

151 Trial – conduct of: jurors: *Neil* challenges

The state exercised a challenge and the defense objected. The prosecutor stated that he saw the juror sleeping, and that he had watched the man for five minutes. Defense counsel stated he had not seen the juror sleeping, and the judge likewise indicated he did not see it. The court allowed the strike.

Held: The defense failed to preserve any error.

When a challenge is explained on the basis of nonverbal conduct, to preserve an error the challenging party must rebut the explanation. Merely stating that the objecting party did not see the behavior is not sufficient to preserve the error when the party does not state that the act did not in fact occur.

Harriel v. S., ___ So. 3d ___, 35 F.L.W. D450 (4th DCA 2/24/2010)

156 Trial – conduct of: witnesses

Allowing a police witness to give his opinion about the credibility of another witness is especially harmful. Where the conviction rests on the testimony of a codefendant, a police officer’s testimony that he believed the codefendant would tell the truth gets murder conviction and death sentence reversed.

Tumblin v. S., ___ So. 3d ___, 35 F.L.W. S133 (Fla. 2/25/2010)

The numbers preceding each section relate to the section numbers contained in the Florida Criminal Cases Notebook. Case names preceded by a bullet [•] contain an unusually good discussion of the point noted.

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The Florida Criminal Law Weekly Report is written by Kurt Erlenbach, 2532 Garden St., Titusville FL 32796 (321) 264-6000; kerlenbach@cfl.rr.com.

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SCOTUS reverses *Powell*

In *S. v. Powell*, 969 So. 2d 1060 (Fla. 2d DCA 2007), the Second DCA set off a wave of confession suppressions in Hillsborough County based on a faulty *Miranda* warning used by the sheriff's department. The warnings stated, "You have the right to remain silent. If you give up the right to remain silent, anything you say can be used against you in court. You have the right to talk to a lawyer before answering any of our questions. If you cannot afford to hire a lawyer, one will be appointed for you without cost and before any questioning. You have the right to use any of these rights at any time you want during this interview." Powell alleged that the failure to inform the suspect that he had the right to an attorney during questioning, as well as "before answering" any questions, provided an inadequate description of his fifth amendment right against self-incrimination.

In *S. v. Powell*, 998 So. 2d 531 (Fla. 2008), the Florida Supreme Court affirmed the Second DCA, and on February 23, the US Supreme Court reversed in a 7-2 decision.

The Court began with a ruling that the FSC's decision in *Powell* rested not solely on independent state grounds. "Powell notes that 'state courts are absolutely free to interpret state constitutional provisions to accord greater protection to individual rights than do similar provisions of the United States Constitution.' Brief for Respondent 19-20 ... Powell is right in this regard. Nothing in our decision today, we emphasize, trenches on the Florida Supreme Court's authority to impose, based on the State's Constitution, any additional protections against coerced confessions it deems appropriate. But because the Florida Supreme Court's decision does not 'indicat[e] clearly and expressly that it is alternatively based on bona fide separate, adequate, and independent [state] grounds,' *Long*, 463 U. S., at 1041, we have jurisdiction to decide this case."

Turning to the substance of the argument, the Court held, "The four warnings *Miranda* requires are invariable, but this Court has not dictated the words in which the essential information must be conveyed. ... In determining whether police officers adequately conveyed the four warnings, we have said, reviewing courts are not required to examine the words employed "as if construing a will or defining the terms of an easement. The inquiry is simply whether the warn-

ings reasonably 'conve[y] to [a suspect] his rights as required by *Miranda*.'" *Duckworth*, 492 U. S. at 203 (quoting *Prysock*, 453 U. S., at 361).

...
"The Tampa officers did not 'entirely omi[t], post at 9, any information *Miranda* required them to impart. They informed Powell that he had 'the right to talk to a lawyer before answering any of [their] questions' and 'the right to use any of [his] rights at any time [he] want[ed] during th[e] interview.' App. 3. The first statement communicated that Powell could consult with a lawyer before answering any particular question, and the second statement confirmed that he could exercise that right while the interrogation was underway. In combination, the two warnings reasonably conveyed Powell's right to have an attorney present, not only at the outset of interrogation, but at all times.

"To reach the opposite conclusion, i.e., that the attorney would not be present throughout the interrogation, the suspect would have to imagine an unlikely scenario: To consult counsel, he would be obliged to exit and reenter the interrogation room between each query. ...

"The Florida Supreme Court found the warning misleading because it believed the temporal language—that Powell could 'talk to a lawyer before answering any of [the officers'] questions'—suggested Powell could consult with an attorney only before the interrogation started. 998 So. 2d, at 541. See also Brief for Respondent 28-29. In context, however, the term 'before' merely conveyed when Powell's right to an attorney became effective—namely, before he answered any questions at all. Nothing in the words used indicated that counsel's presence would be restricted after the questioning commenced. Instead, the warning communicated that the right to counsel carried forward to and through the interrogation: Powell could seek his attorney's advice before responding to 'any of [the officers'] questions' and 'at any time ... during th[e] interview.' App. 3 (emphasis added). Although the warnings were not the clearest possible formulation of *Miranda*'s right-to-counsel advisement, they were sufficiently comprehensive and comprehensible when given a commonsense reading."

The majority decision was written by Justice Ginsberg, and Justices Stevens and Breyer dissented. Tenth Circuit Assistant Public Defenders Cynthia Dodge and Deborah Kucer Brueckheimer participated with the brief, and APD Brueckheimer did the oral

Jenn C. Lussier

From: Webster Baker <websterbaker@gmail.com>
Sent: Friday, February 19, 2010 1:12 PM
To: Greg S. Parker
Subject: Thank you for the consideration

Hello Judge Parker -

I want to thank you for the consideration regarding my recent request for a letter of reference. I realize that you were unable to take the time to do the letter but I appreciate your consideration all the same. I learned of this part time position in Madison at the NFCC just a couple days before the closing deadline. I was reluctant to make a request for your reference as it was such short notice. I appologize for making that request on such limited time. I hope that if I have another opportunity in the future (and have a reasonable period of lead time) that I may call upon you for such a reference. In the end, I was able to put my package together, took it NFCC but was told that they had already decided on another individual despite the open posting. I guess that was anticipated - government jobs, that's the way they work.

Also, I originally signed up for a Family Law class in Gainesville which I believe you were presenting or speaking at on March 5th. I learned yesterday that I will be required in Tampa that same day on mortgage foreclosure mediation matters and so will not able to attend. I had hoped to attend the family law class to expand my services offered. Maybe another class in the future.

Thank you again for your time.

Sincerely,

Webster B. Baker

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Jenn C. Lussier

From: Eddie M. Anderson PA <emapaloan@bellsouth.net>
Sent: Thursday, February 11, 2010 4:06 PM
To: Greg S. Parker
Subject: right of redemption period, mortgage foreclosures
Attachments: DOC021110-001.pdf

Judge: We talked yesterday in Jasper about when the right of redemption in a mortgage foreclosure action is cut off. Attached is Section 45.0315. Unless the judgment states otherwise, it looks like the right is cut off upon filing the certificate of sale, like I thought, rather than after the running of the ten day objection period afterward. Maybe I'm missing something, or reading this thing wrong? What do you think? Eddie.

The message is ready to be sent with the following file or link attachments:
DOC021110-001

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.

Florida Statutes

- Florida Statutes
- TITLE VI CIVIL PRACTICE AND PROCEDURE
- CHAPTER 45 CIVIL PROCEDURE: GENERAL PROVISIONS

45.0315 Right of redemption. —

At any time before the later of the filing of a ~~notice of sale~~ by the clerk of the court or the time specified in the judgment, order, or decree of foreclosure, the mortgagor or the holder of any subordinate interest may cure the mortgagor's indebtedness and prevent a foreclosure sale by paying the amount of moneys specified in the judgment, order, or decree of foreclosure, or if no judgment, order, or decree of foreclosure has been rendered, by tendering the performance due under the security agreement, including any amounts due because of the exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorney's fees of the creditor. Otherwise, there is no right of redemption.

History. — s. 2, ch. 93-250.

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judge parker
850-253-0165
~~*gsp@j3.org*~~
parker.gry@jwd3.flcourts.org

Jenn C. Lussier

From: Melanie A. Vaughn
Sent: Wednesday, February 10, 2010 1:34 PM
To: Greg S. Parker
Subject: RE: Foreclosure hrgs

I have obtained phone numbers and contacted each attorney and gave them Judge Scaff's number to call. Please let me know if you prefer that I also send notice.

Melanie A. Vaughn, Judicial Assistant
Circuit Judge Greg Parker
Post Office Box 1060
Madison, Florida 32341
(850) 253-0165
(850) 973-2790 (Fax)
vaughn.melanie@jud3.flcourts.org

-----Original Message-----

From: Greg S. Parker
Sent: Wednesday, February 10, 2010 1:32 PM
To: Melanie A. Vaughn
Subject: Re: Foreclosure hrgs

He is fine. Did you get his telephone number out to the attorneys?

----- Original Message -----

From: Melanie A. Vaughn
To: Greg S. Parker
Sent: Wed Feb 10 12:41:02 2010
Subject: RE: Foreclosure hrgs

The reason I asked is because I thought I could lighten the afternoon for Judge Scaff on Feb. 19th when he covers for you.

3:45 Fla Credit Union v. Flannery (Default SJ Hrg)
3:55 Phh Mtg v. Stecker (Default SJ Hrg)

(Also, the 3:25 hrg "IndyMac v. Vega" may be cancelled, I'm waiting for confirmation from counsel)

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(850) 973-2790 (Fax)
vaughn.melanie@jud3.flcourts.org

-----Original Message-----

From: Greg S. Parker
Sent: Wednesday, February 10, 2010 11:39 AM

To: Melanie A. Vaughn
Subject: Re: Foreclosure hrgs

Well for now if they want a hearing we will grant it. Sometimes it is just cleaner to do summary.

----- Original Message -----

From: Melanie A. Vaughn
To: Greg S. Parker
Sent: Wed Feb 10 10:04:04 2010
Subject: Foreclosure hrgs

In a Summary Judgment Foreclosure - When a default has been entered, is a hearing required or can the atty send a proposed judgment?

(There are two default summary judgment foreclosure hearings on 2/19, I wanted to know if a hearing is necessary)

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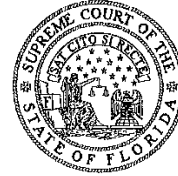
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Jenn C. Lussier

From: Debbie Howells <howellsd@flcourts.org>
Sent: Wednesday, December 30, 2009 4:58 PM
To: Greg S. Parker
Subject: Cases Involving Complex Civil Litigation

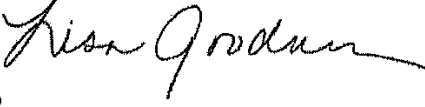


Office of the State Courts Administrator

Phone: (850) 922-5081 Fax: (850) 488-0156
e-mail: osca@flcourts.org

M E M O R A N D U M

TO: All Circuit Court Judges
All County Court Judges

FROM: Lisa Goodner 

DATE: December 30, 2009

SUBJECT: Cases Involving Complex Civil Litigation

The purpose of this memorandum is to provide you with information about the recent Supreme Court opinion regarding complex civil litigation and the impact it could potentially have on judicial work in the circuit civil and family divisions.

The Court's opinion in In Re: Amendments to the Florida Rules of Civil Procedure – Management of Cases Involving Complex Litigation, Case No. SC08-1141, was released on May 28, 2009. The opinion is available at <http://www.floridasupremecourt.org/decisions/2009/sc08-1141.pdf>. On October 15, 2009, in response to comments from separate interested parties, the Supreme Court released a supplement to that opinion. To view the updated opinion, please go to <http://www.floridasupremecourt.org/decisions/2009/sc08-1141a.pdf>. Some requirements became effective on May 28, 2009 (the date the original opinion was released), and others will become effective on January 1, 2010. We encourage you to review both the May 28 and October 15 opinions for further information.

The Court adopted a total of four **required** forms as part of the Rules of Court Procedure. The first three forms listed below are available on The Florida Bar website (www.floridabar.org) under Professional Practice, Rules of Procedure. The fourth form listed below is available on the Florida Courts website (www.flcourts.org) under Self Help, Family Law Forms.

- 1) Form 1.997, the revised Civil Cover Sheet (effective January 1, 2010);

- 2) Form 1.998, the revised Final Disposition Form (effective May 28, 2009, and revised on October 25, 2009);
- 3) Form 1.999, the new Order Designating a Case Complex (effective May 28, 2009); and
- 4) Form 12.928, the new Cover Sheet for Family Court Cases (effective January 1, 2010).

These forms significantly redefine the categories under which civil and family cases must be reported by the county clerks of court, as required for the Summary Reporting System (SRS). The opinion also establishes a new quarterly Complex Case Report.

With regard to the forms and report, please be aware of the following:

1. Form 1.999 – Order Designating a Case Complex. This form is available on The Florida Bar’s website, but it needs to be adapted for each circuit and county. Those circuits that do not already have the revised form in place should take steps to adapt and implement the form.
2. Complex Case Report. The opinion requires the county clerk of court to report quarterly details on each case that is currently designated as complex. As part of that reporting requirement, the clerks will need to know the hearing/trial dates and last action events. The clerks may need to get this information from the judicial assistants in many cases, as they are the individuals responsible for setting the dates. The new 2010 Circuit Civil instructions, which update the 2002 SRS Manual, are available on the Florida Courts website at http://www.flcourts.org/gen_public/pubs/srsmanual.shtml. These instructions include detailed reporting requirements for the Complex Case Report. Please note that the instructions and Frequently Asked Questions are fairly lengthy (42 pages).
3. Form 12.928 – Family Cover Sheet. The new 2010 Circuit Family instructions, which update the 2002 SRS Manual, are available on the Florida Courts website at http://www.flcourts.org/gen_public/pubs/srsmanual.shtml. These instructions include definitions of the new case types on the cover sheets. Please note that the instructions and Frequently Asked Questions are fairly lengthy (34 pages). We believe that the new case types listed on the cover sheet may generate questions from the clerks to the judges during hearings. In addition, there have already been questions raised about whether the Family Cover Sheet is required for dependency or delinquency cases. In its October 15, 2009, opinion in Case No. SC08-1141, the Supreme Court states the following on page 5 in the first paragraph: “We also amend form 12.928 to make it a Florida Family Law Rule of Procedure Form, as opposed to a Florida Supreme Court Approved Family Law Form, as requested by the Family Law Rules Committee.” In the last paragraph on page 5, the Supreme Court further states: “Our intent is to ensure that form 12.928, as adopted herein, is filed in all cases under the Florida Family Law Rules of Procedure or the Florida Rules of Juvenile Procedure.” As of December 2009, the Court has not adopted a rule that requires the family court cover sheet be filed in delinquency and dependency cases. However, the opinion in Case No. SC08-1141 indicates the intention of the Court to have the family court cover sheet filed in all cases that fall under the definition of family and juvenile cases. That approach will facilitate the clerk’s responsibility to report judicial workload data pursuant to section 25.075, Florida Statutes.
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the final judgment to determine if a refund needs to be given or additional fees need to be charged.

I hope that these circuit civil and circuit family forms and SRS 2010 instructions will be helpful to you and your staff. If you have any comments or questions regarding this information please contact Ms. Miriam Jugger, Senior Court Analyst I in the OSCA Court Services office, by e-mail (juggerm@flcourts.org) or phone (850-410-1888).

