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Courts Prepare for Revision 7 Transition

by **Gregory J. Cowan,**
Senior Court Analyst II

Although the Legislature did not make the implementation of Revision 7 a priority during the 2001 Legislative Session, the courts, under the leadership of the Trial Court Budget Commission, continued to prepare for the transition to state funding.

The 2000 Legislature passed Senate Bill 1212 which set forth an intent to begin the implementation of Revision 7 as early as fiscal year 2001-2002. However, more recent legislative actions indicate that implementation will not take place in the upcoming fiscal year.

Nevertheless, with the July 1, 2004 implementation date looming, the courts are busily preparing for the mandated transition. The Trial Court Budget Commission (TCBC) has met four times since its inception in December 2000, and has met twice since the last update on their activities printed in the January/February issue of the *Full Court Press*. Additionally, numerous meetings have been held and an extensive amount of work has been done by the TCBC subcommittees, including Funding Methodology, Personnel, Revenue and Revenue Enhancement, and Local Requirements/Obligations/Standards.



TCBC members discuss important issues at February meeting.

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Of the items on the TCBC agenda during their February meeting, one of the most informative was a presentation by Theodore J. Fetter, Deputy Administrative Director of the Courts for the New Jersey court system. Mr. Fetter conveyed in detail the specific issues addressed in his state during their transition to state court funding. A copy of the slide show from Mr. Fetter's presentation is available on the Article V / Revision 7 web page found on the Judicial Administration page of www.flcourts.org.

Additional items on the agenda at the February TCBC meeting included presentations by the Funding Methodology and Local Requirements/Obligations/Standards subcommittees, a presentation by Judge Alice Blackwell-White, chair of the Judicial Management Council's Trial Court Performance and Accountability Committee, an update on the cost inventory, and a discussion regarding potential budget cuts in the current fiscal year. Minutes from the February meeting, as well as from all meetings of the TCBC, are available on the TCBC web page accessible from the Article V / Revision 7 web page.

During their April meeting, the TCBC members again heard subcommittee presentations and voted to approve numerous subcommittee recommendations. Some of the more important decisions of the TCBC at that meeting included an approval of the funding model for auxiliary aids and services for persons with disabilities recommended by the Funding Methodology subcommittee, an approval of recommendations from the Personnel subcommittee regarding the transfer of court employees from the counties

to the state, and, while not a final vote, an approval of a general concept on how to define "local requirements" as recommended by the Local Requirements/Obligations/Standards subcommittee. Finally, the TCBC adopted procedures for appeal by the circuit chief judges of TCBC budget decisions.

The work of the TCBC and its subcommittees exemplifies a willingness to meet head-on the complicated issue of Revision 7 implementation. While the courts have taken the lead on this issue, the successful implementation of Revision 7 cannot be achieved without the full and active participation of all three branches. As stated by then Chief Justice Major B. Harding, shortly after the constitutional amendment passed in 1998, "...hopefully there will be cooperation of all three branches to insure a smooth transition within the time limitations set by the constitutional amendment.

This issue is enormous and complex. It touches many areas of state and local government. A coordinated effort will achieve the best results." ♣

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- Justice Major B. Harding**



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Jury Innovations Committee Unveils Report

by Gregory J. Youchock, Court Operations Consultant

The Judicial Management Council's Jury Innovations Committee presented its final report to the Council on Wednesday, April 18, 2001. The Committee is chaired by Judge Robert Shevin of the Third District Court of Appeal and is comprised of 22 individuals, namely circuit and county judges, a trial court administrator, jury manager, state attorney, public defender, college professor, private attorneys, and former jurors. G. Thomas Munsterman, Director of the Center for Jury Studies, is consultant to the Committee.

The Committee began its work on November 1, 1999 by attending a multi-state video conference hosted by the Center for Jury Studies of the National Center for State Courts. The Committee reviewed its charge and started the journey of jury reform. The Committee reviewed extensive jury reform literature, including books, academic journals, monographs, periodicals, and state reports. Every aspect of jury service and reform was covered by the literature.

Because of the volume of work, the next step for the Committee was to form several subcommittees to create an equitable division of labor among the members. Three subcommittees were formed by subject matter: Management and Administration, In-Court Procedures (*Voir Dire-Verdict*), and Treatment and Compensation. Initially, there were approximately 60 issues under consideration by the three subcommittees.

Management and Administration Subcommittee

The Management and Administration Subcommittee paid particular attention to how jurors are managed by the court, the efficacy of the current source list for summoning jurors, statutory exemptions, and citizen education campaigns. The subcommittee also focused on the process of how courts enforce their summons and excuse or postpone prospective jurors from jury service. Considerable attention was paid to identifying problems associated with the current source list (driver license list). Following the lead of 27 other states, the subcommittee recommended the abolition of most statutory exemptions from jury service.

In-Court Procedures (*Voir Dire-Verdict*) Subcommittee

The In-Court Procedures Subcommittee had the largest number of potential issues to consider. Using G. Thomas Munsterman's book *Jury Trial Innovations* as its guide, the subcommittee conducted a compre-

hensive review of in-court reforms. Because of the volume, the subcommittee divided the issues into four subgroups: jury selection; jury participation; evidentiary presentation; and judge-jury interactions. The subcommittee also conducted a joint video-conference with the Maricopa County Superior Court in Phoenix, Arizona to ascertain how its reforms are working. A panel of judges, lawyers, administrators, and former jurors in Arizona discussed many of their in-court reforms thereby providing context to the reforms under consideration by the subcommittee.

The recommendations advanced by the In-Court Procedures Subcommittee mirror each step of the in-court process. The subcommittee reviewed the use of standardized juror questionnaires, jury size, and expedited trials. The subcommittee also discussed professional jurors, anonymous juries, and the most appropriate way to use alternate jurors. A number of the subcommittee recommendations were based upon the premise that jurors should no longer be treated as passive players in a trial, but rather as fully engaged in the proceedings. For example, the subcommittee advanced recommendations in the area of questions by jurors, permitting jurors to discuss evidence prior to deliberations in civil trials, and note-taking.

The subcommittee believed that court proceedings should be user-friendly for jurors, and thus made recommendations regarding juror notebooks, computer-aided presentations, simple and clear instructions, as well as written, preliminary, and interim jury instructions. The subcommittee also focused its efforts on the process of jury deliberations, making recommendations concerning procedures for deliberations, juror comfort, judicial answers to deliberating juror questions, impasse, and less-than-unanimous verdicts.

