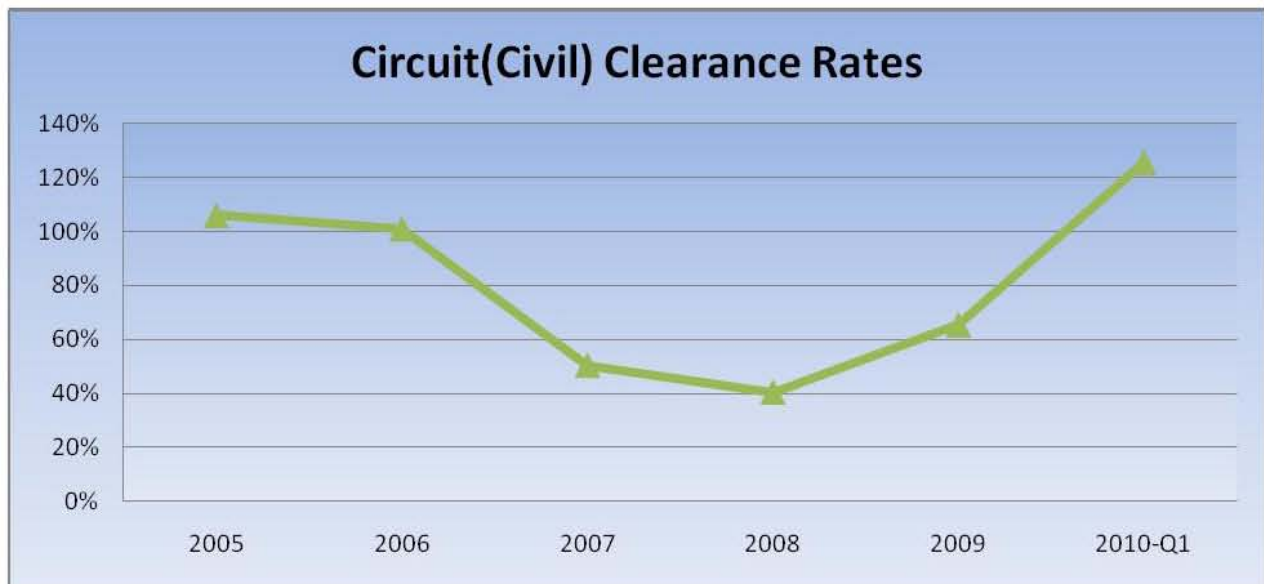
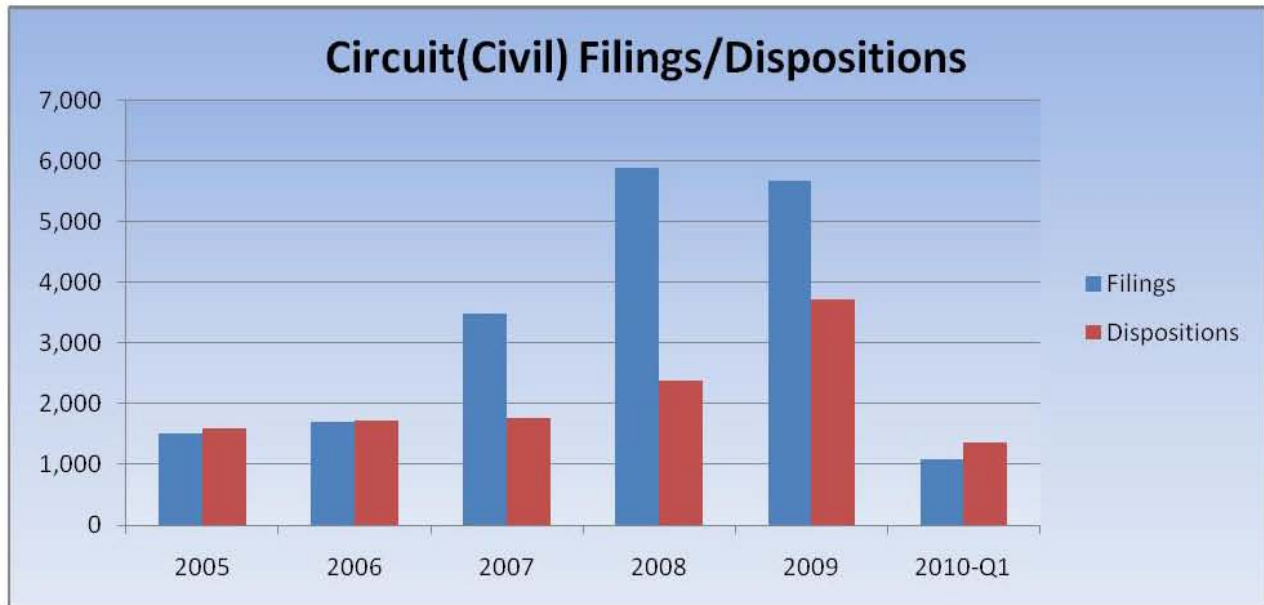
**Age of Active Pending Civil Cases Excluding Foreclosures-NON-JURY CASES ONLY**