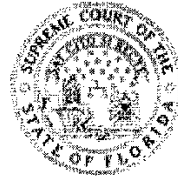
Thank you for your time, cooperation, and commitment.

LG:MJ:dgh

cc: Chief Judges of the Circuit Courts
Trial Court Administrators

Jenn C. Lussier

From: Debbie Howells <howellsd@flcourts.org>
Sent: Wednesday, December 30, 2009 4:17 PM
To: Greg S. Parker
Subject: Cases Involving Complex Civil Litigation

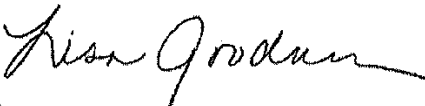


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Thank you for your time, cooperation, and commitment.

LG:MJ:dgh

cc: Chief Judges of the Circuit Courts
Trial Court Administrators

Jenn C. Lussier

From: P. DeWitt Cason <pdcaison@columbiaclerk.com>
Sent: Wednesday, December 30, 2009 9:23 AM
To: Darren K. Jackson; David W. Fina; Frederick L. Koberlein; Greg S. Parker; Julian E. Collins; Leandra G. Johnson; Paul S. Bryan; James R. Bean; Sonny Scaff; Jean Pittman; Tom Coleman; E. Vernon Douglas; H. Wetzel Blair; William R. Slaughter
Subject: Emailing: AOSC09-54
Attachments: AOSC09-54.pdf

Judges,

I'm sure all of you are of aware of this, But I felt it was important enough to send out. Apparently, Homestead Foreclosures must go to mediation now. Let me know if my office can do anything to help speed the process.

DeWitt

p.s. Happy New Year

Supreme Court of Florida

No. AOSC09-54

IN RE: FINAL REPORT AND RECOMMENDATIONS ON
RESIDENTIAL MORTGAGE FORECLOSURE CASES

ADMINISTRATIVE ORDER

Foreclosure case filings in Florida trial courts stood at nearly 369,000 in December 2008. At the beginning of the last quarter of 2009, foreclosure filings statewide totaled in excess of 296,000. Florida has the third highest mortgage delinquency rate, the worst foreclosure inventory, and the most foreclosure starts in the nation. At the close of 2009, it is estimated there will be an inventory of approximately 456,000 pending foreclosure cases statewide. The crisis continues unabated.

The Task Force on Residential Mortgage Foreclosure Cases was established to respond on an emergency basis to the residential mortgage foreclosure crisis in Florida.¹ In Re: Task Force on Residential Mortgage Foreclosure Cases, AOSC09-8 (March 27, 2009). The 15-member Task Force issued a Final Report and

1. The Task Force was asked to recommend “policies, strategies, and methods for easing the backlog of pending residential mortgage foreclosure cases while protecting the rights of parties” through “mediation and other alternative dispute resolution strategies, case management techniques, and approaches to providing *pro bono* or low-cost legal assistance to homeowners.”

Jenn C. Lussier

From: Melanie A. Vaughn
Sent: Thursday, October 29, 2009 8:30 AM
To: Greg S. Parker
Subject: RE: Thurs. Calendar

I just rec'd your email this morning on rescheduling the foreclosure hrg (Madison case) which is scheduled for Hamilton. If I call the attorney to reschedule they may not be able to notify the defendants in time. I will reschedule, but there's a possibility the defendants will show up for the hearing. Go ahead and reschedule with attorney anyway?

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-----Original Message-----

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Sent: Wednesday, October 28, 2009 11:06 AM
To: Melanie A. Vaughn
Subject: Re: Thurs. Calendar

Reschedule for Madison Co.

----- Original Message -----

From: Melanie A. Vaughn
To: Greg S. Parker
Sent: Wed Oct 28 09:34:13 2009
Subject: Thurs. Calendar

Wells Fargo Bank v. Mathieu Grono
#07-358-CA (Madison Co. case)

This is a Madison Co. case scheduled for tomorrow in Hamilton. Here is why:

Tomorrow (10/29) at 3:00 is scheduled a SJ Fore hrg - this is a Madison Co. case, however the attorney scheduled and noticed it to take place in Hamilton (at the time I was unaware it is a Madison case). When Cynthia (Clerk) pulled files for tomorrow's docket she discovered she did not have any record of this file and called to let me know. I checked CCIS and saw that it is a Madison case. I pulled the file and called the attorney Sarah Barbaccia's paralegal, Rachel, and was told they scheduled a hearing back in March 2008 to be heard in Hamilton, so they automatically scheduled this one in Hamilton as well. The Defendant was mailed a copy of the notice and is aware the hearing is scheduled to be held in Hamilton. I can bring this file with me when I come over tomorrow.

When an attorney/legal asst. calls for a hearing date, I ask them if it is Madison or Hamilton and go from there. I don't check behind them to see where each case is filed.

Melanie A. Vaughn, Judicial Assistant
Circuit Judge Greg Parker
Post Office Box 1060
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(850) 253-0165
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vaughn.melanie@jud3.flcourts.org

Jenn C. Lussier

From: Melanie A. Vaughn
Sent: Thursday, September 17, 2009 4:13 PM
To: Greg S. Parker
Subject: Greentree v. Lanier

Greentree v. Lanier
#09-298-CA (Hamilton)

This case is scheduled tomorrow at 2:30 on a Replevin Show Cause Order. One of the Defendants, Pinckney Lanier, called in and asked it be rescheduled because he is working in Georgia, And that he is trying to file B/R to stop the foreclosure. I told him he needs to file something with the court to that effect and copy counsel for the Plaintiff. The Court would then review it and make a determination.

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(850) 973-2790 (Fax)
vaughn.melanie@jud3.flcourts.org

Jenn C. Lussier

From: Beverly Brown <BrownB@flcourts.org>
Sent: Thursday, September 10, 2009 2:56 PM
To: Greg S. Parker
Subject: Register for Foreclosure 101 Videoconference 9/30/09

Foreclosure 101 Videoconference

for Circuit Judges and Senior Judges

Wednesday, September 30, 2009

12:15 p.m. – 1:30 p.m. ET

Course Content

This course will provide a basic overview of mortgage foreclosure actions and give judges the tools they need to efficiently and effectively handle their foreclosure caseload. Participants will also be provided access to the Foreclosure Benchbook, which was prepared by The Honorable Jennifer Bailey and Assistant General Counsel Doris Bermudez-Goodrich, both from the Eleventh Judicial Circuit.

Faculty

Thomas H. Bateman, III, Esquire, Messer, Caparello & Self, P.A., Tallahassee (2009-present). B.S., Nova University; J.D., George Mason University. Formerly Circuit Judge, Second Judicial Circuit (2001-2008); County Court Judge, Leon County (1990-2001); General Counsel, Florida Department of Transportation (1987-90); Florida Office of the Attorney General, Assistant Attorney General, Civil Division (1985-87); Criminal Appeals Division (1984-85); Assistant Public Defender, Ninth Judicial Circuit (1982-84).

Location

This course will be offered LIVE from a videoconferencing location at each circuit. Contact your local Court Technology Officer for the location in your circuit.

Continuing Judicial Education Credit (CJE) and Evaluation

A maximum of 1.25 hours of CJE credit for judges is available. Sign in on the form provided at your location. You will receive an email after the course for instructions on completing online CJE and evaluation forms.

How to Register

Space may be limited in some locations so registration is required. Use the password **101** to register at this link –

<http://www.flcourts.org/UltimateSurvey/Surveys/TakeSurvey.aspx?s=AE8056A4D7C84109A4950611CA3F084C>

The deadline to register is September 25, 2009. If you are a person who needs an accommodation in order to register or participate, please submit your request to Beverly Brown at 850-922-5084 or brownb@flcourts.org.

Jenn C. Lussier

From: Tenisha Lewis <lewist@flcourts.org>
Sent: Thursday, September 03, 2009 5:01 PM
To: Greg S. Parker
Subject: Foreclosure 101

Court Education is pleased to send out this **MARK YOUR CALENDAR** announcement for the following videoconference program:

FORECLOSURE 101

Wednesday, September 30, 2009, from 12:15 p.m. to 1:30 p.m. (ET)

Retired Circuit Judge Tom Bateman, will be the presenter for this program, which will focus on an overview of the current status of foreclosure law for circuit judges. Up to 1.25 hours of CJE will be available for this course. The plan is to link to all 20 judicial circuits, so that you can participate in a designated location.

This presentation is sponsored by the Conference of Circuit Judges and is one of several distance learning programs that is being presented through October 2009 to facilitate Continuing Judicial Education due to the cancellation of the 2009 Circuit Conference.

You will be notified of the official registration process next week and we are hopeful that you will be able to take advantage of this distance learning opportunity. Please watch your inbox for the registration information.

Should you have any questions about the program prior to the registration notification being disseminated, please contact Danica Winter, Court Education Senior Attorney, at winterd@flcourts.org.

Jenn C. Lussier

From: Melanie A. Vaughn
Sent: Monday, July 13, 2009 4:22 PM
To: Greg S. Parker
Subject: Madison NJ Trial

Kersey v. Hyde
#09-192-CA (Madison)

Pl Atty – Clay Schnitker
Def Atty – Conrad Bishop

This case (foreclosure matter) is set for NJ Trial 10/13 for 2 hours – do you want to refer to mediation?

Only pldgs filed are Complaint, Summons, Lis Pendens, Answer, N for Trial

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vaughn.melanie@jud3.flcourts.org

Jenn C. Lussier

From: Sharon Press <presss@flcourts.org>
Sent: Wednesday, June 03, 2009 11:31 AM
To: Greg S. Parker
Subject: Mortgage Foreclosure Task Force Survey for Judges

Dear Colleagues:

The Supreme Court Task Force on Foreclosures has designed a survey for judges to try to capture the problems we are all experiencing. You can access the survey at <http://intranet.flcourts.org/> and look right below the masthead and you will see it. This is the chance to make your complaints heard, please fill it out!

Jennifer D. Bailey

Chair, Supreme Court Residential Mortgage Foreclosure Task Force
Administrative Judge, Civil Division
11th Judicial Circuit
Miami-Dade County Courthouse
73 W. Flagler St., Room 1307
Miami, FL 33130
(305) 349-7152

Jenn C. Lussier

From: Melanie A. Vaughn
Sent: Friday, April 24, 2009 9:02 AM
To: Greg S. Parker
Subject: RE: Foreclosure FJ

Joyce informed me this a.m. that the error was made by the newspaper in the publication - all documents in the file had correct legal descrip. - Clay wants to know if he needs to amend anything - wouldn't he need to research this and find out what the Rules/Statute requires?

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vaughn.melanie@jud3.flcourts.org

-----Original Message-----

From: Greg S. Parker
Sent: Thursday, April 23, 2009 5:17 PM
To: Melanie A. Vaughn
Subject: Re: Foreclosure FJ

If error was not in Mtg and only in FJ no ok

----- Original Message -----

From: Melanie A. Vaughn
To: Greg S. Parker
Sent: Thu Apr 23 14:49:48 2009
Subject: Foreclosure FJ

Clay Schnitker had a foreclosure case (defendants defaulted) - you entered the FJ at hrg on 4/14 - there is an error in the legal description - can he submit an amended FJ and amend N. of Sale or do you require another hearing?

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(850) 973-2790 (Fax)
vaughn.melanie@jud3.flcourts.org

Jenn C. Lussier

From: Melanie A. Vaughn
Sent: Thursday, April 23, 2009 2:50 PM
To: Greg S. Parker
Subject: Foreclosure FJ

Clay Schnitker had a foreclosure case (defendants defaulted) – you entered the FJ at hrg on 4/14 – there is an error in the legal description – can he submit an amended FJ and amend N. of Sale or do you require another hearing?

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(850) 973-2790 (Fax)
vaughn.melanie@jud3.flcourts.org

Jenn C. Lussier

From: Melanie A. Vaughn
Sent: Thursday, April 23, 2009 2:50 PM
To: Greg S. Parker
Subject: Foreclosure FJ

Clay Schnitker had a foreclosure case (defendants defaulted) – you entered the FJ at hrg on 4/14 – there is an error in the legal description – can he submit an amended FJ and amend N. of Sale or do you require another hearing?

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vaughn.melanie@jud3.flcourts.org*

Jenn C. Lussier

From: Sondra L. Williams
Sent: Wednesday, March 18, 2009 9:03 AM
To: Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; H. Wetzel Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Liz B. Sullivan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Patty L. Harris; Paul S. Bryan; Sonny Scaff; Tom Coleman; William R. Slaughter
Subject: FW: Task Force on Residential Mortgage Foreclosure Cases - Response Requested

Please see the following from OSCA, and let me know if there is anything that you would like me to pass on to this group.

Thanks,
Sondra

From: Sharon Press [mailto:presss@flcourts.org]
Sent: Wednesday, 18 March, 2009 8:57 AM
To: Trial Court Administrators
Cc: Judge Jennifer Bailey; Blan Teagle; Laura Rush
Subject: Task Force on Residential Mortgage Foreclosure Cases - Response Requested

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

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

- Copies of all Administrative Orders dealing with Mortgage Foreclosures from your circuit
- A listing of the three most significant problems with mortgage foreclosures in your circuit
- Any suggestion or ideas on rule amendments, procedures, or policies which would help you and your judges with mortgage foreclosures

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

Jenn C. Lussier

From: kendra hinton <kendrahinton_rc1@jac.state.fl.us>
Sent: Thursday, March 12, 2009 2:21 PM
To: Tom Coleman; Julian E. Collins; E. Vernon Douglas; Leandra G. Johnson; Paul S. Bryan; Greg S. Parker; Sonny Scaff; David W. Fina; William R. Slaughter; Debra P. Sadler; Darren K. Jackson; Frederick L. Koberlein; H. Wetzel Blair; angela Ball; Jonathan Austin; Adam Morrison; Allison Thompson; Angela Miller; Adam Chotiner; Angela Cancio; Hal Airth; Andrew J. Decker, IV; Angela Ball; Brandon Radford; Brian Sganga; Bruce Robinson; bigbish@gtcom.net; cliff wilson; Crystal P. Talley; Craig Jacobsen; cmc33@ufl.edu; Clay Schnitker; Christopher L. Craun; Candice Brower; Dean Lewis; Dennis Roberts; David Rothamer; Dan Clark; Wendell Davison; Donna MacRae; Deborah Rivera; dcbraunesq@yahoo.com; David Valin; David Robertson; Dana Edmisten Hill; Dave Phelps; D. Thomas Sawyer; elise.blair@sa3.state.fl.us; Ernest M. Page, III; Ernest M. Page, IV; Ernest A. Sellers, Jr.; Ernest A. Sellers; Paul Smith; Eddie Anderson; fridleyr@yahoo.com; Fred L. Castleman Jr.; Frank M. Gafford; Guy Norris; Gary Brown; Gordon Summers; George Blow; Heidi Kempf; henricawthon@gmail.com; Herb Ellis; Herbert F. Darby; Harvey Baxter; Joye Clayton; James Kirkconnell; Joann M Humburg; John N. Weed; John Durrett; jnnfields@windstream.net; Jason Von Berman; Joseph Worth; Jay Willingham; Jeff Siegmeister; James W. Prevatt, Jr.; John Norris; John J. Kendron; Jimmy E. Hunt; John Hendrick; June Byers; Jeffrey Lewis; Bo Hardee; Jennifer Kuyrkendall; Kyle McLeod; Kevin C Lunsford; KrisAnne Hall; Kim Mears; Kim Sedor; Kim Garner; Kris B. Robinson; Karen Hatton; Kathleen Tailer; Losmin Jimenez; Lynn Kish Cooke; lucas.taylor@sa3.state.fl.us; Cary A. Hardee, II; Conrad C. Bishop, Jr.; Lloyd Peterson; Marlin M. Feagle; Mindy Wollitz; Leenette W. McMillan; Frank Davis; Matthew C. Mitchell; Michael Bryant; mayorwitt@yahoo.com; Mark E. Feagle; Mary Ann Shepard; Michael San Filippo; M. Blair Payne; Mike Overby; Mike Overby; Melody Fenton; Brad and Jennifer McRae; Guy Norris; najah.adams@trls.org; PD3rdCir -Live Oak; Tracie Phillips; Roberta Getzan; reubenhamlin@bellsouth.net; Donald K. Rudser; rjarvis1@windstream.net; rjplaw@windstream.net; Ralph P. Maxon; Robert F. Jordan; Rhett Bullard; Robert D. Baker, III; Isadore F. Rommes, Jr.; Sandra.haas@gal.fl.gov; Sherrie Bowen Galambos; S. Austin Peele; Stephen C. Bullock; Dan Smith; Stanley W. Posey; TaiblLaw@aol.com; Todd Hingson; tseifert@avera.com; Thomas Stone; Teresa Byrd Morgan, Esq.; tomreeves@earthlink.net; Oscar M Howard III; Tom O'Steen; Terry McDavid; Todd Kennon; Thomas Demas; Thomas W. Brown; wm197@bellsouth.net; williamwblue@gmail.com; William E. Whitley; Wendy Timonera Kwon; Waddell A. Wallace, III; Walter L. Flinn; William J. Haley; Wesley R. Douglas; William F. Williams; Young Kwon
Subject: FW: Fellows for the Center for Governmental Responsibility present Defending Residential Foreclosure

Third Circuit Bar Members,

Please see below and respond directly to Ms. Talley.