Juror Treatment and Compensation Subcommittee

As the name implies, the Juror Treatment and Compensation Subcommittee concentrated most of its effort on how jurors are treated by Florida's court system. Perhaps their most significant recommendation was the creation of a Juror's Bill of Rights. Other recommendations relate to the interaction between jurors, lawyers, judges, and researchers once a verdict is issued. Juror pay, private remuneration, and requiring employers to pay their employees while serving on jury duty were all discussed by the subcommittee.

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Session 2001:

As predicted, the 2001 Legislative Session was an educational one for all. Fortunately, the judicial branch had the support and understanding of many legislators who supported and funded **HB 1865** certifying 27 much needed new judges.

Judges and court staff are encouraged to contact local legislators and express a word of thanks for supporting judicial certification and other issues which specifically impact local circuits. It is also a good idea to take the opportunity to invite local legislators into the courtroom over the summer to educate them first-hand about judicial responsibilities and the importance of courts to the community. Please call the OSCA's Legislative Office at 850-922-5692 for assistance with summer legislative activities.

HIGHLIGHTS OF THE 2001 LEGISLATIVE SESSION

Below are only a few highlights of passed legislation by topical area by the 2001 Legislature. Final actions by the Governor are not available at this time. Please call the OSCA's Legislative Office at 850-922-5692 or refer to Online Sunshine at <http://www.leg.state.fl.us> for additional information. Much of the information provided below was obtained from Online Sunshine.

The 2001 Legislative Session passed a total of 365 bills. The OSCA's Legislative Team tracked more than 660 substantive bills and monitored many budget activities as well. Staff is currently reviewing all enrolled bills to ensure that any amendments adopted at the last minute that impact the courts are known. In addition, staff is monitoring the Governor's action on bills and will provide the judiciary with a full 2001 Session Report in June. The 2001 Abstracts will be available after all chapter law numbers have been assigned by the Secretary of State.

Administrative Issues

CS/SB 1784 made several changes to Chapter 216, F. S. (Planning and Budgeting), which will impact the courts as well as executive branch agencies. First, the judicial branch will be required to submit, as part of its Legislative Budget Request, a list of all major activities and their unit costs. The Legislature intends to use unit cost data not only as a budgeting tool, but also as a policy making and accountability tool. The bill further provides that if this information is not submitted, the Legislature will, in the next General Appropriations Act, reduce allocations for the fiscal year after the current fiscal year by an amount equal to at least ten percent.

Through this bill, the Legislature also established an agency incentive and savings program to encourage executive agencies and the judicial branch to re-engineer business processes and increase operating

efficiency. The Legislature intends to allow agencies and the judicial branch to retain a portion of the savings produced by internally generated program efficiencies and cost reductions. To be eligible, the Chief Justice must submit a plan and an associated request to amend our approved budget.

Finally, the bill provides that all appropriations will be allocated to the appropriate activity for budgeting purposes, which is known as activity-based budgeting. The judicial branch is directed to work with the appropriations and appropriate substantive committees of the Legislature to identify and reach consensus on the appropriate services and activities for activity-based budgeting. Further, the judicial branch is directed to examine approved performance measures and recommend changes so that outcomes are clearly delineated for each service or program, as appropriate, and outputs are aligned with activities.

CS/HB 199 - Substance Abuse Treatment Programs requires each of the 20 judicial circuits to establish one or more model treatment-based drug court programs. Codifies the treatment-based drug court model into statute by incorporating the 10 key components for drug courts that have been nationally recognized and adopted by the Supreme Court Treatment-Based Drug Court Steering Committee.

Article V/Revision 7

SB 304 provides that the effective date for county funding obligations in s. 29.008, F.S., is delayed from July 1, 2001 until July 1, 2003.

CS/SB 1852 provides for the electronic remittance of state revenues collected by the clerks of the court to the Department of Revenue for deposit into specified trust funds of agencies receiving the revenues. This bill does not in any way change which entity is to receive the revenue. It does provide the Legislature with the opportunity to have, in one place, information on exactly how much revenue is collected at the local level for funding agencies.

Civil Law

The most significant civil law legislation that passed this year was long term care legislation, **CS/CS/CS/SB 1202**. The bill modifies regulatory provisions and standards for long-term care facilities (nursing homes and assisted living facilities) regulated under parts II and III of Ch. 400, F.S.

Constitutional Law

CS/HB 367 provides that the judicial nominating commissions shall consist of nine members made up of the following: four members of The Florida Bar appointed by the Governor from a list of three nominees for each position recommended by the Bar Board of Governors, the Governor may reject all of the recommended nominees and request a new list of three different nominees; five members appointed by the Governor, at least 2 of which must be members of The Florida Bar.

Terms are for four years. Each current member of the JNCs appointed by the Bar Board of Governors may serve out the remainder of his/her term. Terms of all other members of the JNCs are terminated, and the vacancies will be filled in the following manner:

two appointments for terms ending July 1, 2002 - one of which shall be selected from the nominations of The Florida Bar; two appointments for terms ending July 1, 2003; two appointments for terms ending July 2, 2004.

Corrections

HB 1729 transfers the Office of Certification and Monitoring of Batterers' Intervention Program from the Department of Corrections to the Department of Children and Families effective July 1, 2001.

Criminal Law

CS/SB 238 calls for a determination by the trial judge of whether a defendant meets the definition of "mental retardation" set forth in the bill. If the court finds the condition exists, the defendant cannot be sentenced to death.

As the legislation is drafted, the issue of mental retardation is not considered until after a jury has found guilt and rendered a recommendation of death, or the state is seeking an override of a jury recommendation for a life sentence. The bill will take effect when signed by the Governor.

CS/CS/SB 366 allows a convicted defendant to request DNA testing within two years of the judgment and sentence becoming final if no direct appeal is taken, within two years following the date that the conviction is affirmed on direct appeal if an appeal is taken, within two years following the date that collateral counsel is appointed or retained subsequent to the conviction being affirmed on direct appeal in a capital case, or by October 1, 2003, whichever occurs later.

The act takes effect October 1, 2001, except for the section dealing with the taking of blood samples, which takes effect July 1, 2001.

CS/SB 888 provides that upon the filing of an affidavit alleging a violation of probation or community control and following issuance of a warrant, the probationary period is tolled until the court enters a ruling on the violation.

This legislation is effective July 1, 2001.