Age of Active Civil Cases (Excluding Foreclosures) Jury and Non-Jury Summary

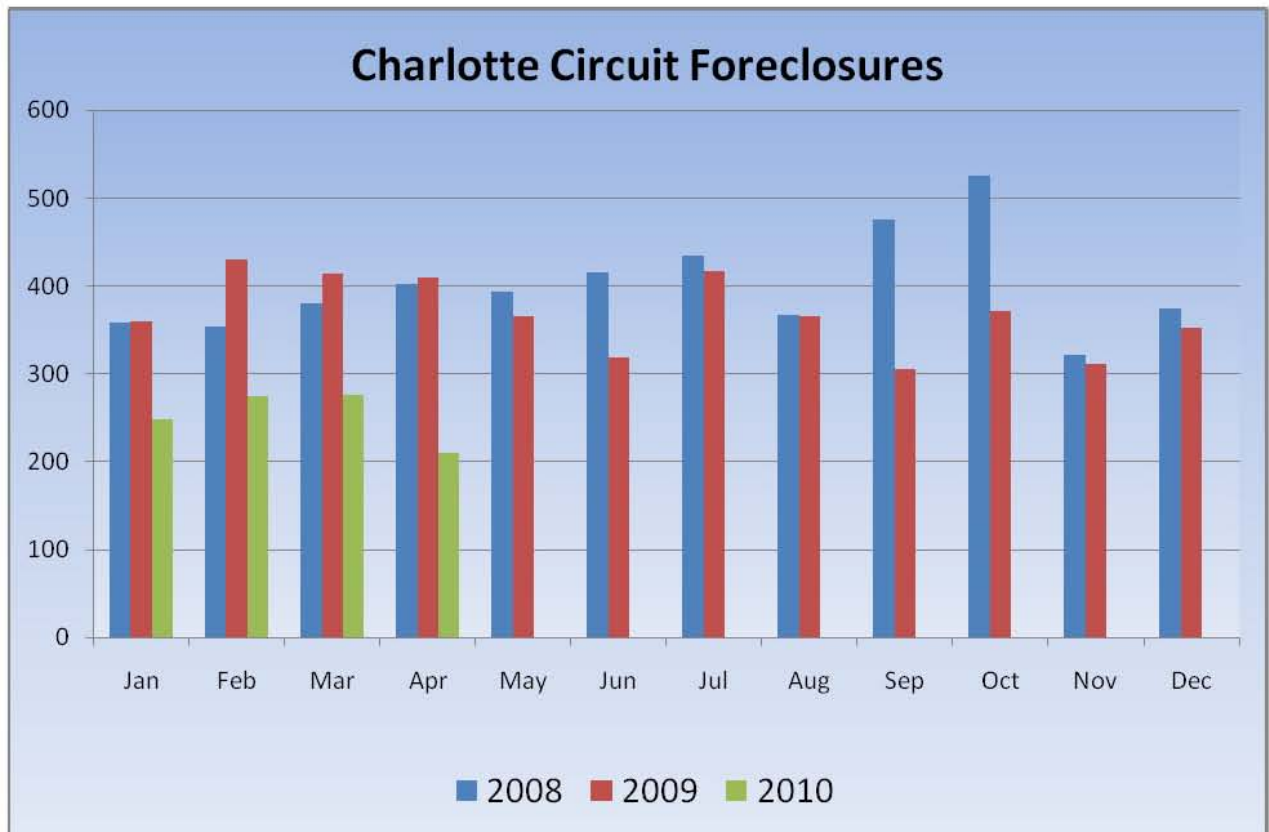
The majority of our pending jury and non-jury cases (excluding foreclosures) are pending over 18 months. The totals are 304 and 414 (respectively). The vast majority of our non-jury cases are currently being scheduled by the clerk for lack of prosecution.

Filing, Disposition and Clearance rate Trend data



	Circuit(Civil)					
	2005	2006	2007	2008	2009	2010-Q1
Filings	1,512	1,705	3,489	5,882	5,678	1,077
Dispositions	1,603	1,723	1,763	2,383	3,717	1,354
Clearance Rates	106%	101%	51%	41%	65%	126%

## Foreclosure Filing Trends for 2008, 2009, and First Quarter 2010



### Foreclosure Filing Chart Summary

The above chart represents our foreclosure filings and demonstrates a significant drop off in filings since the beginning of this year. Charlotte is down considerably the past few months. Charlotte is currently increasing its clearance rates relative to the foreclosure issue. In the first quarter of 2010, we had 811 filings and 1,166 dispositions. The first quarter clearance rate is 144% (this information is not reflected on the charts above).