Kendra A. Hinton
Assistant Regional Counsel
Office of Criminal Conflict and Civil Regional Counsel
Region 1
Post Office Box 2698
Lake City, Florida 32056
Phone: (386) 754-1076
Fax: (386) 754-1084

From: Crystal P. Talley [mailto:crysp@ufl.edu]

Sent: Thursday, March 12, 2009 2:09 PM

To: kendra hinton

Subject: Fellows for the Center for Governmental Responsibility present Defending Residential Foreclosure

**The Florida Bar Foundation Public Interest Law Fellows and
UF Center for Governmental Responsibility Present:**

DEFENDING RESIDENTIAL FORECLOSURES

presented by

April Carrie Charney, Esq.

Jacksonville Area Legal Aid, Inc.

Saturday, March 28, 2009

8:00am – 4:00pm (doors open at 7:30am)

UF Levin College of Law, Holland Hall Room 359

**Co-Sponsors: 8th Judicial Circuit Bar Association, UF Real Property Law Association,
the Association for Public Interest Law, and the UF Journal of Law & Public Policy**

Florida Bar CLE Credits: 9.0 hours General; 2.0 hours Ethics

Florida Bar Certification in Real Estate: 9.0 hours

This is a complete workshop on foreclosure legal defense practice covering Florida law and procedure, securitization, standing, motion practice, consumer claims and defenses, discovery, depositions, attorney's fees, research, negotiation, mediation, settlements, loan workouts and restructuring, credit repair, second mortgages and helocs, understanding loan documents, federal laws and regulations, bankruptcy and tax considerations and common law causes of action. Ms. Charney is a leading expert on foreclosure defense and was named the "Foreclosure Killer" by *Forbes Magazine*, the "Angel of Foreclosure" by msnbc.com and the "Loan Ranger" by the *New York Post*. Participants of this event are required to provide 20 hours of pro bono legal service.

Coffee and Lunch Included

- Prices below include a copy of the informational CD. Please bring a personal laptop the day of the event to access the information on the CD. Paper copies will be provided to pre-registrants only!!!
- Please see the Center for Governmental Responsibility (CGR) website for the pre-registration form <http://www.law.ufl.edu/cgr/fellowship.shtml> and other details.
- **All pre-registration forms and payment are DUE to CGR by: March 20, 2009**

Pre-registration Prices:

\$75 Non-EJCBA members

\$50 EJCBA members

\$25 government and 501(c)(3) personnel, and
paralegals (Must be accompanied by a supervising attorney)

\$5 Students

Prices the day of the event:

\$90 Non-EJCBA members

\$65 EJCBA members

\$40 government and 501(c)(3) personnel, and
paralegals (Must be accompanied by a supervising attorney)
\$10 Students

All questions or concerns can be made to Crystal Talley via email at crysp@ufl.edu or via phone at (423) 316-2036.

Crystal P. Talley

University of Florida
Levin College of Law
JD Candidate 2009
Phone: (423) 316-2036
Email: crysp@ufl.edu

Jenn C. Lussier

From: Sondra L. Williams
Sent: Monday, March 02, 2009 2:59 PM
To: Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; H. Wetzel Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Liz B. Sullivan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Patty L. Harris; Paul S. Bryan; Sonny Scaff; Tom Coleman; William R. Slaughter
Subject: FW: another article

From: Debbie Howells [mailto:howellsd@flcourts.org]
Sent: Monday, 02 March, 2009 8:35 AM
To: Trial Court Chief Judges; Trial Court Administrators
Subject: another article

Judge, clerks of courts face off

March 02, 2009
By: Jordana Mishory

As state courts struggled to find a funding source to keep them going in the recession, the head of the state clerk's organization wrote legislators last year to push for a stable revenue stream to operate the third branch of government.

Create a trust fund that would guarantee the courts have money to survive, the clerks wrote. They recommended taking the extra cash collected through filing fees — \$319 million in the past fiscal year — and giving it directly to courts instead of putting it in general revenue.

But at the behest of judges, two bills filed in the legislative session that starts Tuesday could seek a lot more than the clerks' leftovers and fracture the unified front offered until now by two driving forces in the justice system.

Judges propose generating a stable funding source by redirecting user fees from the clerks to the courts and stripping all court-related duties from clerks in as little as four years.

"This is a power grab," Palm Beach Clerk and Comptroller Sharon Bock fumed. "It is a betrayal of all of the work and partnership and goodwill that we have created over the years. And more importantly is that we have been standing ready, willing and able to help them in any way possible."

The judges contend the clerks shouldn't be immune to the budget cuts affecting all state agencies.

"If you want transparency, want good government and want government in the sunshine, I suppose you'll be for this bill," Broward Chief Circuit Judge Victor Tobin said. "Right now there is an unresponsive system in place. The clerks don't necessarily adequately respond to the courts in terms of our own files."

In the realm of state politics, this is a heavyweight bout. Voters elect 67 clerks in counties across the state. They often stay in power for years. Judges are appointed by the governor or elected at the local level. Both groups tend to have strong name recognition at the hometown level. Chief judges are elected by the judges of each circuit. Much of the

lobbying on behalf of the court system is done by the chief justice, chief judges and top court administrators.

The courts virtually blindsided the clerks with House Bill 1121 and Senate Bill 2108, which would transfer hundreds of millions of dollars and shift a number of duties from clerks to courts.

"Our clerk in Broward County has given out \$800,000 in bonuses ... and we don't have any pennies left over in our state budget," said the bill's sponsor, state Rep. Ellyn Bogdanoff, R-Fort Lauderdale. "Here in a tight budget year, it behooves us to take a look [at the clerk's office] and have the political will to do what we need to do to ensure the court system has the appropriate funding."

She estimates the bill could save \$50 million to \$200 million by transferring duplicate duties to court administration and increasing transparency of the clerks' office.

Senate sponsor, Ken Pruitt, R-Port St. Lucie, did not return calls for comment by deadline.

Root of the problem

The high-powered falling out, which unfolded in the days before the session, highlights the pitched fight for judicial funding as the state Legislature prepares to slash as much as \$5 billion and produce a 2009-10 budget that would be \$13 billion smaller than the budget three years before.

A state constitutional revision that shifted court funding from the counties to the state in 2004 placed the justice system budgets under the state Legislature. Courts, prosecutors and public defenders are funded from general revenue appropriated by the Legislature. And that pot has been shrinking dramatically.

The same constitutional revision required clerks to support themselves through user fees. The clerks keep the bulk of the money and send a percentage to the state to be used as the Legislature sees fit or to put into different trust funds.

Judges claim that as the third branch of government, the judiciary shouldn't have to beg the Legislature for money to perform its constitutional duties.

For the past year, the courts have been talking about creating an independent funding source not as closely tied to the whims of the economy or the Legislature.

The court set its sites on the money brought in by the clerks. The courts claimed that while they have slashed about 300 jobs and instituted pay and hiring freezes, some clerks hired new staffers, gave raises and paid bonuses.

In October, Broward Clerk of Courts Howard Forman paid more than \$780,000 in bonuses, which he was allowed to do by law. It was Forman's second round of bonuses in three years. Bogdanoff said she's been looking at the issue since the first round.

On the opposite side of the legal funding divide, Broward Public Defender Howard Finkelstein gave \$420,000 in raises to his employees in September.

Where's the oversight?

Advocates for the courts say elected county clerks aren't subject to the same level of oversight. The proposed bills would require increased transparency in the clerks' operations and spending.

In the days leading up to the legislative session, the two sides have produced a slew of documents and big guns in an attempt to sway lawmakers. Last month, Forman hired high-profile lobbyist Ron Book. The courts have garnered support from The Florida Bar and groups representing both consumers and big business such as the Associated Industries of

Florida.

The courts and clerks also have filed public record requests against each other in an attempt to build a persuasive, numbers-driven argument.

The Office of the State Courts Administrator, which oversees the administration of state courts, said in position papers that the clerks' budget has increased 33 percent while court budgets grew 13 percent since the constitutional revision.

"If growth of the court system is at 13 percent, what is the justification for the budget of the court's record-keeping function to have grown by 33 percent?" asked state courts administrator Lisa Goodner. "This certainly isn't personal and certainly is not an indictment of clerks themselves or the jobs they do. It's a matter of transparency and equity within the budgeting process for court functions in total. ... It's a matter of fairness."

The clerks insist those numbers are wrong, insisting the courts are focusing on budgets instead of expenditures. The clerks claim their spending has grown 14 percent in the last four years.

They contend state law allows them to only keep enough money to cover their approved budgets. They also argue their books are open, saying the state Department of Financial Services, external county auditors and the state Legislature all closely monitor their budgets.

John Dew, executive director of the nonprofit Florida Clerks of Court Operations, which oversees the court-related budgets of the clerks, contends clerk budgets also have been dwindling in the economic downturn and that clerks face a median statewide revenue decline of 13 percent or more. He said some clerks have been facing furloughs and layoffs, and his office has been trying to provide support.

"What's happened is that politics has gotten involved, and in this dog-eat-dog world people are trying to grab dollars wherever they can," Dew said. The courts "think clerks have it, but they do not."

Clerks argue their budget growth is much closer to the level of courts than they acknowledge in large part due to new judges certified by the Legislature.

They warn that as foreclosures drop, so will the money supply.

"The supposed facts that they're supplying to the state Legislature are myths," Bock said, adding the courts have wanted to extinguish the independent role of a clerks for many years.

Miami-Dade Clerk Harvey Ruvin wrote Florida Supreme Court Chief Justice Peggy Quince last week to say all clerks would "wholeheartedly agree" that the money they raise and send to the state should go to the court system, and the clerks and courts should be working together to fund the courts.

"Instead, there are some judges that appear to be launching an ill-conceived and potentially disruptive effort to usurp the constitutional funding and statutory functions of Florida's elected clerks," Ruvin wrote. He maintains the courts are spreading factually inaccurate information.

Ruvin said in an interview there is "more than enough money" to fund the courts and the other players in the justice system.

"The problem is a lot of the money is diverted by the Legislature to other needs in the general fund," Ruvin said. "Under all the discussion and the crossplay is a legitimate debate on priorities, and my view is adequate funding for the courts is essential for the synergistic operation of the court system."

In addition to seeking fees, the clerks maintain the courts also want to take on some of the clerk's court-related duties,

such as fee collections, jury management and custodian of public records.

"The budget is a red herring," Forman warned.

State Sen. Victor Crist, R-Tampa, who chairs the Criminal and Civil Justice Appropriations Committee, said he intends to hold public hearings and allow both sides to present their arguments. His committee will determine whether the proposal lives or dies in the Senate.

Cash-register justice

Much like last year, finding a way to balance the budget will play a central role in the session. The Legislature is combing the budget for savings and examining the federal stimulus package to see where newly minted money can be inserted.

On the budget-trimming side, House lawmakers have asked state agencies to show the effects of a 15 percent cut after they went through an exercise with a hypothetical 10 percent cut during January's special session. The Legislature cut only 1.25 percent from the courts, prosecutors and public defenders while establishing a trust fund for each group with funding from new fees and higher fines.

Courts, while grateful for the additional money, contend this is cash-register justice that puts judges in the untenable position of keeping the court system running off the fines they impose.

However, the court contends the new trust funds create a vehicle for taking in any filing fees sent to the court. "What that would be is not an increase or gain for us," Goodner emphasized. "We are reassigning that part of the budget being paid from general revenue and making it a trust-funded budget with the same amount of filing fees."

Goodner said the clerks should still be funded. It's just the degree of funding that's at issue.

Last year, the Legislature passed a bill expected to raise \$121 million in fees and fines. The courts contend this money has not really benefitted them.

At this point, it looks as if Gov. Charlie Crist is more aligned with the courts.

His proposed budget plan calls for \$82.7 million to be redirected from the clerk's budget into general revenue without specifying where it would go. That amount is what the courts claim the clerks wouldn't have if their growth followed a same trajectory as courts.

Florida Bar president Jay White said clerks would have enough money to operate even if more user fees go the court system. He believes the judiciary should have its own funding source. He pointed to a Bar report prepared by the Washington Economics Group that says insufficient court funding has a detrimental impact on business throughout the state.

Florida courts are taking one of the worst hits nationally from the recession even though it has taken steps to remedy the problem, said Greg Hurley, the knowledge management analyst with the National Center for State Courts in Williamsburg, Va. He noted the fight between the clerks and courts is becoming "pretty common" as the economy sputters.

"Every part of the system is trying to stabilize itself," Hurley said. "Infights are cropping up."

William Large, who heads the business-oriented Florida Justice Reform Institute in Tallahassee, said having well-funded clerks but underfunded judges doesn't make sense for the justice system.

"Let's say someone thought the best way to have an air force is to invest resources for manufacturing airplanes but only

[provide for] a limited number of pilots,” he said. “The money seems to be going to the clerks when they need to be going to the courts.”

Paul Jess, general counsel for the Florida Justice Association of plaintiff attorneys, supports the idea of moving clerk money to the courts but said it’s too early to tell if the bill will pass.

“If you were trying to get a bill through the Legislature, having Sen. Pruitt, the former Senate President, and having Rep. Bogdanoff — she’s a darn good sponsor,” Jess said. “It’s speculative to say how good of a chance any particular bill has, but it certainly has good sponsors.”