HB 695 provides for “enhanced sentencing upon a finding by the court at sentencing that the defendant committed the charged offense for the purpose of benefitting, promoting, or furthering the interests of a criminal street gang.”

The act will take effect July 1, 2001.

HJR 951 seeks ratification of language designed to change the prohibition against “cruel or unusual punishment” to a prohibition against “cruel and unusual punishment.” The language is identical to that approved by the voters in 1998.

HB 953 provides legislative findings and intent to reject a recent construction of the burglary definition by the Florida Supreme Court. The bill expressly supports the Florida Supreme Court’s prior construction of the burglary definition. See bill for more details and important dates regarding when burglaries were committed.

The legislation will take effect upon signature by the Governor.

Elections

CS/SB 1118 (Chapter 2001-40, Laws of Florida), known as the Florida Election Reform Act of 2001, addresses the problems highlighted by the 2000 U.S. Presidential election. Specific provisions addressed in the bill includes the voting systems, provisional ballots, recounts, certification deadlines, second primary election, military and overseas voting, absentee ballots, poll-worker training, voter education, elections canvassing commission, election contests, statewide voter registration database, time zone study and public financing.

Family Law

CS/HB 141 (Chapter 2001-3, Laws of Florida), is a re-write of adoption law, which the Governor let become law without his signature.

CS/SB 1284 provides a comprehensive package of provisions relating to child support that is designed to streamline the establishment and enforcement of support, bring Florida law into compliance with federal requirements, and improve the equitable establishment of child support orders. In addition, a

three-year pilot program was created in the ninth circuit for administratively establishing child support orders. The process provides for the Department of Revenue to calculate and establish the non-custodial parent’s child support obligation based on existing child support guidelines and prescribed information and affidavits, unless a hearing is requested or either parent files a civil action in circuit court to determine the child support obligation.

CS/CS/SB 400 provides criminal penalties for failure to pay child support.

HB 1673 provides for a minimum mandatory sentence of five days in jail for certain domestic violence offenses, increases the penalty for a second battery to a third degree felony, adds a \$201 surcharge to costs assessed against offenders, and requires attendance at batterer’s intervention programs.

Information Systems

HB 1811 relates to various provisions regarding the State Technology Office (STO) within the Department of Management Services. The bill expands the roles, duties and activities of the STO. It also provides additional authority and resources to enable the STO to accomplish its mandate by authorizing the STO to establish the necessary organizations to integrate information technology staff and resources across the executive branch of state government.

CS/SB 2220 primarily addresses governmental agencies (as identified in F.S. 119.084) enforcing copyrights for data processing software which they have created; provides requirements for electronic record keeping systems and for access to public records in such systems.

SB 1738 specifies that the State Technology Office is responsible for establishing and implementing an Internet site for the One-Stop Permitting System, which will require certain agencies to issue licenses, permits, and approvals to businesses using the system. The bill also directs the Department of Environmental Protection and the State Technology Office (STO) to establish a pilot project to test the cost effectiveness of publishing notices on the Internet in lieu of

publication in Florida Administrative Weekly. It also provides for the role of STO in developing a program for on-line procurement for state agencies.

Probate

CS/HB 137 is a re-write of the probate code and eliminates the provisions of the Family Administration process, increases monetary values relating to various estate administration procedures as well as many other changes.

Personnel/Retirement

Budget (SB 2000: General Appropriations Act for 2001-02)

Funding was approved by the Florida Legislature for the following pay issues effective November 1, 2001:

- 2.5% across-the-board pay increases for judicial officers and employees
- Special pay increases for Deputy and Senior Deputy Court Administrators and Deputy Marshals

The Legislature also approved the following increases in employees' premiums for individual and family coverage effective November 1, 2001:

	<u>Current</u>	<u>Revised</u>
Individual	\$ 32.30	\$ 37.14
Family coverage	\$116.20	\$133.62

CS/SB 466 makes significant and wide ranging changes to Chapter 110, F.S., relating to public employees. Requires all employees to participate in the direct deposit program, unless hardship can be demonstrated. Employers must obtain prior approval from the Governor's Office to retain OPS employees beyond 1,040 hours in any 12-month period. Deletes the tuition fee waiver program with state universities on a space available basis, but permits that state employees may be authorized to receive a voucher or grant to attend work related courses at public community colleges, public technical centers, or public universities.

Establishes a savings sharing program and the payment of bonuses to employees each June from funds authorized by the Legislature. Bonuses must be awarded in accordance with a plan approved by the Governor's Office based on prescribed eligibility criteria outlined in 110.1245, F.S.

Allows the Department of Management Services, with the approval of the Governor, to contract for an alternative retirement income security program for eligible OPS employees. Authorizes the Department of Management Services to adopt tax-sheltered plans under section 401(a) of the Internal Revenue Code for state employees 55 years and older, who are eligible for payment of accumulated leave.

CS/SB 2 allows elected officers enrolled in DROP to terminate participation at any time during the 60-month participation period and elect to enroll in the appropriate subclass of the Elected Officers' Class effective the first day of the following month.

CS/SB 424 and CS/HB 5 redefining the term "retired justice" or "retired judge" did not pass.

Traffic Law

Changes that were made in the traffic law include **CS/HB 175**, which creates the third degree felony of reckless driving with serious bodily injury and defines the offense of aggressive careless driving as a combination of two or more of six specified acts, for example, speeding and following too closely.

SB 1412, amends the child restraint law to require the use of such devices on any child eight years old or younger if less than 4 feet 9 inches in height.

SB 766, clarifies how the time periods between multiple driving under the influence offenses are calculated for purposes of drivers license revocations. ⚡