### C). Backlog Reductions Goals

Based on the analysis of our circuit civil caseload, a number of realistic goals have been established for the upcoming year. With our backlog reduction efforts, the influx of Senior Judge days (40 days), and one full time OPS case manager position these goals will be accomplished in the upcoming state fiscal year (7/1/10 -6/30/10).

#### Charlotte County Circuit Civil Backlog reduction Goals

- 1). Reduce all pending cases over 18 months (jury trial only) by 25%.
- 2). Reduce all pending cases over 12 months (non-jury) by 40%.
- 3). Reduce all pending foreclosures by 62% (as per state goal requested by OSCA).
- 4). Maintain clearance rates of 100% monthly for all general civil cases.
- 5). Maintain clearance rate of 130% monthly on foreclosure cases.

### D). Lack of Prosecution Process/Updated Dismissal Lists-

It has been approximately three years since our last lack of prosecution letter was sent out and the utilization of the dismissal process. It has recently been redeveloped and updated with the assistance and cooperation from the Charlotte County Clerk's Office. Thus far, 1,400 cases have been systematically identified by our Clerk's Office in circuit civil for inactivity greater than 10 months. Currently, the Clerk's Office prepares a list that shows all cases 10 months or older. The Clerk's Office monitors the list weekly for any updates. With a concentration on foreclosures, jury cases, and non jury cases (excluding foreclosures), the Clerk's Office is processing approximately 300 cases per month by sending out lack of prosecution notices to all parties. They are starting with the oldest cases first. All cases without a response will be set for a hearing within 60 days from the notice and closed unless good cause is shown why the action should remain pending. The lack of prosecution letters were mailed out beginning in April and we have our first rounds of dismissal hearings set for the first week in July.

Currently, when the Clerk's Office receives a response to the lack of prosecution notice, notice is immediately sent to Judge Richards. The Judge will then set up a mandatory status hearing for all attorneys involved in the case. This process will ensure that the case does not fall off track again and may possibly result in settlement or dismissal could occur with this corresponding status hearing.



#### E). Case Management/Settlement Conferences

The focus of the first two meetings with the local planning committee has been on foreclosure related issues. A case management plan has been developed relating to this important issue. The goal of the plan is to create a two pronged approach to the foreclosure issue: (1) proactively set CMC on newly filed foreclosure cases; and (2) increase timeslots to move older cases.

#### **Expedited Case Management Procedure (Foreclosure Only)**

This process will begin concurrently with the onset of the managed mediation program (tentatively set for 8/1/10). This process will be for only those foreclosure cases filed after the start date. Upon the filing of the foreclosure case (after start date), the Clerk of the Court will send a copy of the civil cover sheet to the case manager. The case manager will document the information relating to the foreclosure case for tracking purposes. The case manager will send out the notice for a case management conference order (modified circuit draft order eliminating the stipulation agreement for foreclosures only), court date, and a standing order for case management (circuit approved) to all involved parties. The CMC will occur 5 months from the date the case is filed and will be set in front of the presiding civil judge.

#### **Case Management Conferences**

All decision-making trial counsel and pro se parties must attend the case management conference. Parties, represented by counsel, may attend with their counsel if they so desire. Those attending must have a thorough knowledge of the case, be prepared to discuss it, and make stipulations and admissions when appropriate. Those attending shall be prepared to discuss the issues enumerated in Florida Rule of Civil Procedure 1.200(a).

#### **Tentative foreclosure case time line starting from filed date:**

- Filed
- Service within 120 days
- 20 days to answer
- 10 days deviation
- 150 days/5 months – case management conference with presiding Judge

From CMC, the judge may refer non-homesteaded properties/commercial to mediation or enter default on that date. If the case is moved to mediation, then the case manager will continue to track for two months and conduct a follow up case management conference (within the 60 days) again with all parties to determine compliance with court orders and the status of the case. If the case is still not settled or resolved, the case will be returned to the judge for trial within 30 days.

### **Increase foreclosure timeslots**

Currently we have approximately 600 timeslots available per month. The plan calls for an increase to approximately 200 more timeslots. Utilization of the case manager will assist in the review of foreclosure files to ensure timely and efficient court flow. Timeslots will be opened up only 1-2 months at a time to maximize the available slots.

Clerk processing on the back end has been a historical issue with our foreclosures. The Clerk is attempting to submit a plan of their own in an effort to obtain another position from the state to assist in our efforts to decrease our foreclosure backlog.

### **Civil (Non-Foreclosure) Backlog Case Resolution Plan**

#### **Defined as:**

Old active cases (24+ months) and/or any case that receives filed information/response to a lack of prosecution notice.

#### **Resolution Summary**

Cases that meet the above definition are identified by the case manager.

A mandatory status hearing is set in front of the presiding judge where all attorneys and clients must attend.

If case is not ready for trial, then follow up will be required and a case management conference with Magistrate or case manager will be set. (Attorneys that will try the case are mandatory/Clients are optional at this CMC phase).

If compliance issues are identified Final Case Management/compliance review hearing with the Judge may be required.

Set for Trial or Dismissal