Bogdanoff acknowledges it will be a tough fight, noting clerks carry a lot of political clout in Tallahassee. But she said the clerks’ fight is with the Legislature and not the courts.

“When you have a \$6 billion hole in your budget, you think the public should demand that we find every dollar that we can,” Bogdanoff said.

Jordana Mishory can be reached at (954) 468-2616.

Debbie Howells
Office of the State Courts Administrator
500 S. Duval Street
Tallahassee, FL 32399-1900
Phone 850-922-4370
Fax 850-488-0156
Email howellsd@flcourts.org

Jenn C. Lussier

From: Melanie A. Vaughn
Sent: Tuesday, February 24, 2009 4:18 PM
To: Greg S. Parker
Subject: FORECLOSURE

Rose Decker's office called – do you require the original loan documents to be filed in the court file in foreclosure cases?

*Melanie A. Vaughn, Judicial Assistant
Judge Greg Parker
Post Office Box 1060
Madison, Florida 32340
vaughn.melanie@jud3.flcourts.org*

Jenn C. Lussier

From: Greg S. Parker
Sent: Wednesday, January 05, 2011 1:04 PM
To: Melanie A. Vaughn
Subject: Re: Foreclosure hrgs

Yes
Greg Parker
Circuit Judge
3rd Jud. Circuit Fla.
P.O. Box 1060
Madison, FL 32341
(850) 253-0165 - Office
(850) 973-2790 - Fax
JA: Melanie Vaughn

----- Original Message -----

From: Melanie A. Vaughn
To: Greg S. Parker
Sent: Wed Jan 05 13:02:36 2011
Subject: Foreclosure hrgs

I am ready to print several show cause orders and need to know if we need to include particular language re: telecourt. If so, I need to type in the number to TeleCourt the parties will call for the hrg. Do you want to use TeleCourt for Feb 21 hrgs?

Melanie A. Vaughn
Judicial Assistant to
Judge Greg Parker
P.O. Box 1060
125 SW Range Avenue
Madison, Florida 32341
(850) 253-0165
(850) 973-2790 (Fax)

Jenn C. Lussier

From: Melanie A. Vaughn
Sent: Wednesday, January 05, 2011 1:03 PM
To: Greg S. Parker
Subject: Foreclosure hrgs

I am ready to print several show cause orders and need to know if we need to include particular language re: telecourt. If so, I need to type in the number to TeleCourt the parties will call for the hrg. Do you want to use TeleCourt for Feb 21 hrgs?

*Melanie A. Vaughn
Judicial Assistant to
Judge Greg Parker
P.O. Box 1060
125 SW Range Avenue
Madison, Florida 32341
(850) 253-0165
(850) 973-2790 (Fax)*

Jenn C. Lussier

From: Greg S. Parker
Sent: Wednesday, January 05, 2011 1:02 PM
To: Melanie A. Vaughn
Subject: Re: Foreclosure hrgs

Get with Millie and use their language.

Greg Parker
Circuit Judge
3rd Jud. Circuit Fla.
P.O. Box 1060
Madison, FL 32341
(850) 253-0165 - Office
(850) 973-2790 - Fax
JA: Melanie Vaughn

----- Original Message -----

From: Melanie A. Vaughn
To: Greg S. Parker
Sent: Wed Jan 05 09:15:36 2011
Subject: Foreclosure hrgs

If you are going to conduct foreclosure hearings through TeleCourt then I need to include that language in the Orders Setting CMC. In the drafted Order paragraph 3 states "Plaintiff is ordered to appear at the continuation of the CMC". Do we need to reword this to indicate the Plaintiff is to call in for the CMC and list the TeleCourt phone number?

Melanie A. Vaughn
Judicial Assistant to
Judge Greg Parker
P.O. Box 1060
125 SW Range Avenue
Madison, Florida 32341
(850) 253-0165
(850) 973-2790 (Fax)

Jenn C. Lussier

From: Melanie A. Vaughn
Sent: Wednesday, January 05, 2011 9:16 AM
To: Greg S. Parker
Subject: Foreclosure hrgs

If you are going to conduct foreclosure hearings through TeleCourt then I need to include that language in the Orders Setting CMC. In the drafted Order paragraph 3 states "Plaintiff is ordered to appear at the continuation of the CMC". Do we need to reword this to indicate the Plaintiff is to call in for the CMC and list the TeleCourt phone number?

*Melanie A. Vaughn
Judicial Assistant to
Judge Greg Parker
P.O. Box 1060
125 SW Range Avenue
Madison, Florida 32341
(850) 253-0165
(850) 973-2790 (Fax)*

Jenn C. Lussier

From: Greg S. Parker
Sent: Wednesday, December 22, 2010 4:23 PM
To: Ronna M. Cobble
Subject: Re: READ THIS FIRST

Sorry if I drove you crazy the last two days but I think the time was productive. The next CMC in February will be interesting. Thank you for your help.

Greg Parker
Circuit Judge
3rd Jud. Circuit Fla.
P.O. Box 1060
Madison, FL 32341
(850) 253-0165 - Office
(850) 973-2790 - Fax
JA: Melanie Vaughn

----- Original Message -----

From: Ronna M. Cobble
To: Greg S. Parker
Sent: Wed Dec 22 15:08:52 2010
Subject: READ THIS FIRST

09*229 was Robert Whitty V Buchan Livestock

Ronna Cobble

Foreclosure Case Manager

Administrative Office of the Courts

Third Judicial Circuit

105 North Ohio Avenue

Live Oak, FL 32064

386-362-2661

Jenn C. Lussier

From: Greg S. Parker
Sent: Wednesday, December 22, 2010 4:16 PM
To: Ronna M. Cobble
Subject: RE: madison follow up

John Forehand for the Plaintiff, Tom Stone (who has not filed an appearance) appeared on behalf of Buchanan Livestock.

From: Ronna M. Cobble
Sent: Wednesday, December 22, 2010 3:08 PM
To: Greg S. Parker
Subject: madison follow up

Another question: case 09-229, you signed a final judgment. I don't see in my notes or Jenn's the attorney who participated in that case....Can you help me out with that. I want to put it on worksheet..

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-2661

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Wednesday, December 22, 2010 3:09 PM
To: Greg S. Parker
Subject: READ THIS FIRST

09*229 was Robert Whitty V Buchan Livestock

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-2661

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Wednesday, December 22, 2010 3:08 PM
To: Greg S. Parker
Subject: madison follow up

Another question: case 09-229, you signed a final judgment. I don't see in my notes or Jenn's the attorney who participated in that case....Can you help me out with that. I want to put it on worksheet...

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-2661

Jenn C. Lussier

From: Melanie A. Vaughn
Sent: Wednesday, December 22, 2010 1:50 PM
To: Greg S. Parker
Subject: FW: Case Management Hearing Schedules
Attachments: judge parker cm schedule 12-22-10.xls; MADISON COUNTY FORECLOSURE CASE SCHEDULE.doc

It's the first attachment.



Melanie A. Vaughn
Judicial Assistant to
Judge Greg Parker
P.O. Box 1060
125 SW Range Avenue
Madison, Florida 32341
(850) 253-0165
(850) 973-2790 (Fax)

From: Ronna M. Cobble
Sent: Friday, December 03, 2010 10:59 AM
To: Melanie A. Vaughn
Subject: Case Management Hearing Schedules

Please find attached the schedules for the upcoming case management hearings. I have been told that you request the files to be pulled and available on those dates. Please let me know if that is so. Also, as I understand, he is still requiring that all parties actually appear in person. If this changes, please let me know. I typically get quite a few calls about such matters as the date nears. Thank you for your help in this. Please let the judge know that I plan to be present and assist him with notes/files on those days.

Have a great Friday.

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-1017

Jenn C. Lussier

From: Melanie A. Vaughn
Sent: Wednesday, December 15, 2010 3:31 PM
To: Greg S. Parker
Subject: Foreclosure Hrgs

Pls call Ronna Cobble re foreclosure hrgs next week.

(386) 362-2661

Melanie A. Vaughn

*Judicial Assistant to
Circuit Judge Greg Parker
Post Office Box 1060
Madison, Florida 32341
(850) 253-0165
(850) 973-2790 (Fax)
vaughn.melanie@jud3.flcourts.org*

Jenn C. Lussier

From: Greg S. Parker
Sent: Friday, December 10, 2010 4:39 PM
To: Melanie A. Vaughn
Subject: Re: Foreclosure hrg

Not unless he files a progress report in advance in a written motion to appear by telephone. After I review I will decide.

Greg Parker
Circuit Judge
3rd Jud. Circuit Fla.
P.O. Box 1060
Madison, FL 32341
(850) 253-0165 - Office
(850) 973-2790 - Fax
JA: Melanie Vaughn

----- Original Message -----

From: Melanie A. Vaughn
To: Greg S. Parker
Sent: Fri Dec 10 15:28:22 2010
Subject: Foreclosure hrg

U.S. v. Charlie Jackson
10-181-CA (Madison)

PI Atty Frederick Murphy would like to appear by phone at the foreclosure CMC on 12/21.

Any objection?

Melanie A. Vaughn

Judicial Assistant to
Circuit Judge Greg Parker
Post Office Box 1060
Madison, Florida 32341
(850) 253-0165
(850) 973-2790 (Fax)
vaughn.melanie@jud3.flcourts.org

Jenn C. Lussier

From: Melanie A. Vaughn
Sent: Friday, December 10, 2010 3:28 PM
To: Greg S. Parker
Subject: Foreclosure hrg

U.S. v. Charlie Jackson
10-181-CA (Madison)

PI Atty Frederick Murphy would like to appear by phone at the foreclosure CMC on 12/21.

Any objection?

Melanie A. Vaughn

*Judicial Assistant to
Circuit Judge Greg Parker
Post Office Box 1060
Madison, Florida 32341
(850) 253-0165
(850) 973-2790 (Fax)
vaughn.melanie@jud3.flcourts.org*

Jenn C. Lussier

From: Sondra M. Lanier
Sent: Friday, December 10, 2010 3:08 PM
To: Greg S. Parker
Subject: RE: Public Records Request

Thanks

-----Original Message-----

From: Greg S. Parker
Sent: Friday, December 10, 2010 3:08 PM
To: Sondra M. Lanier
Subject: Re: Public Records Request

Option 2
Greg Parker
Circuit Judge
3rd Jud. Circuit Fla.
P.O. Box 1060
Madison, FL 32341
(850) 253-0165 - Office
(850) 973-2790 - Fax
JA: Melanie Vaughn

----- Original Message -----

From: Sondra M. Lanier
To: Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker <parker.greg@jud3.flcourts.org>; H. Wetzel Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter
Cc: Jenn D. Lussier; John Lake
Sent: Fri Dec 10 14:36:59 2010
Subject: Public Records Request

Good afternoon. There was one matter that we forgot to mention at this morning's meeting. We are preparing a response to the ACLU's public records request regarding foreclosures, and we have to retrieve e-mails that were sent or received on the subject. The server on which this information was stored experienced a failure, so we need to get the information from each of our computers. There are 2 ways to accomplish this, so please let me know which you prefer:

Option 1: You can do a search of your e-mails using the search term "foreclosure" , and then forward each of those e-mails to Lussier.jen@jud3.flcourts.org so that Jenn can print and compile them.

Option 2: You can let me know that you prefer to have John log in to your account remotely and conduct the search for you. If this is your choice, we will print the e-mails and handle it all without anything being required of you (except your permission).

We need to complete this task by the end of next week, so please let me know your preference.

Thanks,

Sondra

Jenn C. Lussier

From: Greg S. Parker
Sent: Friday, December 10, 2010 3:08 PM
To: Sondra M. Lanier
Subject: Re: Public Records Request

Option 2
Greg Parker
Circuit Judge
3rd Jud. Circuit Fla.
P.O. Box 1060
Madison, FL 32341
(850) 253-0165 - Office
(850) 973-2790 - Fax
JA: Melanie Vaughn

----- Original Message -----

From: Sondra M. Lanier
To: Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker <parker.greg@jud3.flcourts.org>; H. Wetzell Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter
Cc: Jenn D. Lussier; John Lake
Sent: Fri Dec 10 14:36:59 2010
Subject: Public Records Request

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We need to complete this task by the end of next week, so please let me know your preference.

.Thanks,

Sondra

Jenn C. Lussier

From: Sondra M. Lanier
Sent: Friday, December 10, 2010 2:37 PM
To: Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; H. Wetzel Blair; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter
Cc: Jenn D. Lussier; John Lake
Subject: Public Records Request

Good afternoon. There was one matter that we forgot to mention at this morning's meeting. We are preparing a response to the ACLU's public records request regarding foreclosures, and we have to retrieve e-mails that were sent or received on the subject. The server on which this information was stored experienced a failure, so we need to get the information from each of our computers. There are 2 ways to accomplish this, so please let me know which you prefer:

Option 1: You can do a search of your e-mails using the search term "foreclosure", and then forward each of those e-mails to Lussier.jen@jud3.flcourts.org so that Jenn can print and compile them.

Option 2: You can let me know that you prefer to have John log in to your account remotely and conduct the search for you. If this is your choice, we will print the e-mails and handle it all without anything being required of you (except your permission).

We need to complete this task by the end of next week, so please let me know your preference.

Thanks,
Sondra

Jenn C. Lussier

From: Ronna M. Cobble
Sent: Wednesday, December 08, 2010 10:50 AM
To: Greg S. Parker; Julian E. Collins; Leandra G. Johnson; Paul S. Bryan
Subject: Lack of Prosecution Notices

Mandy and I will begin working on Lack of Prosecution Notices for all counties very soon. I am learning that counties handle these a little differently. Please send me an email copy of the notice that you would like sent. It would be helpful if you send all documents associated with the multiple steps involved with Lack of Prosecution (including orders of dismissal) as we try to do all the forms at once while we have the addresses and information available in order to save time later on. We save the documents and then if the dismissal or other notices are needed they will already be completed. (These will, of course, be going out on those cases that have had no action for more than 10 months.)

If you find this message confusing, my apologies. Feel free to call me at 362-2661

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-2661

Jenn C. Lussier

From: Greg S. Parker
Sent: Tuesday, December 07, 2010 9:32 AM
To: Melanie A. Vaughn
Subject: Re: Foreclosure Notices

Yes
Greg Parker
Circuit Judge
3rd Jud. Circuit Fla.
P.O. Box 1060
Madison, FL 32341
(850) 253-0165 - Office
(850) 973-2790 - Fax
JA: Melanie Vaughn

----- Original Message -----

From: Melanie A. Vaughn
To: Greg S. Parker
Sent: Tue Dec 07 09:28:59 2010
Subject: Foreclosure Notices

If you get a chance please review the following. It is a copy of the first page of one of the foreclosure notices. I have a question about it. After the first paragraph it has in bold "HEARING DATE:" but no hearing date is listed there. However the hearing date and time is listed in the first paragraph. Should I include the hearing date in that place as well?