**State Courts System
Conference Committee Report - FINAL
2001/02 LBR**

ISSUE	FTE	Total GR	Rec GR	N/R GR	Trust
Non/Recurring OCO					(18,833)
Non/Recurring Attorney ad Litem		(125,578)	(125,578)		
Class C Travel Reduction		(70,324)	(70,324)		
Eliminate G/A Neighborhood Justice Cntr.		(60,000)	(60,000)		(3,393)
Eliminate RE Gerstein Support		(217,551)	(217,551)		
Contingency Fund Small Counties - AVTF					(1,500,000)
Reduce Vacant Positions	-17.0	(572,881)	(572,881)		(142,542)
Fundshift Court Reporter to AVTF		(3,525,887)	(3,525,887)		3,525,887
State Courts Efficiency Reductions	-15.0	(269,477)	(269,477)		
Fundshift to Family Courts TF		(166,240)	(166,240)		166,240
Fundshift to Grants & Donations TF		(53,700)	(53,700)		53,700
Fundshift Conflict Cases to AVTF		(2,500,000)	(2,500,000)		2,500,000
Excess Trust Authority					(320,065)
Increase Distribution to Counties -AVTF					3,000,000
G/A - State Attorneys/PDS -AVTF					3,495,589
Small County Courthouse Facilities		(200,000)	(200,000)		
Small County Courthouse Facilities-AVTF					1,088,454
Retired Judges		581,288	581,288		
Court Support Staff & Operations	6.0	334,915	257,549	77,366	
Childrens Advocacy Center - Hillsborough		200,000	200,00		
Additional Judgeships	60.0	3,316,930	2,945,392	371,538	
Brevard County Drug Court		360,000	360,000		
Pinellas County Drug Court		400,000	400,000		
Guardian Ad Litem	28.0	1,439,562	1,184,146	255,416	
Foster Care Review - Marion, Duval, Manatee		371,796	371,796		
Art V - Elect. Trnsfr Revenue/Financial Info.		150,000	150,000		
Model Dependency - 5th, 13th, 17th, 18th	23.0	1,742,226	1,742,226		
Fundshift to Family Courts TF		(217,617)	(217,617)		217,617
2nd DCA Branch Courthouse		TBD		TBD	
Building, Facilities, Upkeep		658,850		658,850	
TOTAL	85.0	(223,688)	(1,586,858)	1,363,170	12,062,654
Total New Appropriations GR & Trust	117.0	9,555,567			
Total Cuts GR & Trust	-32.0	(5,297,251)			
Total Fund Shifts		(6,463,444)	6,463,444		
Net New GR & Trust	85.0	4,258,316			

* The unencumbered GR balance of funds provided in Specific Appropriation 1925, Chapter 99-226, Laws of Florida, for the West Palm Beach Regional Service Center shall revert on June 30, 2001, and is hereby re-appropriated and authorized to cover expenses associated with the final architectural work and permitting costs for the Second District Court of Appeal branch courthouse located in Hillsborough County.

Sunshine and Shadows: *Will Court Records Be Open in the Internet Age?*

by *Steve Henley, OSCA Court Operations Consultant*

How open should court files be in the electronic age? Should everything that is in a court file that is not sealed or exempt from public records be available on the Internet? Should financial affidavits in divorce cases, crime scene and victim photos, and medical and psychiatric records entered into a court file all be available online, at all hours, to anyone with access to a computer?

Under Florida law, information in court files that is not specifically exempt or sealed is available for public inspection and copy. But most paper files are generally ignored by all but interested parties, shielding the privacy of litigants and others in the shadows of what has come to be called "practical obscurity." Now, concerns are being raised across the country that electronic storage and retrieval of documents, especially remote retrieval via the Internet, will lift the cloak of obscurity and expose sensitive personal and financial information, leading to reduced privacy and potential abuses.

Anticipating the national debate brewing over the trend to easier public access to court records – and the encroachments on personal privacy that come with ease of access – the Judicial Management Council is making plans to study the issue. The Council has been directed to undertake this review in consultation with the Florida Court Technology Commission pursuant to the judicial branch's operational plan: "While citizens and litigants benefit from improved access, concerns arise regarding legitimate expectations of privacy. Policies controlling electronic access to court records should be examined and policy adjustments considered that appropriately balance public access to information and the privacy interests of litigants," said the Supreme Court in *Horizons 2002, The 2000-2002 Operational Plan of the Florida Judicial Branch*.

During six hours of discussion over two meetings in February and April, the Council heard from state and national experts on privacy and Internet access to court records. Among those presenting their views to the Council were Justice John Dooley of the Vermont Supreme Court, policy staff at the Administrative Office of the United States Courts, a consultant with the Institute for Court Management working on a model state policy, and representatives of clerks of court and local circuits.

Following discussion, the Council directed Jackie Griffin, a judge on the Fifth District Court of Appeal, to organize a workgroup and to prepare a preliminary report on the issue for the next Council meeting. The report will document the current status of electronic access to court records in Florida, overview relevant laws and rules, and outline possible approaches to developing new policies for Florida courts. The Council is expected to consider the matter at its next meeting in September 2001. ♪



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In Remembrance of Kenneth R. Palmer



On Friday, April 20, 2001, the Florida State Courts System lost a great leader, supporter, and defender – Kenneth Robert Palmer – who died of cancer at the age of 54. Ken’s absence leaves a hole the size of Lake Okeechobee in the hearts and lives of those who have worked with him since he joined the newly-formed Office of the State Courts Administrator (OSCA) in 1974. He oversaw that office not just as the “boss,” but as a mentor and friend to those working for him. He was an inspiration to all who knew him.

Born in Detroit in 1948, Ken grew up in Akron, Ohio. His early days were spent caring for his younger brother who died at the age of 12 from cerebral palsy. While caring for his brother, Ken developed a nurturing, compassionate quality that transcended every aspect of both his professional and personal relationships. Despite his busy schedule, he always managed to find time to help family, friends, acquaintances, and even strangers who were in need. Upon his death, a younger fraternity brother said that during Ken’s term as president of Theta Chi fraternity at Florida State University he was a “servant leader.” His friends and colleagues at the Florida Supreme Court voiced

similar expressions at the memorial service held on the day of Ken’s death.

Ken found his way to Tallahassee after high school, enticed by a scholarship to become part of the Florida State University swim team. He graduated from FSU in 1968 with a degree in history, followed by a master’s degree in education in 1970. Like many other FSU graduates, Ken settled in Tallahassee, to the benefit of the Florida justice system.

Only five years after joining the fledgling OSCA, Ken became Deputy State Courts Administrator. In 1984, he was named the Florida State Courts Administrator and held the position until his death, making him one of the longest-serving state court administrators in the nation. Ken was judged by his peers to be one of the best state court administrators when he received the Justice Management Institute’s Ernest C. Friesen Award of Excellence in the summer of 2000, one of the highest honors in court management.



Ken was just as well regarded by the Florida judiciary. Chief Justice Charles Wells has said that “Ken Palmer, more than any other individual, is directly responsible for the modernization and professionalism of the Florida State Court System. The effectiveness of our court system is largely attributable to his unsurpassed leadership, direction, and guidance.”

Kenneth R. Palmer

During his tenure, Florida's judiciary grew in size by 25%, and statewide case filings grew by one-third. Through such tremendous growth, Ken not only kept the Florida courts running, but he also responded with innovations that made our court system a national model. Ken guided the court system's initiatives in the use of technology, the development of treatment-based drug courts, improvements in jury management and family courts, alternative methods of dispute resolution,

continuing education for judges, eliminating bias and increasing access, and long-range planning for statewide court systems.

Ken's leadership and commitment to excellence have prepared the Florida courts to face the many challenges the new century is sure to bring. Ken spent his last two years preparing the court system to undertake one of its biggest challenges ever – implementation of Revision 7 to the constitution – and set a vision that will inspire for many years to come the work of those with whom he left the project.



Floridians for generations to come will benefit from Ken Palmer's legacy to the State Courts System. In a fitting tribute to this legendary figure, on July 16, 2001, at its annual conference in New Orleans, the National Association for Court Management (NACM) will posthumously bestow its Award of Merit on Ken. NACM's most prestigious individual award, the Award of Merit is presented annually to a person who has demonstrated leadership and excellence. Chief Justice Wells will receive the award on Ken's behalf.

No tribute to Ken should end without recognizing what a wonderful father he was to his two daughters, Victoria Parke and Kathryn Elizabeth, of whom he was very proud and who gave him immeasurable joy.

Thank you, Ken, for your unsparing loyalty and generosity to your daughters, your staff, the judicial branch, and the people of Florida. You will be sorely missed.

Following are excerpts from NACM's Award of Merit nomination letters written on Ken's behalf.

"Ken Palmer is a shining example of high leadership ideals and the epitome of distinguished service to the profession of court administration." - Chief Judge Preston Silvernail and court administrator Mark Van Bever, of the 18th Judicial Circuit.

"Ken Palmer has, for many years, labored long and hard on behalf of the Florida court system." - Walter Colbath, Chief Judge of the 15th Judicial Circuit.

"Ken has . . . united [the courts] in a singular purpose for the betterment of the state as a whole." - Dale Ross, Chief Judge of the 17th Judicial Circuit.

"Mr. Palmer embodies the prototype of an ideal court manager and leader." - Carol Ortman, court administrator of the 17th Judicial Circuit.

"Ken Palmer is, and has always been, the consummate professional. He personifies the measure of civility that inspires my colleagues in the Bar and on the Bench, and those who work to administer a vast court system, to appreciate more than the result, but also the dynamic process that gets us there." - Chief Judge Joseph Farina of the 11th Judicial Circuit.

Florida State Courts System Releases Publications

Florida's Office of the State Courts Administrator and the Center for Public Policy Studies have released two publications to assist judges and other court leaders in the development and implementation of long-range strategic planning efforts.



Strategic Planning Mentoring Guidelines: Practical Tips for Court Leaders, completed in October 2000, was developed to provide judges, court administrators, and other court leaders with easy-to-use resources to develop and implement long-range strategic plans. *Mentoring Guidelines* is designed to:

- help court leaders make informed choices throughout all phases of the strategic planning process; and
- provide court leaders and others who might be assisting courts with their planning processes with a variety of tools and resources to help organize and facilitate planning efforts and write court strategic plans.

A companion article to *Mentoring Guidelines* will be published in the Spring 2001 issue of *The Judges Journal*, a quarterly magazine of the American Bar Association's Judicial Division. "Five Reasons Why Judicial Leaders Should Be Involved in and Support Strategic Planning in Their Courts" summarizes what

the authors believe to be compelling and persuasive reasons for strategic planning in court organizations today. The article discusses how strategic planning efforts can benefit trial court autonomy and court leadership continuity, encourage positive change, and help courts to respond to demands for increased accountability. The article also argues that courts will be far worse off unless they pro-actively shape a better future.

Mentoring Guidelines and the article for *The Judges Journal* were written by Brenda J. Wagenknecht-Ivey, John A. Martin, and Brian Lynch. Wagenknecht-Ivey is the President of Praxis Consulting and a consultant with the Center for Public Policy Studies in Denver, Colorado, specializing in organizational development, organizational behavior, and change management. Martin is the Director of Justice System Programs at the Center for Public Policy Studies in Denver, Colorado. He is nationally recognized as an innovator in strategic planning and management for courts and justice systems. Lynch is a Court Operations Consultant with the Supreme Court of Florida's Office of the State Courts Administrator in Tallahassee, Florida. He works in the Strategic Planning Unit supporting the Judicial Management Council and other judicial branch committees.

Mentoring Guidelines and the article for *The Judges Journal* were developed under Grant No. SJI-98-N-266 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute or the Office of the State Courts Administrator.

For more information about *Mentoring Guidelines*, contact the Strategic Planning Unit of the Office of the State Courts Administrator at 850-488-6569 or www.flcourts.org.

Statewide Court Interpreters Program Continues to Expand

by *Wanda Romberger, Court Operations Consultant*

Florida is known throughout the world not only for its sunshine and beautiful beaches, but also for great cultural and ethnic diversity. But as our state's population continues to increase, so too, does the number of people whose primary language is something other than English. This presents a great challenge to the Florida court system: to have qualified, competent language interpreters available to court users who need them.

Since 1998, the Statewide Court Interpreters Program has been testing and developing a registry of those interpreters who have undergone an intensive two-day orientation program and have passed a comprehensive, three-part qualification examination in either the Spanish or Haitian Creole language. The examination measures proficiency in sight translation (reading a document and interpreting it aloud in another language), consecutive interpreting (rendering statements spoken in a source language into statements in a target language intermittently, with pauses between completed statements), and simultaneous in-

terpreting (rendering the interpretation continuously at the same time someone is speaking). In order to be included in the registry, interpreters need to attain a score of at least 70% on the examination. Currently, the registry includes 110 Spanish interpreters and 21 Haitian Creole interpreters.

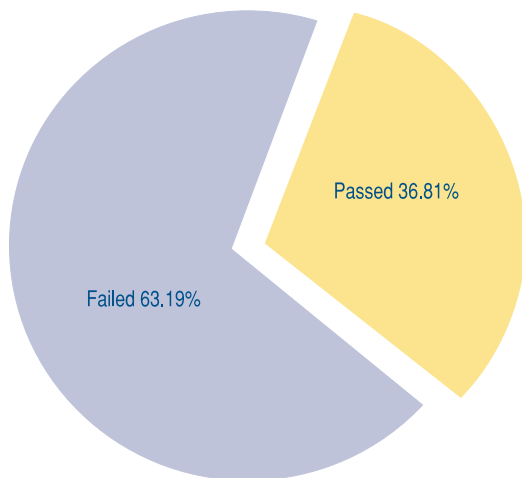
Testing in the Russian, Cantonese, and Vietnamese languages began this year with the goal of testing and qualifying as many interpreters around the state as possible in order to meet the growing demands on the courts.