SAMPLE OF FIRST PAGE OF NOTICE:

ORDER SCHEDULING CASE MANAGEMENT CONFERENCE in foreclosure action

PLEASE BE ADVISED that, pursuant to Rule 1.200(a), Fla. R. Civ. Proc <<http://web2.westlaw.com/find/default.wl?tf=-1&rs=WLW10.08&fn=top&sv=Split&tc=-1&docname=FLSTRCP1.200&ordoc=2021079022&findtype=L&mt=Florida&db=1000006&utid=1&vr=2.0&rp=%2ffind%2fdefault.wl&pbcc=F6985CB4>> , the cases above listed will be called up for Case Management Conference at the Madison County Courthouse, North Chambers, 125 SW Range Avenue, Madison, Florida, at 2:30 p.m. Tuesday, December 21, 2010, before the Honorable Gregory S. Parker. The Court records reveal either that the above-styled cause is a mortgage foreclosure action and that there is concern regarding the timely progress of the case or there are other compelling reasons for case management.

HEARING DATE:

Matters to be considered at the Case Management Conference include matters that may aid in the prompt disposition of the action including, but not limited to:

1. Schedule or reschedule trial or additional case management conference; 2. Schedule or reschedule the service of motions, pleadings and other papers; 3. Coordinate and discuss the progress of the action in general; 4. Limit, schedule,

order or expedite discovery; 5. Requiring filing of preliminary stipulations if issues can be narrowed; 6. Possibilities of settlement; 7. Dismissal without prejudice.
8. Status of post final judgment matters including but not limited to the conducting of a sale of the property.

Attorneys must be present in person before the Court at this hearing unless otherwise authorized by the Court. Incarcerated parties without legal counsel may contact the court at (850) 253-0165 no later than 48 hours prior to the hearing to arrange a telephonic appearance. Inmates will not be transported.

Melanie A. Vaughn
Judicial Assistant to
Circuit Judge Greg Parker
Post Office Box 1060
Madison, Florida 32341
(850) 253-0165
(850) 973-2790 (Fax)
vaughn.melanie@jud3.flcourts.org

Jenn C. Lussier

From: Melanie A. Vaughn
Sent: Tuesday, December 07, 2010 9:29 AM
To: Greg S. Parker
Subject: Foreclosure Notices

If you get a chance please review the following. It is a copy of the *first* page of one of the foreclosure notices. I have a question about it. After the first paragraph it has in bold "HEARING DATE:" but no hearing date is listed there. However the hearing date and time is listed in the first paragraph. Should I include the hearing date in that place as well?

SAMPLE OF FIRST PAGE OF NOTICE:

**ORDER SCHEDULING CASE MANAGEMENT CONFERENCE
IN FORECLOSURE ACTION**

PLEASE BE ADVISED that, pursuant to Rule 1.200(a), Fla. R. Civ. Proc., the cases above listed will be called up for Case Management Conference at the Madison County Courthouse, North Chambers, 125 SW Range Avenue, Madison, Florida, at 2:30 p.m. Tuesday, December 21, 2010, before the Honorable Gregory S. Parker. The Court records reveal either that the above-styled cause is a mortgage foreclosure action and that there is concern regarding the timely progress of the case or there are other compelling reasons for case management.

HEARING DATE:

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1. Schedule or reschedule trial or additional case management conference;
2. Schedule or reschedule the service of motions, pleadings and other papers;
3. Coordinate and discuss the progress of the action in general;
4. Limit, schedule, order or expedite discovery;
5. Requiring filing of preliminary stipulations if issues can be narrowed;
6. Possibilities of settlement;
7. Dismissal without prejudice.
8. Status of post final judgment matters including but not limited to the conducting of a sale of the property.

Attorneys must be present in person before the Court at this hearing unless otherwise authorized by the Court. Incarcerated parties without legal counsel may contact the court at (850) 253-0165 no later than 48 hours prior to the hearing to arrange a telephonic appearance. Inmates will not be transported.

*Melanie A. Vaughn
Judicial Assistant to
Circuit Judge Greg Parker
Post Office Box 1060
Madison, Florida 32341*

(850) 253-0165
(850) 973-2790 (Fax)
vaughn.melanie@jud3.flcourts.org

Jenn C. Lussier

From: Melanie A. Vaughn
Sent: Monday, December 06, 2010 8:59 AM
To: Greg S. Parker
Subject: FW: Case Management Hearing Schedules
Attachments: judge parker cm schedule 12-22-10.xls; MADISON COUNTY FORECLOSURE CASE SCHEDULE.doc

FYI

Melanie A. Vaughn
Judicial Assistant to
Circuit Judge Greg Parker
Post Office Box 1060
Madison, Florida 32341
(850) 253-0165
(850) 973-2790 (Fax)
vaughn.melanie@jud3.flcourts.org

From: Ronna M. Cobble
Sent: Friday, December 03, 2010 10:59 AM
To: Melanie A. Vaughn
Subject: Case Management Hearing Schedules

Please find attached the schedules for the upcoming case management hearings. I have been told that you request the files to be pulled and available on those dates. Please let me know if that is so. Also, as I understand, he is still requiring that all parties actually appear in person. If this changes, please let me know. I typically get quite a few calls about such matters as the date nears. Thank you for your help in this. Please let the judge know that I plan to be present and assist him with notes/files on those days.

Have a great Friday.

Ronna Cobble
Foreclosure Case Manager
Administrative Office of the Courts
Third Judicial Circuit
105 North Ohio Avenue
Live Oak, FL 32064
386-362-1017

<u>Time</u>	<u>Case Number</u>	
9:30	09-291	
	09-561	
	09-562	
	10-150	
	10-190	
	00-313	
	10-184	
	09-539	
	09-466	
	09-151	
	9:45	08-348
		10-170
		09-306
10-161		
09-204		
10-232		
09-234		
10:00	10-152	
	09-169	
	08-224	
	10-129	
	10-181	
	10-105	
	08-323	

10:15

10-224

10-231

08-325

10-263

09-504

09-463

Judge Parker
Case Management Hearings
December 22, 2010
9:30 - 10:30 a.m.

Parties

US Bank V. Darrell Pinckney Crone
BAC Home Loans V. Estate of Buri Burnett

Federal National Mortgage V. Michael Scott Corbett
Aurora Loan Services V. Dorothy L. Warren
Bank of America V. Bryan L. McLeod

United Companies Lending Corp. V. Lorene McCray
Citimortgage V. Tom Pierce
Citifinancial V. Joanne Collins
Citimortgage V. E.F. Short aka Emil Short
Branch Banking and Trust V. Catherine Beach

Deutsche Bank V. Ronda K. Welty
JPMorgan Chase Bank V. Guillermo M. Aragon
Deutsche Bank V. Hiram G. Ash
US Bank V. Jason L. Thomason
JPMorgan Chase V. James C. Guthrie
US Bank V. Phyllis Elaine Vickery
Bank of America V. Douglas McGauley

Wells Fargo Bank V. Roy C. Waldhauer
Bank of America V. Roger Payton Bembry
Wachovia Mortgage V. Mollie Juanita Mathis
First Federal Bank V. William D. Hagan
First Federal Bank V. Ethel Sharp
Midfirst Bank V. Alfonza J. Pender, Sr.

Deutsche Bank V. Scott B. Kantro

Attorney/Firm

Stern

Consuegra

Shapiro &
Fishman

MC Watson

FL Default
Albertelli Law

Paul Smith

Kass, Shuler

Kahane & Assoc

PHH Mortgage Corp. V. Donna Lynn Craver
Woodland III V. Anson E. Curtis
Jo Ann Green V. Mona Momplaisir, et al
James K. Wilkes V. Frank J. Baron
Columbia Bank V. Akshar, Inc, Nick Patel
Wells Fargo Bank V. Marion S. Turner

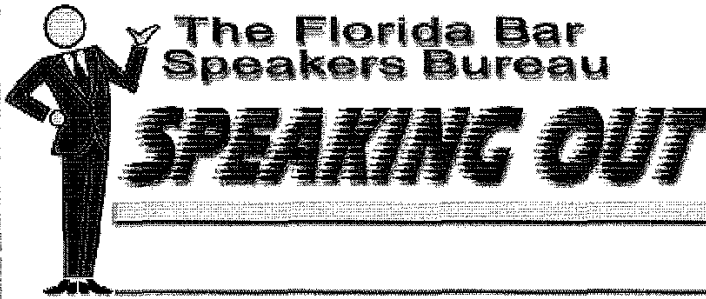
Ben Ezra
Garvin
Rudsen
Strickland
Peele
Zahm

MADISON COUNTY FORECLOSURE CASES
Tuesday, December 21, 2010

Time	Case Number	Plaintiff Attorney/Firm	Style
2:00 pm	2010-229-CA	Albertelli Law	Household Finance v. Unknown Heirs, et al
	2010-198-CA		JP Morgan v. Lunise Toussaint, et al
	<u>2008-473-CA</u>		<u>Wachovia v. Pamela D. Williams, et al</u>
	2010-112-CA	Monica Taibal	Arthur Smith v. Gwendolyn Weatherspoon
	2010-113-CA		Arthur Smith v. Gwendolyn W. Hall
	<u>2010-216-CA</u>		<u>Arthur Smith v. Michael Ledee</u>
	2010-200-CA	FL Default Law Group	Wells Fargo v. Rubie Lee Delaughter, et al
	2010-111-CA		Wells Fargo v. Hercules Washington, et al
2010-025-CA		Bank of New York v. Melissa Burke, et al	
2009-617-CA		Wells Fargo v. Michael R. Humphrey	
2:15 pm	2009-459-CA	Scot Copeland	Antonio Maldonado v. Michael Ledee
	<u>2009-409-CA</u>		<u>Walter Sudymont, et al v. Bethany Padgett, et al</u>
	2010-340-CA	Law Office M. Watson	Wells Fargo v. Donald Yates, et al
	2010-214-CA		Bank of America v. Jennifer Contreras, et al
	2010-140-CA		Bank of America v. Kousilla Datadeen, et al
	2010-110-CA		Bank of America v. Ronda Garner, et al
	2010-028-CA		Beneficial Florida v. Neva E. Willis, et al
	2009-601-CA		Household Finance v. Willie Williams, et al
2008-475-CA		Household Finance v. Chandler Webb, et al	
2:30 pm	2010-261-CA	Law Office of D. Stern	BAC Home Loans v. Jacqueline Guillen, et al
	2010-274-CA		BAC Home Loans v. Ronald A. Kempf, et al
	2010-199-CA		BAC Home Loans v. Brent Sims, et al
	2009-466-CA		BAC Home Loans v. David L. Jarvis, et al
	2010-158-CA		Bank of America v. Marion F. Hitch, et al
	<u>2008-441-CA</u>		<u>GMAC Mortgage v. Dennis E. Dehart, et al</u>
	<u>2010-027-CA</u>	<u>Smith, Hiatt & Diaz</u>	<u>Bank of America v. Richard Metacarpa, et al</u>
	<u>2009-093-CA</u>	<u>Williams & Holz</u>	<u>John Williams v. Ed Thompson, et al</u>
2009-229-CA	Lewis, Longman, Walker	Robert Whitty, et al v. Buchan Livestock, et al	
2:45 pm	2010-144-CA	Law Office of D. Zahm	Wells Fargo v. John Thomas Lytle, et al
	2010-173-CA	Smith & Smith	Capital City Bank v. Jesse W. Solomon, et al
	2010-151-CA	Boswell & Dunlap, LLP	USA v. Charlie Jackson, et al
	2008-259-CA	Shapiro & Fishman, LLP	LaSalle Bank v. Keturah J. Robinson, et al
	2010-222-CA	Michael P. Bist	Farm Credit v. Bell Tree Farm, et al
	2010-259-CA	Trenam, Kenker, etc.	Wells Fargo v. Angus T. Watson, Jr., et al
	2009-546-CA	Greenspoon Marder, PA	Chase Home v. Robert E. Placzkowski, et al
	2010-409-CA	Clifford Ables	Madison Group v. EROC Enterprises
	2007-358-CA	Ben-Ezra & Katz	Wells Fargo v. Mathieu P. Grono, et al
2006-334-CA	Donald H. Whitmore	Dean P. Sims v. E. Peter H. Wilkens	

Jenn C. Lussier

From: Mirieth Valenciano Marin <MValencianoMarin@flabar.org>
Sent: Wednesday, December 01, 2010 5:23 PM
To: Greg S. Parker
Subject: Open Speaker Request- Identity Theft



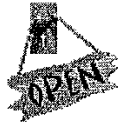
This e-mail digest is dedicated to the interaction and education of volunteer speaker members of The Florida Bar Speakers Bureau. Submit items of interest to at , or mail to The Florida Bar Speakers Bureau, 651 E. Jefferson Street, Tallahassee, FL 32399-2300. Photos sent by e-mail should be in jpg and gif format.

December 1, 2010. Issue 73



Welcome New Speakers

We are pleased to announce that Carlos J. Cavenago, III , Ettie Feistmann, Patricia F. Keyes, William E Loucks, Quentin E. Morgan have joined the Speakers Bureau on October. We hope he finds this volunteer experience a fulfilling one.



Speaker Requests



1-

Topic: Identity Theft.

When: Jan. 18.

For Whom: Center for Independent Living in Central Florida.

Where: Winter Park.

Time: 7 p.m.

Audience: Audience is deaf. The group will provide sign language interpreters.

Length: 1 hour 15 min.

2-

Topic: Advanced directives and end-of-life issues.

When: Jan. 25.

For Whom: Pinellas County.

Where: Largo.

Time: 7 p.m.

Length: 45 min.

If you are able to take one of these engagements or if you know someone that will be willing to take them, please e-mail mvalencianomarin@flabar.org, or call Mirieth Valenciano at (850) 561-5773. First qualified speaker who answers this request will be booked for the activity. Thank you.

The **Florida Bar consumer pamphlets** are available for distribution during the speaking engagements. To see the complete list of pamphlets available, go to www.floridabar.org/consumerpamphlets. If you would like to take some consumer pamphlets to your presentation, please contact Mirieth Valenciano at mvalencianomarin@flabar.org. The pamphlets must be related to the topic of the activity.

*Thank
you*



Speakers

For helping to educate the public on legal issues during September, The Florida Bar Speakers Bureau thanks:

- **Gary Beatty** from Sharpes, **Bradley Sherman** from Orange City, and **Mark Schlakman** from Tallahassee. They talked about death penalty to the United Church of Christ at the Villages.
- **Mary Donohue** from Boca Raton for her presentation about the importance of living wills and health care surrogates to the National Active and Retired Federal Employees Association.
- **Michelle Estlund** from Coral Gables. She talked about how to regain your civil right to vote to Transition Inc.
- **Marcia Hansen** from Coral Gables for her presentation about sealing and expunging criminal record to Transition Inc.

- **Martin Kofsky** from West Palm Beach. He talked about Medicare and health care to the Majestic Isles Men's Club.
- **Charles Lammers** from Tallahassee. He talked about general laws when becoming a new adult to the Apalachicola Forest Youth Camp and Liberty Wilderness.
- **Robert Nordstrom** from Saint Petersburg for his presentation about probate, advanced directives and wills to the Pinellas County.
- **Steven Wallace** from Boynton Beach. He talked about ethics and professionalism to the Palm Beach County Association of Criminal Defense Lawyers.

Would you like your photograph featured here? Please send a copy to Mirieth Valenciano at mvalencianomarin@flabar.org



Speaking Tips

Gestures: Get Moving!