The Registry of Tested Interpreters can be found at www.flcourts.org (click on Judicial Administration and then Court Interpreters Program). Data and contact information is available for each interpreter.

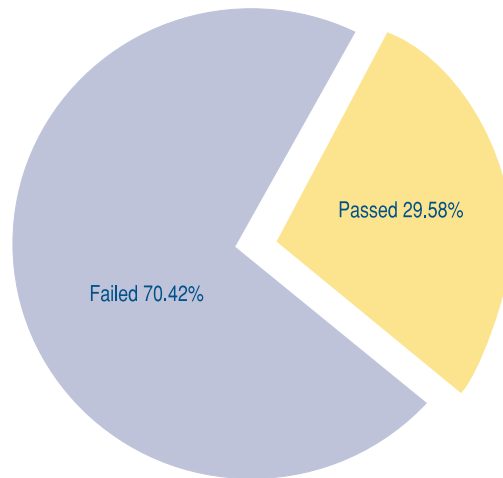
For more information about the Court Interpreters Program contact Wanda Romberger, Office of the State Courts Administrator, (850) 922-5014, rombergerw@flcourts.org.

Court Interpreter Testing

Spanish 1998 - 2001



Haitian Creole 1998 - 2001



Juvenile Court Wall of Honor Ceremony To Honor Child Advocates

As part of the Eleventh Judicial Circuit's Law Month activities, Juvenile Court will host its annual Wall of Honor presentation on Thursday, May 11, 2001.

The Juvenile Court Wall of Honor was created to honor individuals who have made a significant contribution to either child welfare or juvenile justice in Miami-Dade County. Former Juvenile Court Judge Seymour Gelber, an advocate for children's rights, founded the wall to "create a living history of the Juvenile Court that would be available to not only those honored or who are court employees, but to the juveniles themselves." By creating this wall of recognition, Judge Gelber's efforts honor not only judges, but also the people whose life work is devoted to the welfare of children.

For her tireless efforts in direct care and family services, Ms. Jeanne James of the Department of Children and Families will have a place on the wall. As well, Ms. Rita Swichkow, once a volunteer with the Guardian Ad Litem Program, and who now serves as a court supervisor, will also be recognized. Administrative Judge Cindy S. Lederman and Associate Administrative Judge Lester Langer will present the honorees with a plaque, which will be displayed inside the second floor lobby.

During the ceremony, a painting by renowned local artist Xavier Cortado commemorating Juvenile Court of America's 100th Anniversary will be unveiled. Also, the "Book and Backpacks Drive"- a program sponsored by the Black Lawyers Association will donate backpacks and books to children and/or children's programs throughout the community. ☺

10th Judicial Circuit's Family Court Summit a Great Success

On April 25, the Tenth Judicial Circuit held its first Family Court Summit. More than 230 people attended, including judges and court staff, family and juvenile attorneys, educators, representatives from the Department of Children and Families (DCF), the Department of Juvenile Justice, and law enforcement, as well as service providers from a broad range of family services agencies.

The agenda included something for everyone: an introduction to the model/unified family court by Judge Richard FitzGerald, Louisville, KY, and Judge Raymond T. McNeal, Chair, Family Court Steering Committee; a presentation on unbundled legal services by John Frost, former president of The Florida Bar; an overview of community based care by DCF; and a presentation on "cooperative divorce" by attorney Sheldon Finman of Fort Myers. The day concluded with a panel discussion on linking cases and services and an opportunity for interest group break-outs. With such tremendous support at the Summit, it is certain that the future of families and children in the Tenth Circuit is very bright.

The summit was sponsored by the Family Court Trust Fund's model family court pilot initiative and DCF. Robert Doyel, Administrative Family Law Judge, worked with court staff, in partnership with the DCF, to make the program a great success. Local juvenile and family bar associations contributed refreshments and Publix Supermarkets provided the sound system. ☺

Committee for Review and Notification of Criminal and Juvenile Legislation is Created

Following every legislative session, standing committees created by the Florida Supreme Court, judicial conferences, The Florida Bar and voluntary bar associations, attempt to review the new legislation to find all of the statutory amendments requiring changes in procedural rules, forms, jury instructions and other legal documents. Occasionally, this process has failed to discover and fully implement a legislative mandate. Moreover, implementation has not always been timely or consistent throughout the state.

The Florida Supreme Court determined that the work of the various committees that address criminal and juvenile delinquency law would be better facilitated if a separate committee existed with the primary responsibility to review all new legislative enactments relation to criminal law. Therefore, the Committee for Review and Notification of Criminal and Juvenile Legislation was established by administrative order on March 5, 2001. The primary purpose of this committee is to identify new legislation that will require revisions to judicial forms, rules or jury instructions, and monitor the timely implementation of the new legislation. The committee will also attempt to identify

new legislation that may warrant special continuing judicial education programs to assure adequate implementation of the new laws.

The first meeting of the committee was held on May 18, 2001 at the Supreme Court in Tallahassee. Representatives from the Legislature and Governor's Office, as well as various other agencies were in attendance. The Committee will submit an initial report of the status of its work by June 30, 2001.

The following members were appointed to the Committee:

Chris W. Altenbernd, Chair, 2nd DCA

Phillip J. Padovano, 1st DCA

Perry Little, 13th Circuit

O.H. "Bill" Eaton, 18th Circuit

Judith Hawkins, Leon County

John Alexander, St. Johns County

Ilona Holmes, 17th Circuit

Justice Barbara Pariente, Florida Supreme Court Liaison

Florida's State Courts Have a Ball

Last summer, the Supreme Court's softball team played its way into winning the Florida State League Summer Championship as published in the September/October 2000 issue of *Full Court Press*. When the word spread about how good (or lucky) the Court's team was, coach John Dew, Chief of Trial Court Funding Policy Section, was quickly challenged to a game by Nick Sudzina, Court Administrator of the 10th Judicial Circuit. Sudzina, having played professional baseball with the Detroit Tigers, recruited other court administrators and their personnel to challenge the Court's team.

On Tuesday, April 10th, all "trash-talking" was put aside as the players took the field for some healthy competition. Although a high level of skill was dem-

onstrated by both teams, the Supreme Court's team ended the game on top 7-6. Following the game, the teams enjoyed some wholesome camaraderie and lots of hamburgers and hot dogs. There was even talk of a rematch next year.