From www.toastmasters.org

Let go of your stiff death grip on the lectern and learn how to make your speeches interesting through body language. The human body contains more than 700 muscles, but few of those are used by speakers – except when using their arms and fingers in a life-preserving clutch of lecterns and laser pointers or frenetically clicking on PowerPoint slides. Speakers tend to focus most of their efforts in search of the perfect word to illustrate their precious points, despite overwhelming evidence proving that, in fact, our bodies speak louder than words.

Your effectiveness as a speaker is directly related to your ability to invoke emotion and interest through the use of non-verbal communication. Your listeners judge you and your message based on what they see as well as what they hear. In public speaking, your body can be an effective tool for adding emphasis and clarity to your words. It's also your most powerful instrument for convincing an audience of your sincerity, earnestness and enthusiasm. Whether your purpose is to inform, persuade, entertain, motivate or inspire, your body language and the personality you project must be appropriate to what you say. As Ralph Waldo Emerson said, "What you are speaks so loudly that I cannot hear what you say." So be sure your appearance, posture and attire is appropriate as well.

Here's how you can incorporate appropriate body language into your speeches:

- **Start with eye contact.** Being prepared – having control of your message – is a prerequisite for being able to project and establish a bond with the audience. Don't just pass your gaze throughout the room; try to focus on individual listeners and create a bond with them by looking them directly in the eyes for five to 10 seconds.
- **Smile!**
- **Express emotion with your facial muscles.** For inspiration, take a look at the *The Human Face*, a BBC documentary narrated by John Cleese of Monty Python fame, now available on DVD.
- **Avoid distracting mannerisms** – have a friend watch as you practice and look for nervous expressions such as fidgeting, twitching, lip biting, key jingling, hands in pockets or behind the back.
- **Telling a story?** Highlight the action verbs and look for ways to act out one or more parts. Speaking about marathon running? Run a few steps.

- **Stay true to your personality.** Don't copy gestures from a book or other speaker, but respond naturally to what you feel and say.
- **Make gestures convincing.** Every hand gesture should be total body movement that starts from the shoulder – never from the elbow. Half-hearted gestures look artificial.
- **Vary your speaking position by moving from one spot on the stage to another.** For example, walk to the other side of the stage as you move to a new topic or move toward the audience as you ask a question.



The Florida Bar News

Statewide Prosecutor

The Florida Supreme Court Judicial Nominating Commission is seeking qualified applicants to fill the position of Statewide Prosecutor. Applications are due Nov. 23.

The Florida Bar News

The Nov. 15 edition of the *News* is available with stories including:
 The Bar cracking down on lawyers who are contributing to the foreclosure mess.
 The e-portal board's decision not to accept Visa cards.
 Foster kids enjoying a 'Trip of a Lifetime.'

Applicants' interview schedules for federal posts

The schedule of applicants' interviews for U.S. District Judge, Southern District of Florida, and U.S. Marshal, Northern District of Florida is now available.

Free CLE on Redacting Confidential Information

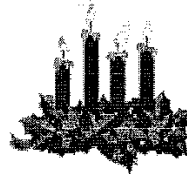
A two-hour CLE on **judicial administration Rule 2.420** is available free of charge from the 24/7 Online CLE link on the Bar CLE page.



The American Bar Association News



- » Save the date - The 2011 ABA Midyear Meeting will be held Feb. 9-15, 2011, in Atlanta.
- » Work Remains to Combat Violence Against Women.
- » Which Law Blogger Would You Most Like to Meet—And Why?
- » Mark your calendars for the ABA Bar Leadership Institute to be held March 10-11, 2011. For more information check www.abanet.org/barserv/bli



Quote of Note

"By three methods we may learn wisdom: First, by reflection, which is noblest; Second, by imitation,

which is easiest; and third by experience, which is the bitterest."
~ Confucius

###

Speakers Bureau Liaison
The Florida Bar,
651 E. Jefferson Street,
Tallahassee FL 32399-2300
1-800-342-8060, extension
850/561-5733 (fax)
Mailto:

© The Florida Bar - <<9/23/2009>> - Verslon <<1.0.2>>

Jenn C. Lussier

From: Sondra M. Lanier
Sent: Wednesday, December 01, 2010 4:49 PM
To: Greg S. Parker
Subject: RE: Foreclosure Case Mgt Order

Thanks Judge. Ronna is out, but we are going to get it done.

From: Greg S. Parker
Sent: Wednesday, December 01, 2010 4:43 PM
To: Sondra M. Lanier
Cc: lussier.barb@jud3.flcourts.org
Subject: RE: Foreclosure Case Mgt Order

I just got out of Felony Court here in Hamilton. Yes the Case Mgt order is the final version. All we need to do is fill in the blanks. This one is different than the ones used by other judges. I am taking a different approach and setting them all to be in person to motivate them to file something or set a hearing that moves the case along. I suspect there will be a large percentage taking action to avoid having to travel to a hearing. If not they get to come see me. Since they will all be coming and each should be a short hearing I can probably finish one call the next one and get done early. Again I am expecting many to avoid the case management hearing by actually filing something or setting a hearing. If they don't they probably wont show up and I will then take action to sanction by dismissal or other action. Parker

From: Sondra M. Lanier
Sent: Wed 12/1/2010 1:49 PM
To: Greg S. Parker
Cc: lussier.barb@jud3.flcourts.org
Subject: FW: Foreclosure Case Mgt Order

Ronna is out sick, so we are pinch hitting. Is this the final version?

From: Greg S. Parker
Sent: Monday, September 27, 2010 4:52 PM
To: Sondra M. Lanier
Cc: David W. Fina
Subject: Foreclosure Case Mgt Order

Here is what I have come up with. I have copied the Chief. Let me know your thoughts or if there is another one in the works.

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Jenn C. Lussier

From: Sondra M. Lanier
Sent: Wednesday, December 01, 2010 1:50 PM
To: Greg S. Parker
Cc: lussier.barb@jud3.flcourts.org
Subject: FW: Foreclosure Case Mgt Order
Attachments: ORDER SCHEDULING CASE MANAGEMENT CONFERENCE.doc

Ronna is out sick, so we are pinch hitting. Is this the final version?

From: Greg S. Parker
Sent: Monday, September 27, 2010 4:52 PM
To: Sondra M. Lanier
Cc: David W. Fina
Subject: Foreclosure Case Mgt Order

Here is what I have come up with. I have copied the Chief. Let me know your thoughts or if there is another one in the works.

IN THE CIRCUIT COURT, THIRD JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

Plaintiffs,

vs.

CASE NO.

Defendant.

_____ /

**ORDER SCHEDULING CASE MANAGEMENT CONFERENCE
IN FORECLOSURE ACTION**

PLEASE BE ADVISED that, pursuant to Rule 1.200(a), Fla. R. Civ. Proc., the cases above listed will be called up for Case Management Conference at the _____, Florida, before the Honorable _____. The Court records reveal either that the above-styled cause is a mortgage foreclosure action and that there is concern regarding the timely progress of the case or there are other compelling reasons for case management.

HEARING DATE:

Matters to be considered at the Case Management Conference include matters that may aid in the prompt disposition of the action including, but not limited to:

1. Schedule or reschedule trial or additional case management conference;
2. Schedule or reschedule the service of motions, pleadings and other papers;
3. Coordinate and discuss the progress of the action in general.
4. Limit, schedule, order or expedite discovery;
5. Requiring filing of preliminary stipulations if issues can be narrowed;
6. Possibilities of settlement;
7. Dismissal without prejudice.
8. Status of post final judgment matters including but not limited to the conducting of a sale of the property.

Attorneys must be present in person before the Court at this hearing unless otherwise authorized by the Court. Incarcerated parties without legal counsel may contact the court at _____ no later than 48 hours prior to the hearing to arrange a telephonic appearance. Inmates will not be transported.

ON FAILURE OF THE PARTIES OR COUNSEL TO ATTEND THE CONFERENCE, THE COURT MAY DISMISS THE ACTION, STRIKE PLEADINGS, LIMIT PROOF OR WITNESSES OR TAKE ANY OTHER APPROPRIATE ACTION AS PROVIDED IN RULE 1.200(c).

THIS CASE MANAGEMENT CONFERENCE MAY BE CANCELLED ONLY WITH THE COURT'S WRITTEN PERMISSION.

STIPULATIONS TO CONTINUE WILL BE GRANTED ONLY UPON A SHOWING OF GOOD CAUSE

NOTE: HEARING MAY BE CANCELLED IF COURT RECEIVES COPY OF VOLUNTARY DISMISSAL, SUGGESTION OF BANKRUPTCY OR IF TRIAL OR SUMMARY JUDGMENT HEARING, IS SCHEDULED PRIOR TO ABOVE DATE, BUT ONLY UPON WRITTEN PERMISSION FROM THE COURT.

DONE AND ORDERED in _____, _____ County, Florida this ____ day of _____, 20____.

CIRCUIT JUDGE

Copies Provided to Counsel and Pro Se Parties

*If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, _____, FL _____, phone number _____ within 2 working days of your receipt of this Order Scheduling **Case Management** conference; if you are hearing impaired, call _____*

Jenn C. Lussier

From: David W. Fina
Sent: Tuesday, November 23, 2010 2:25 PM
To: Debra P. Sadler; Darren K. Jackson; David W. Fina; Debra P. Sadler; E. Vernon Douglas; Frederick L. Koberlein; Greg S. Parker; H. Wetzel Blair; James R. Bean; Jean Pittman; Julian E. Collins; Leandra G. Johnson; Paul S. Bryan; Sonny Scaff; Tom Coleman; William R. Slaughter
Cc: Ronna M. Cobble
Subject: MFCM

Colleagues,

I held our second round of mortgage foreclosure case management hearings in Suwannee County last Friday. Pursuant to our discussion @ our November meeting, my brief report follows.

The case files were properly tabbed prior to the hearings.

We again scheduled 15 cases every 30 minutes.

The docket was completed on schedule and ran rather smoothly.

The hearings were again held in the courtroom as opposed to a hearing room. Little down time for positioning parties and counsel.

Attorneys were permitted to appear by tele-court.(this made life much easier on Millie, Ronna and me)

After the hearings I met with Ronna, our case manager. She briefed me on the process used currently around the circuit.

If you are not using tele-court, I urge you again to please reconsider.

Please share your experiences with us all so that we can continue to better address these matters.

Thanks,

David W. Fina
Circuit Court Judge
Third Judicial Circuit

Jenn C. Lussier

From: David W. Fina
Sent: Tuesday, November 23, 2010 1:53 PM
To: Barry Baker <barryb@suwclerk.org> (barryb@suwclerk.org); 'Ricky Lyons'; 'Greg Godwin'; 'P. DeWitt Cason'; 'Dana Johnson'; 'Annie Mae Murphy'; 'Tim Sanders'; Tony Cameron (sheriff@suwanneesherriff.com) (sheriff@suwanneesherriff.com); Debra P. Sadler; Darren K. Jackson; David W. Fina; Debra P. Sadler; E. Vernon Douglas; Frederick L. Koberlein; Greg S. Parker; H. Wetzel Blair; James R. Bean; Jean Pittman; Julian E. Collins; Leandra G. Johnson; Paul S. Bryan; Sonny Scaff; Tom Coleman; William R. Slaughter
Subject: FW: Mortgage Foreclosure Proceedings
Attachments: Memo to Chief Judges re Mortgage Foreclosure Proceedings.pdf; Letter to Florida Press Assn et al.pdf

Please see attached the directive I have received from our chief justice. Pursuant to said directive, remember that mortgage foreclosure proceedings are open to the public. Please continue to ensure the public has open access to these hearings.

Thanks for your continued cooperation.

David W. Fina
Circuit Court Judge
Third Judicial Circuit

From: Debbie Howells [mailto:howellsd@flcourts.org]
Sent: Wednesday, November 17, 2010 8:03 AM
To: Trial Court Chief Judges
Cc: Trial Court Administrators; Lisa Goodner; Blan Teagle; Laura Rush; Kristine Slayden; Brenda Johnson; Judge John Laurent
Subject: Mortgage Foreclosure Proceedings

Please see the attached memorandum from Chief Justice Canady regarding mortgage foreclosure proceedings.

Also attached is a copy of Chief Justice Canady's letter to The Florida Press Association.

Debbie Howells
Office of the State Courts Administrator
500 S. Duval Street
Tallahassee, FL 32399-1900
Phone 850-922-4370
Fax 850-488-0156
Email howellsd@flcourts.org



Supreme Court of Florida

500 South Duval Street
Tallahassee, Florida 32399-1925

CHARLES T. CANADY
CHIEF JUSTICE
BARBARA J. PARIENTE
R. FRED LEWIS
PEGGY A. QUINCE
RICKY L. POLSTON
JORGE LABARGA
JAMES E.C. PERRY
JUSTICES

THOMAS D. HALL
CLERK OF COURT

KEVIN WHITE
ACTING MARSHAL

MEMORANDUM

TO: Chief Judges of the Circuit Courts

FROM: Chief Justice Charles T. Canady *CTC*

DATE: November 17, 2010

SUBJECT: Mortgage Foreclosure Proceedings

Enclosed for your review and action is a letter dated November 12, 2010, that I received from the Florida Press Association and other organizations. The letter alleges that in some instances, members of the public and/or press either have been advised that they cannot attend mortgage foreclosure proceedings or have been prevented from attending such proceedings.

As the chief administrative officer of the Florida judicial branch, I am directing all chief judges to examine the current practices within their respective circuits to ensure that those practices are entirely consistent with the constitutional, statutory, procedural rule, and case law requirements of this state regarding the presumption that state court proceedings are open to the public.

I also ask that you communicate with all judges and court staff in your circuit to remind them of the relevant provisions relating to open court proceedings. It is important for you to communicate with the clerks of court and bailiffs within your circuit as well to ensure that those offices provide any visitors



Supreme Court of Florida

500 South Duval Street
Tallahassee, Florida 32399-1925

CHARLES T. CANADY
CHIEF JUSTICE
BARBARA J. PARIENTE
K. FRID LEWIS
PEGGY A. QUINCE
RICKY POLSTON
JORGE LABARGA
JAMES E. C. PERRY
JUSTICES

THOMAS D. HALL
CLERK OF COURT

KEVIN WHITE
ACTING MARSHAL

November 17, 2010

Mr. Sam Morley
General Counsel
The Florida Press Association
336 East College Avenue, Suite 203
Tallahassee, Florida 32301

Mr. Talbot D'Alemberte
Mr. Larry Schwartztol
Mr. Randall Marshall
Mr. James Parker Rhea
Mr. C. Patrick Roberts
Mr. Gil Thelen
Mr. James Denton

Gentlemen:

Thank you for your letter of November 12, 2010, regarding public access to Florida foreclosure proceedings. As you know, judicial ethics rules prohibit me from intervening in actual legal disputes pending or likely to be filed in lower courts, including the possible future litigation you mentioned with regard to an incident in Duval County.

But Canon 3C(3) of the Florida Code of Judicial Conduct expressly says that "[a] judge with supervisory authority for the judicial performance of other judges shall take reasonable measures to assure . . . the proper performance of their other judicial responsibilities." Under the Florida Constitution, article V, section 2(b), I

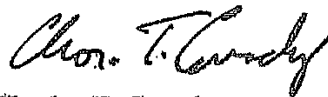
Mr. Sam Morley, et al.
November 17, 2010
Page Two

am the chief administrative officer of the state courts system. I write you solely in that capacity.