Members of the Florida Supreme Court and Court Administrators softball teams.

Members of the winning Supreme Court team were Hunter Carroll, Greg Cowan, Richard Cox, Charles Dlabik, John Dew, Teresa Farley, Tammy Gale, Aaron Gerson, Patty Harris, Steve Henley, Eric Hernandez, Greg Ramsey, Jeff Schumm, Michael Ufferman, and Lynn Wells.

Taking the field for the court administrators were Terre Cass, Mark Weinberg, Ted McFetridge, Nick Sudzina, Ruben Carrerou, Walt Smith, Mike Bridenback, Jennifer Dyer Wells, Theresa Westerfield, Mark Van Bever, and Michelle Leshko. ♪

Family Court Steering Committee to Conduct Domestic Violence Assessment

by *The Honorable Robert L. Doyel, Tenth Judicial Circuit*

The Family Court Steering Committee was established in 1994 to assist the Chief Justice and Supreme Court in furthering the family court initiative, which provides families and children with an accessible and coordinated means of resolving legal matters. In July 2000, Chief Justice Charles T. Wells renewed the Court's commitment to family courts by extending the term of the Steering Committee through June 2002.

In the administrative order furthering the work of the Committee, Chief Justice Wells focused the group's work on a number of priority issues, including domestic violence cases. Among other things, he charged the committee with the responsibility of conducting an assessment of how courts are currently handling domestic violence cases and developing recommendations for model court practices. Accordingly, the Domestic Violence Subcommittee of the Family Court Steering Committee has begun working on the assessment.

"A domestic violence component is an essential element of the overall model family court, and the assessment will serve as the cornerstone for our recommendations for improving the handling of domestic violence issues," said Judge Terry D. Terrell. Judge Terrell is a circuit court judge in the First Judicial Circuit, and he serves on the Family Court Steering Committee and the Domestic Violence Subcommittee.

The assessment will track the movement of domestic violence injunction cases through the court

system from filing of a petition, to disposition by the court, and post-judgment monitoring and compliance. It will provide data about the factors that affect the flow and outcomes of domestic violence cases, the roles played by various participants in the process, and local best practices that may be appropriate for statewide implementation. The assessment will examine the coordination of civil and criminal domestic violence cases, and the utilization of contempt and criminal misdemeanor charges for violations of injunctions.

Office of the State Courts Administrator's (OSCA) staff is working with local domestic violence court staff to compile an inventory of current court structure and practices related to domestic violence cases. OSCA staff is also researching other states' handling of domestic violence cases and reviewing case files to examine case flow and trends in domestic violence injunction cases, and surveying key players and stakeholders to solicit input and suggestions for improvement. The results from this study will guide the Domestic Violence Subcommittee and the Family Court Steering Committee in developing recommendations for the domestic violence component of the model family court.

For more information regarding the Domestic Violence Subcommittee and Assessment, please contact Sondra Williams at (850) 487-4423, willsond@flcourts.org.

Benchmarks

New Judicial Placements Since February 2001:

Circuit Court

Donna McIntosh 18th Circuit
David Walsh 7th Circuit

County Court

John D. O'Brien Bay County

Any judge wishing to place his or her photograph on file with Full Court Press should send it to Kelly Sciba, Supreme Court of Florida, 500 S. Duval Street, Tallahassee, FL 32399-1900.

Supreme Court History

Stephen C. O'Connell, 1916-2001

Stephen C. O'Connell, who passed away on April 13, 2001, was the 53rd Justice to serve on the Florida Supreme Court since statehood in 1845 and went on to become the 6th President of the University of Florida from 1967 to 1973. His life was intertwined with Florida's history.

Rising from humble beginnings in West Palm Beach, where he was born in 1916, O'Connell molded himself into a Florida success story by taking a train and hitchhiking to the University of Florida in the early 1930s, where he earned his undergraduate and law degrees. He began practicing law in Fort Lauderdale in 1940 but soon left to serve in the U.S. Army Air Corps during World War II. Returning to legal work in 1946, he built his Fort Lauderdale practice into a successful venture and remained there until an unusual call to duty came to him in 1955. Governor LeRoy Collins was so adamant about appointing O'Connell to the Supreme Court that he made a personal visit to Fort Lauderdale to make his case. This was no small task. O'Connell had a thriving law practice and earned six times the current justice's salary of \$15,000 a year. Yet, O'Connell agreed to serve. This sense of duty at personal sacrifice was a consistent theme of O'Connell's life. Twelve years after his appointment, he once again received a similar call --



but this time to come to the aid of his beloved University of Florida, by becoming its president. It was 1967, the beginning of one of the most turbulent times in American higher education. College campuses throughout the nation were rocked by violent protest, and the University was no exception. Nevertheless, O'Connell once again heeded the call to duty and, once again, took a cut in pay. He remarked: "To serve there, to me, was a very personal privilege, because . . . being a student there had opened for me the windows and doors to a whole new world and made possible everything that came from that point on." ☪

Jury Innovations *from page 3*

Lastly, the issues of juror stress and juror privacy were reviewed. The subcommittee also developed a hard copy and Internet juror questionnaire. Approximately 5,550 copies were issued statewide with 1,300 responses received.

Copies

Copies of the report are available from the Court Services Division, Office of the State Courts Administrator, Supreme Court Building, 500 South Duval Street, Tallahassee, Florida 32399 or by calling (850) 922-5094. Copies may also be obtained from the Supreme Court website at www.flcourts.org sublink Ju-

dicial Administration, sublink Florida Court Committees, sublink Judicial Management Council, sublink Jury Innovations Committee.



Questions

Questions regarding the work of the Committee should be directed to Gregory J. Youchock, Court Operations Consultant, Office of the State Courts Administrator at (850) 922-5108 or Suncom 292-5108 or youchocg@flcourts.org. ☪

Florida State Courts Host National Consortium

On May 10-12 the Florida State Courts System hosted the 13th annual meeting of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts. Twenty states, as well as every trial and appellate court in Florida, were represented among the nearly 250 conference attendees. The conference provided an opportunity for courts from around the nation to share information about issues, best practices, successes, and major challenges facing racial and ethnic bias task forces and commissions within each state.