The courts of Florida belong to the people of Florida. The people of Florida are entitled to know what takes place in the courts of this state. No crisis justifies the administrative suspension of the strong legal presumption that state court proceedings are open to the public.

Today I have sent to the chief judges of Florida's twenty judicial circuits a supervisory memorandum—a copy of which is enclosed—setting forth my administrative directive on this matter. Under that directive, the chief judges shall ensure that the judges they supervise and the staff who report to those judges, as well as bailiffs and employees of the clerks of court, are not violating the rights of Floridians by improperly closing judicial proceedings to the public. The chief judges shall promptly exercise their administrative and supervisory authority to countermand closures or impediments to access that are inconsistent with Florida law.

Sincerely,



Charles T. Canady

CTC/ps

Enclosure

Jenn C. Lussier

From: Greg S. Parker
Sent: Friday, November 19, 2010 4:09 PM
To: Melanie A. Vaughn
Subject: Fw: November 15, 2010 Article V Revenue Estimating Conference
Attachments: TrustFundEstimatesNovember2010REC.pdf

Print
Greg Parker
Circuit Judge
3rd Jud. Circuit Fla.
P.O. Box 1060
Madison, FL 32341
(850) 253-0165 - Office
(850) 973-2790 - Fax
JA: Melanie Vaughn

----- Original Message -----

From: Heather Thuotte-Pierson <piersonh@flcourts.org>
To: Trial Court Chief Judges <TrialCourtChiefJudges@flcourts.org>; Trial Court Budget Commission <TrialCourtBudgetCommission@flcourts.org>; Trial Court Administrators <TrialCourtAdministrators@flcourts.org>
Cc: Lisa Goodner <goodnerl@flcourts.org>; Kristine Slayden <slaydenk@flcourts.org>; Charlotte Jerrett <jerrettc@flcourts.org>
Sent: Fri Nov 19 15:20:53 2010
Subject: November 15, 2010 Article V Revenue Estimating Conference

The official estimates from the November 15, 2010 Article V Revenue Estimating Conference for the State Courts Revenue Trust Fund (SCRTF), the Mediation and Arbitration Trust Fund (MATF), and the Court Education Trust Fund (CETF) are attached. Proposed forecasts were provided to the conference principals by the Legislative Office of Economic and Demographic Research, the Executive Office of the Governor, the Office of the State Courts Administrator and the Clerks of Court Operations Corporation. Official estimates were based on four months of actual revenue data for FY 2010/11 and/or transaction data. More detailed information on the estimates can be found on the Office of Economic and Demographic Research website:

<http://edr.state.fl.us/Content/conferences/articleV/index.cfm>

Foreclosure revenues are projected to decrease in FY 2010-11 in recognition of the continued lower level of foreclosure filings in the first quarter and in anticipation of a temporary dip in filings resulting from the "Robo-Signing Scandal". However, the higher number of filings is expected to resume in the second half of FY 2010-11 and then climb in the out years due to the high number of mortgages in various stages of default.

More details will be provided at the December 7, 2010 TCBC meeting.

Please let me know if you have any questions.

Thanks,

Heather

Heather Thuotte-Pierson

Office of the State Courts Administrator

Court Statistics Consultant

(850) 410-3376

piersonh@flcourts.org

Article V Revenue Estimating Conference Comparisons
 July 2010 and ****New**** November 2010
 FY 2010/11 and FY 2011/12 Revenue Estimates (in millions)

Article V Revenue Conferences	SCRIF		MATF		CETF	
	FY 2010/11	FY 2011/12	FY 2010/11	FY 2011/12	FY 2010/11	FY 2011/12
July 2010 Estimate	\$335.9	\$350.5	\$17.1	\$16.4	\$3.7	\$3.5
November 2010 Estimate	\$312.4	\$352.7	\$16.7	\$16.3	\$3.6	\$3.3
Difference	(\$23.5)	\$2.2	(\$0.4)	(\$0.1)	(\$0.1)	(\$0.2)

State Courts Revenue Trust Fund
Revenue Projections by Source (in millions)
FY 2010/11 and FY 2011/12

Source	FY 2010/11 Projected Revenue ¹ (Annual Projection)	FY 2011/12 Projected Revenue ¹ (Annual Projection)
\$5 Civil Traffic Assessment	\$12.2	\$12.2
\$25 Speeding Fine Increase	\$6.8	\$6.8
18% Driving School Reduction	\$6.5	\$6.5
Real Property/Foreclosure \$80 Redirect, \$100 Fee Increase and Graduated Filing Fee Increase	\$238.6	\$280.2
\$115 Increase in Probate	\$6.8	\$6.7
\$180 Redirect/Increase in Circuit Civil (Excluding Foreclosures)	\$34.2	\$32.7
\$80 Redirect in Family	\$6.5	\$6.7
Counterclaim Graduated Fee Increase	\$0.5	\$0.6
Appellate \$50 Filing Fee	\$0.3	\$0.3
Total	\$312.4	\$352.7

¹ FY 2010/11 and FY 2011/12 Projected Revenue from the November 2010 Article V Revenue Estimating Conference.

State Courts Revenue Trust Fund
FY 2010/11 Monthly Revenue Comparisons (Projected vs. Actual)

Source	REC Official Estimate		Actual Monthly Revenues				
	FY 2010/11 Projected Revenue ¹ (Annual Projection)	FY 2010/11 Projected Revenue (One Month Projection)	Actual Revenues (June 2010 Collections/ July 2010 Remittance) ²	Actual Revenues (July 2010 Collections/ August 2010 Remittance) ²	Actual Revenues (August 2010 Collections/ September 2010 Remittance) ²	Actual Revenues (September 2010 Collections/ October 2010 Remittance) ²	FY 2010/11 Year to Date Collections
\$5 Civil Traffic Assessment	\$12,200,000	\$1,016,667	\$1,119,699	\$1,041,918	\$1,028,918	\$1,007,156	\$4,197,690
Adjudication Withheld	NA	NA	\$457,222	NA	NA	NA	\$457,222
\$25 Speeding Fine Increase	\$6,800,000	\$566,667	\$634,932	\$613,631	\$629,378	\$610,914	\$2,488,855
18% Driving School Reduction	\$6,500,000	\$541,667	\$532,248	\$530,034	\$526,554	\$524,857	\$2,113,692
Real Property/Foreclosure \$80 Redirect, \$100 Fee Increase and Graduated Filing Fee Increase	\$238,600,000	\$19,883,333	\$19,218,492	\$17,032,376	\$19,312,638	\$19,955,323	\$75,518,830
\$115 Increase in Probate	\$6,800,000	\$566,667	\$568,079	\$557,944	\$549,272	\$515,942	\$2,191,237
\$180 Redirect/Increase in Circuit Civil (Excluding Foreclosures)	\$34,200,000	\$2,850,000	\$3,013,667	\$3,139,771	\$2,930,952	\$2,891,560	\$11,975,951
\$80 Redirect in Family	\$6,500,000	\$541,667	\$574,082	\$546,348	\$531,763	\$525,068	\$2,177,261
Counterclaim Graduated Fee Increase	\$500,000	\$41,667	\$56,800	\$46,708	\$57,765	\$47,046	\$208,319
Appellate \$50 Filing Fee	\$300,000	\$25,000	\$22,550	\$23,800	\$29,800	\$27,400	\$103,550
Other (Refunds)	NA	NA	\$12,113	\$6,803	\$15,997	\$5,440	\$40,353
Total	\$312,400,000	\$26,033,333	\$26,209,886	\$23,539,333	\$25,613,036	\$26,110,707	\$101,472,962

Note: Monthly Projected Revenue represent 1/12 of the annual amount. Actual revenue will vary from month to month, and revenues will likely be lower in later months due to foreclosure cases slowing down as the economy improves. Any collection of revenue above the legislatively appropriated budget for the State Courts System is just excess cash that cannot be spent because the courts do not have the authority to spend it.

¹ FY 2010-11 Projected Revenue from the November 15, 2010 Article V Revenue Estimating Conference.

² As reported by in the Department of Revenue Consolidation Report; Appellate \$50 Filing Fee as reported by OSCA, Finance and Accounting

Jenn C. Lussier

From: Heather Thuotte-Pierson <piersonh@flcourts.org>
Sent: Friday, November 19, 2010 3:21 PM
To: Trial Court Chief Judges; Trial Court Budget Commission; Trial Court Administrators
Cc: Lisa Goodner; Kristine Slayden; Charlotte Jerrett
Subject: November 15, 2010 Article V Revenue Estimating Conference
Attachments: TrustFundEstimatesNovember2010REC.pdf

The official estimates from the November 15, 2010 Article V Revenue Estimating Conference for the State Courts Revenue Trust Fund (SCRTF), the Mediation and Arbitration Trust Fund (MATF), and the Court Education Trust Fund (CETF) are attached. Proposed forecasts were provided to the conference principals by the Legislative Office of Economic and Demographic Research, the Executive Office of the Governor, the Office of the State Courts Administrator and the Clerks of Court Operations Corporation. Official estimates were based on four months of actual revenue data for FY 2010/11 and/or transaction data. More detailed information on the estimates can be found on the Office of Economic and Demographic Research website:
<http://edr.state.fl.us/Content/conferences/articleV/index.cfm>

Foreclosure revenues are projected to decrease in FY 2010-11 in recognition of the continued lower level of foreclosure filings in the first quarter and in anticipation of a temporary dip in filings resulting from the "Robo-Signing Scandal". However, the higher number of filings is expected to resume in the second half of FY 2010-11 and then climb in the out years due to the high number of mortgages in various stages of default.

More details will be provided at the December 7, 2010 TCBC meeting.

Please let me know if you have any questions.

Thanks,
Heather

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

Article V Revenue Estimating Conference Comparisons
 July 2010 and ****New**** November 2010
 FY 2010/11 and FY 2011/12 Revenue Estimates (in millions)

Article V Revenue Conferences	SCRIF		MATF		CETF	
	FY 2010/11	FY 2011/12	FY 2010/11	FY 2011/12	FY 2010/11	FY 2011/12
July 2010 Estimate	\$335.9	\$350.5	\$17.1	\$16.4	\$3.7	\$3.5
November 2010 Estimate	\$312.4	\$352.7	\$16.7	\$16.3	\$3.6	\$3.3
Difference	(\$23.5)	\$2.2	(\$0.4)	(\$0.1)	(\$0.1)	(\$0.2)

State Courts Revenue Trust Fund
Revenue Projections by Source (in millions)
FY 2010/11 and FY 2011/12

Source	FY 2010/11 Projected Revenue ¹ (Annual Projection)	FY 2011/12 Projected Revenue ¹ (Annual Projection)
\$5 Civil Traffic Assessment	\$12.2	\$12.2
\$25 Speeding Fine Increase	\$6.8	\$6.8
18% Driving School Reduction	\$6.5	\$6.5
Real Property/Foreclosure \$80 Redirect, \$100 Fee Increase and Graduated Filing Fee Increase	\$238.6	\$280.2
\$115 Increase in Probate	\$6.8	\$6.7
\$180 Redirect/Increase in Circuit Civil (Excluding Foreclosures)	\$34.2	\$32.7
\$80 Redirect in Family	\$6.5	\$6.7
Counterclaim Graduated Fee Increase	\$0.5	\$0.6
Appellate \$50 Filing Fee	\$0.3	\$0.3
Total	\$312.4	\$352.7

¹ FY 2010/11 and FY 2011/12 Projected Revenue from the November 2010 Article V Revenue Estimating Conference.

State Courts Revenue Trust Fund
FY 2010/11 Monthly Revenue Comparisons (Projected vs. Actual)

Source	REC Official Estimate		Actual Monthly Revenues					FY 2010/11 Year to Date Collections
	FY 2010/11 Projected Revenue ¹ (Annual Projection)	FY 2010/11 Projected Revenue (One Month Projection)	Actual Revenues (June 2010 Collections/ July 2010 Remittance) ²	Actual Revenues (July 2010 Collections/ August 2010 Remittance) ²	Actual Revenues (August 2010 Collections/ September 2010 Remittance) ²	Actual Revenues (September 2010 Collections/ October 2010 Remittance) ²		
\$5 Civil Traffic Assessment	\$12,200,000	\$1,016,667	\$1,119,699	\$1,041,918	\$1,028,918	\$1,007,156	\$4,197,690	
Adjudication Withheld	NA	NA	\$457,222	NA	NA	NA	\$457,222	
\$25 Speeding Fine Increase	\$6,800,000	\$566,667	\$634,932	\$613,631	\$629,378	\$610,914	\$2,488,855	
18% Driving School Reduction	\$6,500,000	\$541,667	\$532,248	\$530,034	\$526,554	\$524,857	\$2,113,692	
Real Property/Foreclosure \$80 Redirect, \$100 Fee Increase and Graduated Filing Fee Increase	\$238,600,000	\$19,883,333	\$19,218,492	\$17,032,376	\$19,312,638	\$19,955,323	\$75,518,830	
\$115 Increase in Probate	\$6,800,000	\$566,667	\$568,079	\$557,944	\$549,272	\$515,942	\$2,191,237	
\$180 Redirect/Increase in Circuit Civil (Excluding Foreclosures)	\$34,200,000	\$2,850,000	\$3,013,667	\$3,139,771	\$2,930,952	\$2,891,560	\$11,975,951	
\$80 Redirect in Family	\$6,500,000	\$541,667	\$574,082	\$546,348	\$531,763	\$525,068	\$2,177,261	
Counterclaim Graduated Fee Increase	\$500,000	\$41,667	\$56,800	\$46,708	\$57,765	\$47,046	\$208,319	
Appellate \$50 Filing Fee	\$300,000	\$25,000	\$22,550	\$23,800	\$29,800	\$27,400	\$103,550	
Other (Refunds)	NA	NA	\$12,113	\$6,803	\$15,997	\$5,440	\$40,353	
Total	\$312,400,000	\$26,033,333	\$26,209,886	\$23,539,333	\$25,613,036	\$26,110,707	\$101,472,962	

Note: Monthly Projected Revenue represent 1/12 of the annual amount. Actual revenue will vary from month to month, and revenues will likely be lower in later months due to foreclosure cases slowing down as the economy improves. Any collection of revenue above the legislatively appropriated budget for the State Courts System is just excess cash that cannot be spent because the courts do not have the authority to spend it.

¹ FY 2010-11 Projected Revenue from the November 15, 2010 Article V Revenue Estimating Conference.

² As reported by in the Department of Revenue Consolidation Report; Appellate \$50 Filing Fee as reported by OSCA, Finance and Accounting

Jenn C. Lussier

From: The Florida Bar <careercenter@flabar.org>
Sent: Thursday, November 18, 2010 2:59 PM
To: Greg S. Parker
Subject: Job Flash: 11 new legal jobs

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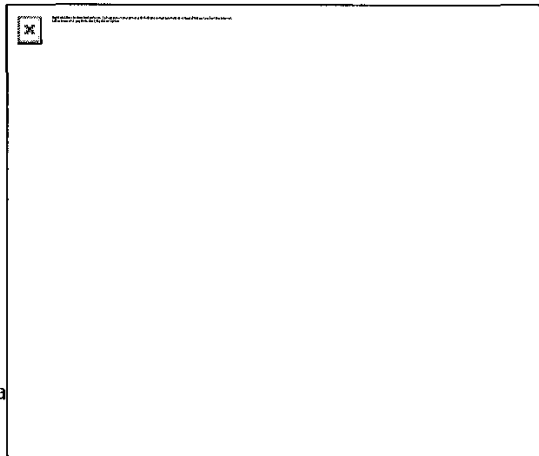
Miami Dade Expressway Authority - Miami, FL
Requirements include: Member of the Florida Bar with a minimum of 5 years experience in the practice of law. Strong risk management and insurance background preferred (This specifically does not include insurance defense work.), as well as experience in transportation, local government or commercial concessions. For more information please visit: www.mdxway.com [more info...](#)

Litigation Attorney

Parker Waichman Alonso LLP - Bonita Springs, FL
AV-rated Plaintiff's Personal Injury national law firm seeks highly motivated and experienced attorneys with 10 years experience in auto accidents, medical malpractice and products liability for Bonita Springs office. Candidates must be well-versed in all aspects of litigation from case inception through trial. [more info...](#)

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Broward County c/o Bob Murray & Associates - Fort Lauderdale, FL
Broward County seeks a County Attorney to serve as chief legal counsel to the County and to direct and supervise the County Attorneys Office. County Attorney serves at the pleasure of the 9-member Board of Commissioners. County Attorneys Office has a 2011 budget of \$6.8 million with 61 authorized staff, including 37 attorneys. A law degree from an accredited college and a license to practice law in the State of Florida is required. Detailed brochure available at www.bobmurrayassoc.com [more info...](#)



Managing Attorney

Frenkel Lambert Weiss Weisman & Gordon - Ft. Lauderdale, FL

Law Firm seeks attorney (admitted to practice in the State of Florida) to manage their Ft. Lauderdale area office. Excellent opportunity. Email resume to attorneysoffice@ymail.com reference Florida. [more info...](#)

Community Association Attorney

Backer Law Firm, PA - Boca Raton, FL

We are an established, growing law firm representing condominium associations and homeowners associations primarily in Palm Beach and Broward Counties. The ideal candidate will have experience representing community associations in Florida and will have some foreclosure and other community association litigation experience. [more info...](#)

Foreclosure Assistant Managing Attorney

Law Offices of Marshall C. Watson P.A. - Fort Lauderdale, FL

Prestigious Fort Lauderdale full service law firm, which strictly represents mortgage lenders and servicers throughout Florida is in search for a Foreclosure Assistant Managing Attorney for our Fort Lauderdale Corporate Office. The services our firm provides range from foreclosure, bankruptcy representation and evictions to REO closings and title insurance. [more info...](#)

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ASSOULINE & BERLOWE, P.A. - Statewide, FL

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T&E Associate

Williams Parker Harrison Dietz & Getzen - Sarasota, FL

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We are seeking an extremely driven individual who excels at both business development and relationship management. The candidate must be accustomed to a high level of daily sales activity and be capable of proactively and independently developing relationships with attorneys, accountants, estate planners or anyone who can potentially provide introductions to prospective clients. [more info...](#)

Partner

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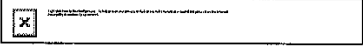
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Jenn C. Lussier

From: Brenda Johnson <johnsonb@flcourts.org>
Sent: Tuesday, November 16, 2010 11:03 AM
To: SC-JUSTICES; DCA Budget Commission; Trial Court Chief Judges; Trial Court Administrators; Trial Court Budget Commission; Judge Kevin M. Emas; Judge Wayne Miller
Cc: Lisa Goodner; Blan Teagle; Laura Rush
Subject: Speaker Cannon's remarks today

Please note the comments in read below:

Speaker Dean Cannon's Organizational Session remarks as prepared for delivery:

I want to begin my remarks by thanking God, who has been so gracious and merciful to me and given me life and eternal life, and to especially thank him for allowing all of us to be here today.

I want to next recognize and thank my family. The first and highest thanks go to my beautiful wife, Ellen. I wouldn't be here today or be who I am without you, and you have sacrificed more and worked harder to bring me here than I have. I love you very much.

To Dean, my wonderful son, Katherine, my first daughter, and Sarah, my baby girl, you three have brought more joy to your mother and me than you will ever know, I love you, and thank you for allowing Daddy to serve in the house and to become Speaker.

I want to say a special word of thanks to my mother and father who are here today, Ginger and Roy Cannon, to my grandmother, Althea Cannon, and a long distance hello to my grandparents in North Carolina, Grace and Walter Harrell, who could not be here in person.

A tremendous thanks go to my brother, Dr. Sterling Cannon and his wife Heather for being here today.

And to my many, many other family members, friends and colleagues, as I look around this room there are so many of you. Thank you for helping me throughout my life and for helping me to arrive here today.

Members, I cannot adequately express my gratitude for the incredible honor and privilege you have entrusted to me to be your speaker. I promise you I will hold myself accountable, and ask that we all hold each other accountable, to the high standards of this institution and the people we represent.

I have sought the counsel of many of the former speakers for advice over the years, and especially Speaker Cretul. And, I intend to do so again gentlemen. And, they cautioned me that each speaker must confront the issues at hand, not the issues they wished were at hand when they were first elected. I'll tell you that's true.

Together we all share a responsibility to address the tough issues facing our state now. I know we will not always agree on the difficult choices ahead, but regardless of the circumstances, we are privileged to hold in this chamber the trust of the people of Florida and with that trust comes a responsibility to do our very best for them.

We find ourselves today with a large majority caucus. This means the majority has the responsibility lead, the minority has the opportunity to participate and the public has the right to watch. As your speaker, my goal is to ensure that all of that happens fairly and orderly.

The most meaningful bipartisanship is unforced, voluntary bipartisanship, and I hope that we in the majority party will work with those in the minority party to collaborate for the good of the people we serve. And so, I extend a pledge of fairness to members of both parties, but please remember that obstructionism is not the same as dissent and personal attacks are not the same as meaningful debate.

We come together today as the 85th Florida house since statehood in 1845. Each of you holds 1/120th of the sovereignty of the Florida house. Each bears the same burden and each holds the same opportunity that comes with the constitutional responsibilities we have sworn to uphold.

Since statehood, only 3,477 people have had the privilege to sit in the seats you currently occupy, less than 3,500 people out of tens of millions who have called our state home.

Members, as my gift to you, in each of your desks you will find a lapel pin with a seal of the Florida House of Representatives which symbolizes, in a small way, your place in the history of the Florida house and our great state. It signifies your responsibility to your constituents, to our state, and to this great institution.

When you wear this pin remember that you are part of something bigger than yourself. It's something much bigger than the promises you made on the campaign trail and it's different from making a living in your private life, never forget that. When you wear this pin remember that you are a public servant, you are a part of the government of this state and you are a part of the history of Florida.

It is unfortunate, but true, that a terrible temptation when you are part of government is to succumb to the notion that we in Tallahassee can make all things better through government. It's so easy to see people facing challenges and think, "if we just had more government revenue, we could create a program to fix that," or "if the government would just impose more regulations these bad things would never happen to good people."

My friends, those sentiments may be well intended, but they are dangerous. Government cannot give everything to everybody and it cannot prevent every calamity. The notion that government can somehow make everyone happy and healthy has led our federal government into the terrible experiment in government run amok that the voters of our state and our nation overwhelmingly rejected two weeks ago.

So, during the next two years I am going to challenge you to ask a much harder question. Instead of asking what government can do to fix a problem or prevent a potential wrong, when confronting the challenges facing our state, I challenge you to ask whether or not government should be involved at all. Or, better yet, what can government stop doing that will allow greater freedom to our citizens?

If someone had told those of us who were first elected in 2004 that by 2010 the federal government would be not only advocating but implementing the greatest expansion of government power since the New Deal, I would not have believed it.

And yet, that is exactly what we have seen.

Government taking over banks and financial institutions, government taking over auto manufacturers and the production of durable goods, government socializing medicine and government trampling the property rights of citizens and the sovereignty of states.

Should it really be the role of government to require people to purchase a health insurance product they don't want, raise taxes to give that same product to others who can't afford it, and commandeer our state government and its resources to carry it out?

Or, should we work to limit government and empower the private sector by developing a clearly-defined framework for providers in Florida to compete to meet the needs of our citizens and then hold them accountable for their performance?

Can it really be the proper role of the federal government to arbitrarily come in to a single state and unilaterally tell us that Florida must adhere to arbitrary, unscientific and unachievable EPA standards?

Or, should we raise our voices in protest and defend our citizens' property rights and our state's sovereignty against this assault by the federal government?

The threats to our liberties come not only from the federal government, but can also be seen much closer to home.

As an attorney and an officer of the court, I believe fervently in a judicial branch that is strong and independent and fully empowered and equipped to fulfill its constitutional duties.

But for the judiciary to be independent, it must also be impartial and apolitical. It must respect the co-equal executive and legislative branches, and protect their unambiguous constitutional powers, and it must practice the restraint that is built into our federal and state constitutions.

Yet, over the past year three times we saw the work of a three-fifths super majority of this legislative branch, the elected representatives of over 18 million Floridians, demolished by five unelected Justices on the Supreme Court. This was done notwithstanding the fact that there is no express authority in the Florida constitution for doing so.

So I ask you, is it the role of judicial branch to decide political questions, and endanger its reputation for impartiality, by depriving the voters of the right to vote on important questions put forth by their elected representatives?

Or should we make good on the oath we took to protect and defend Florida's constitution, which expressly grants the legislature the unlimited right to place questions before the voters so that they, the people, may exercise their highest political right by voting to choose whether or not to amend their constitution?

These are just a few examples of threats to freedom and the cost that the loss of liberty has occasioned, but there are many others.

It's worth asking of all of those examples I just cited, how and why did government expand so much and try to control so much economic activity or exercise those powers? While there is no one single answer, I believe much of it stems from an arguably well-intentioned but fatally flawed assumption that government can and should protect people from themselves, and that government can and should help people more than they can help themselves.

Ladies and gentlemen, when government takes over private sector assets and controls private sector activity, or denies people the right to vote because the government decides they might be confused, even if it does so--perhaps especially if it does so--in the name of protecting

them, that my friends is a destruction of freedom and is the road to serfdom and economic bondage not only for us but for our children and their children after them. It is the road to ruin of a healthy economy and the foreclosure of a bright future for our state and our nation.

Real freedom seeks equality in opportunity, not equality in outcome.

To question the size and scope of government at every level could truly produce a new birth of freedom. Economic freedom, based on the principle that people -- not the government -- can and should best determine how the fruits of their labor will be used; and making people, not the government, responsible for determining their own destinies, for better or for worse.

We shouldn't seek freedom merely for its own sake, although that is reason enough. We should seek freedom because it is the path to human industry, to returning strength to Florida's economy, to people achieving their highest potential.

Floridians want jobs. Jobs create opportunity and self respect. Jobs provide people a stake in their future.

In order to get our economy moving again, we need to liberate capital, we need to inspire entrepreneurs, we need to give people the opportunity to create jobs.

Our mission over the next two years is to foster an economy that will allow the men and women of Florida to prosper. Our mission over the next two years is to bring sanity to the government's role in the private sector. Our mission is to ask ourselves whether every action we take will promote freedom and empower businesses to create jobs.

You cannot regulate your way to prosperity. You cannot tax your way to wealth, and you cannot borrow your way out of debt. We cannot pass a bill to end this recession. But, we can create the freedom for the private sector to build a healthy and dynamic economy.

Members, this is not a theoretical classroom discussion. Floridians need a new birth of freedom now. This new birth of freedom will help encourage entrepreneurship, it will help create jobs, and it will help get Floridians back to work. And it is economic freedom that will unshackle our economy and once again paint a brighter picture for the Florida of tomorrow.

The road will not be easy, but our families and our children, and our children's children, will thank us.

May God bless each of you, may God bless this House, and may God bless the great state of Florida.

#

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

Jenn C. Lussier

From: sonny scaff <sonnyscaff@yahoo.com>
Sent: Monday, November 15, 2010 11:45 PM
To: Greg S. Parker; David W. Fina; E. Vernon Douglas; Frederick L. Koberlein; H. Wetzell Blair; Debra P. Sadler; Julian E. Collins; Leandra G. Johnson; Paul S. Bryan; Tom Coleman; William R. Slaughter
Subject: Fw: ACLU Wants Foreclosure Hearings to Remain Public

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To: sonnyscaff@yahoo.com
Sent: Mon, November 15, 2010 8:40:16 PM
Subject: ACLU Wants Foreclosure Hearings to Remain Public


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
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http://www.wctv.tv/home/headlines/ACLU_Wants_Foreclosure_Hearings_to_Remain_Public_108315054.html

Jenn C. Lussier

From: Sondra M. Lanier
Sent: Friday, November 12, 2010 4:35 PM
To: Candice T. Herring; Darren K. Jackson; David W. Fina; Debbie J. Saunders; Debra P. Sadler; Diane B. Hiers; Donna D. Moore; Donna K. Jones; E. Vernon Douglas; Frederick L. Koberlein; Greg Parker; Heather J. Norris; James R. Bean; Jean Pittman; Joyce Cameron; Julian E. Collins; Leandra G. Johnson; Linda H. Morgan; Marcie A. Kemp; Melanie A. Vaughn; Millicent A. Schneider; Pam K. Ring; Paul S. Bryan; Sonny Scaff; Sybil C. Powell; Tom Coleman; William R. Slaughter
Cc: Debbie A. DeNike; Carrina M. Cooper
Subject: Notes from Judges' Meeting

Good afternoon. Following are notes from today's judges' meeting (with a few additional pieces of information).

Court Administration Update

- Jackie Jo Brinson and Junaid Savani, two of our law clerks, presented information about WestLaw Next. Jackie Jo demonstrated some of the features of the new program and advised that Debbie DeNike is working to bring some training to the circuit. Judge Fina asked that the training be on the day of a future judges' meeting for the convenience of those who choose to participate.
- Sondra advised that in the past 6 months the law clerks have reduced the backlog of post-conviction motions from 501 to 297. They expect that all motions filed prior to 2009 will be completed by the end of this year. A backlog has existed for several years, and the situation was aggravated by turnover and hiring freezes. Debbie DeNike and the law clerks have done a wonderful job of organizing and prioritizing the cases so that the backlog continues to be reduced.
- Staff positions are being filled, and court administration expects to be back up to full staff by the end of the year. An updated employee directory has not been produced because of staff turnover and vacancies, but a new one will be published and distributed in early 2011.

Judge Case Count Reporting Requirement

- The clerks of court are supposed to be cleaning up the data in CCIS so that the case count by judge report will be as accurate as possible when it is presented to the Legislature. Some of the clerks have been in contact with the judges in their counties about this, but access to this information through CCIS will not be available to judges and court administration until December 1. At that time, we should be able to access the "appropriations" report through CCIS. Court administration staff will review the data and work with each judge to address whatever issues may exist. This is the data that will be used to prepare the alternative report by division to be prepared and submitted by the court administrator. Staff should be able to look at reopened cases and determine how many were VOP's so that those proceedings will be properly accounted for, and we will work with each judge to determine the other factors that need to be considered in order to present the most accurate picture of workload in each county/division.

E-Portal Update

- A memo regarding the recently established ePortal Interlocal Authority was provided to the judges. The Florida E-Filing Authority is the public body that will own the new Statewide E-Filing Court Records Portal through which attorneys and litigants will be able to file pleadings. The portal is to be up and running by January 1, 2011. The