Many of the educational sessions centered around the conference theme of the experiences of minority women and children in the justice system. On Friday morning, in a panel session moderated by Justices Barbara Pariente and Peggy Quince, four young minority women who have been involved in dependency and delinquency proceedings in Florida shared information about their personal situations, their experiences with the courts, and their hopes and dreams for the future. In another session, Linda Spears of the Child Welfare League of America and Dr. LaWanda Ravoira with the PACE Center for Girls discussed the overrepresentation of minority children in the dependency and delinquency systems.



11th Circuit Judge Gill Freeman, who moderated the Florida Symposium, receives input from the participants after the group discussions.



Annice Wagner, Chief Judge of the D.C. Court of Appeals and in-coming president of the Conference of Chief Justices, discusses a point with Chief Justice Charles T. Wells during the Chief Justices Roundtable, which also featured Thomas Zlaket of Arizona and Patricio Serna of New Mexico.

Current topics in the criminal justice system were also explored. Marc Mauer of the Sentencing Project in Washington, D.C. was joined by Randall Marshall of the ACLU in a session on restoring civil rights of felons. They presented information on the impact of losing the right to vote and the disproportionate application of these policies to racial and ethnic minorities. Jane Siegel Greene, Executive Director of The Innocence Project at the Cardoza Law School in New York City, provided information on the use of DNA evidence to prove actual innocence. In another session, issues relating to the expanding population of minority women in prison were addressed.

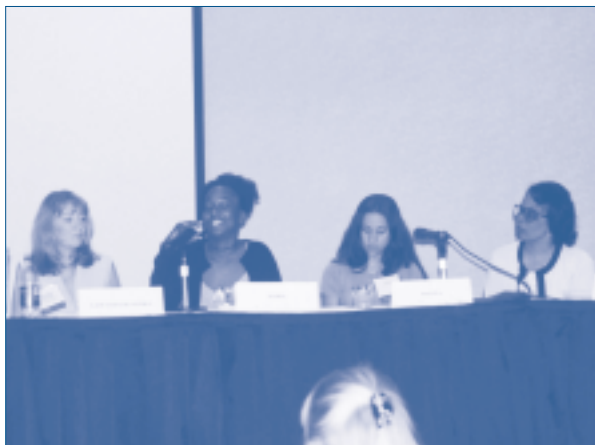
The intersection of race and ethnicity with poverty, substance abuse, gender, and mental health was also explored. Women and children of color often face unique family, social, and economic dynamics, and those issues were examined in sessions throughout the conference. Florida's drug courts – which have been referred to as the “crown jewel” in our state's effort to prevent drug abuse – were highlighted in various conference sessions.

To maximize the benefits of this educational opportunity, a Florida Symposium was held in conjunction with the national conference. On Thursday morning, the Florida court representatives met to commemorate the 10th anniversary of the release of reports and recommendations by the Racial and Ethnic

Dr. Joe Feagin, Professor of Sociology at the University of Florida, presented information from the 2000 Census about the changing demographics in Florida and the nation. It is projected that sometime between the years 2020 and 2040 people of color will comprise the majority in Florida. This ever-increasing diversity



During a session featuring young women who have been involved in the Florida court system, Justice Barbara Pariente listens to the compelling stories shared by Carmesha, Lourdes, and Fran Allegra from the CHARLEE Program.



Fabia, Dayna, and Dr. LaWanda Ravoira of the PACE Center for Girls also participated in the moving and informative panel session, while Justice Peggy Quince moderated the discussion.

Bias Study Commission. Chief Justice Wells, in his opening remarks, observed that “the Florida State Courts System has accomplished much over the past decade,” including:

- greater diversity on the bench and among court staff;
- a proliferation of the treatment-based drug courts;
- extraordinary improvement in judicial education on fairness issues; and
- great strides in improving the quality of interpreter services in Florida’s courts.

Yet, much remains to be done, Wells observed. He said “it seems that every day we hear of a study or news report indicating that equal justice under the law is still just a dream for some Americans.” Thomas Zlaket, Chief Justice of the Arizona Supreme Court, reminded participants that the perception *and reality* of unfair treatment for racial and ethnic minorities contributes substantially to the public’s lack of confidence in the justice system.

will present additional challenges in the justice system of the future. Dr. Feagin congratulated the Florida courts for looking to the future and planning for ways in which court leaders can be prepared to address those challenges.

The final session of the Florida Symposium was a workshop in which the trial and appellate courts participated in preliminary exercises that will be further developed into local action plans when participants return home. The purpose of the plans is to ensure continuing progress in the full participation by racial and ethnic minorities in the Florida State Courts System. Judges and court staff were strongly encouraged to engage their justice system partners and the public in a dialogue as the local plans are developed. The plans must be submitted to the Supreme Court by December 31, 2001. ♪

June

- 5 Joint Meeting of the Marshals and Trial Court Administrators, Tallahassee
- 6 Marshals Meeting, Tallahassee
- 8 Supreme Court Committee on Mediation and Arbitration Training meeting or conference call, TBA
- 16 Trial Court Budget Commission Meeting, Marco Island
- 16 Children's Court Improvement Committee Meeting, Marco Island
- 17-20 Annual Business Meeting of the Florida Conference of Circuit Judges, Marco Island
- 17 Judicial Administration Section Meeting, Marco Island
- 17 JMC Trial Court Performance & Accountability Committee Meeting, Marco Island
- 17 Florida Court Education Council Meeting, Marco Island
- 20-21 Training For Trainers, FJC Mentor Program, Marco Island
- 20-23 The Florida Bar Annual Meeting, Orlando
- 21 Judicial Ethics Advisory Committee Meeting, Orlando
- 21-22 Florida Bar Foundation, Board of Directors Meeting, Orlando
- 28-29 Court Reporter Workshop, Orlando

Note: *The Supreme Court will hear oral arguments on 4/30, and 5/1 to 5/4.*

*Courtside
Events*

Full Court Press is published bi-monthly by Florida's Office of the State Courts Administrator. Readers may submit articles about the courts system or letters regarding the newsletter's coverage of court-related issues. All rights are reserved to edit or decline any material submitted for publication. Send your correspondence to *Full Court Press*, Supreme Court of Florida, 500 S. Duval Street, Tallahassee FL 32399-1900.

This issue of *Full Court Press* was printed on recycled paper at a cost of approximately \$1.50 per copy. Please pass it along to others who might find the information interesting.

*Charles T. Wells
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Chief of Communication and Legislative Relations*

*Kelly Sciba
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*Florida State Courts Website:
<http://www.flcourts.org/>*

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