

County Court Courier

Conference of County Court Judges of Florida Volume 7, Number 2, Fall 2002

Judge Beth Bloom is New Conference President Miami-Dade County Judge Brings Vitality to the Conference

The Conference of County Court Judges is honored to announce the installation of its 26th President, Judge Beth Bloom, of Miami-Dade County, at the Summer Conference in Sanibel.

Judge Bloom has served the Conference in nearly every leadership capacity since her election to the bench in 1994. The previous two years, she served the Conference as President-Elect, also during which she co-chaired the Public Education of the Court Teams (PECT) Committee, chaired the Criminal Bench Book Committee, and served on the Legislative, Criminal Rules, and Traffic Adjudication Committees. She represented the 11th Judicial Circuit as the Circuit Representative on the Board of Directors from 1997-98, as well as being elected to represent the Third District on the Board as Vice President for two years from 1998-2000.

Besides being elected to the top leadership position in the Conference, President Bloom has been invited to serve as a member of the Florida Supreme Court's Article V Communications Advisory Group.

After her election to the bench, President Bloom quickly became active in the Conference. She became a member of the Education Committee in 1995, eventually serving the Conference in the vital role as Chair of the Education Committee for two years from 1998 to 2000. She immediately became active as a member of both the Civil Rules and Traffic Adjudication Committees. Her expertise in the traffic code stemmed from her appointment in 1992 as a Dade County Traffic Magistrate.

President Bloom is a born leader. She attended the University of Florida undergraduate school, where she earned a Bachelor of Science degree in Public Relations in 1984. While at UF she served as a Senator in Student Government, a member of Florida Blue Key, a Savant UF (UF's leadership honor-



Judge Beth Bloom is sworn in as Conference President by **Florida Supreme Court Justice Fred Lewis**.

ary), Caucus of Women Leaders, and President of Campus Organized Against Rape. She was honored as the Outstanding Female Leader of her graduating class.

She obtained her law degree in 1988 with honors from the University of Miami School of Law, where she served as President of the Student Bar Association, President of the Inter-Club Council, and was a member of both the Moot Court Board and the Society of Bar & Gavel. She was honored to receive the Roger Sorino Award presented by the Society of Bar & Gavel to the Outstanding Law School Graduate for 1988. President Bloom was also a member of Iron Arrow, UM's leadership honorary, and Omicron Delta Kappa, the national leadership honorary. She was elected into the U.M. Moot Court Hall of Fame, and received the American Jurisprudence Award for Appellate Practice & Procedure.

Our new President has been in leadership positions in every aspect of our bench and bar, including the American Bar Associ-

ation's Young Lawyer Division, the Academy of Florida Trial Lawyers, the Dade County Bar Association, the Dade County Trial Lawyers Association, the University of Miami Law Alumni Association, and the Greater Miami Jewish Federation.

President Bloom has taught, spoken and written extensively in all legal arenas. She currently teaches as an adjunct faculty member in Litigation Skills at UM's School of Law. She has taught DUI law, landlord-tenant law, Judicial Management Techniques and Building Judicial Style at the Florida Judicial College. She has taught landlord-tenant law at the Florida College of Advanced Judicial Studies. She has taught the West Publishing Bar Review course in Florida Criminal Procedure. And, she has taught at the DUI Adjudication Lab on traffic infractions and commercial drivers licenses.

President Bloom brings vitality, professionalism, and hard work to our Conference.

—Peggy Gehl

Letter from the President

Let's Move the Conference Forward – Together

By Beth Bloom



“There are only two ways to fail – to quit or to never try.”

I'm humbled yet equally excited to become the Conference's President. We are part of a 30-year organization that has a long history of promoting excellence within our county courts. Let's continue the trend, as there exist many challenges on the horizon. My goal is to continue to move us forward by educating the public about the good work our county judges do in and out of the courtroom, diversifying our leadership, strengthening our committees' work, and improving our relationships with the Legislature, the Supreme Court and the Florida Bar.

“Trumpet Your Gavel” Campaign

Our 276 county court judges do great work both in and out of the courtroom. Why don't we hear more about these innovative programs and creative services? We need a concerted effort to tell the public what we're doing—meeting a need, improving the system, changing a life. This new “Trumpet Your Gavel” campaign will work directly with the Florida Bar's “Dignity in Law” campaign and penetrate the media markets with our stories. Our Public Education of the Court Teams (PECT) Committee, led by Carroll Kelly (Miami-Dade) and Patti Christensen (St. Johns), is committed to this effort. Together, we will foster confidence in our county courts and its judges by showing that we are making a difference in people's lives each and every day.

Diversifying Our Leadership / Strengthening Our Committees

I am happy to report that of the committee leadership appointments I made this year, 51% are women or minorities. In addition, each committee's leadership team balances a judge from a large county with one from a small county. Moreover, three new President's Committees have been established: Single Tier/Concurrent Jurisdiction, Article V, and the Committee of 34.

The Single Tier/Concurrent Jurisdiction Committee's efforts are being led by George Roark, III (Escambia) and Jeffrey Schwartz (Miami-Dade). This committee is charged with conducting a comprehensive review of the many different models of concurrent jurisdiction proposed in recent years and the advantages of moving toward a single tier trial court system. One thing has remained clear – while there may be a variety of interpretations, we are a diversified group and where a judge stands on the issue has often depended upon where one sits. The committee's analysis will give guidance to our membership.

The Article V Committee will be working under the leadership of Past President Eugene Turner (Collier) and Judith Hawkins (Leon). This committee's work in the year ahead will be crucial as we deal with the many challenges facing the judicial branch with the funding crossover. We need to protect the county courts and the specific programs and services unique to each circuit.

The Committee of 34, so named for our 34 county judges who serve alone in single counties, was created with a goal of ensuring that the judges' needs from smaller counties will no longer be overlooked. Comprised of all judges who serve in a single-judge county, this committee will focus on issues unique to those judges, such as resources, travel, educational needs, security, and court technology. Judges Tom Skidmore (Sumter) and Jill Walker (Wakulla) have agreed to lead this effort.

In addition to the above, several ambitious programs are being planned, including a “Circuit Showcase,” enabling each county judge to learn about the programs, projects and innovative ideas in each of the judicial circuits; an awards and merit program, recognizing judges and bar members within each circuit; an expanded children

and spouses program at the Summer conference; and permanent postings highlighting each judge's community work on our Conference website, www.countyjudges.com.

Educating Our Judges

The caliber of our educational programs is crucial. We are recognized nationally for the programs we present because we put forth time and effort in planning quality programs. Our Education Committee, under the leadership of Mark King Leban (Miami-Dade), Mark Yerman (Citrus) and Jane Fishman (Broward), is committed and actively works year-round to implement our Winter and Summer education programs. We will continue producing stellar programs by engaging prominent and national speakers that will inspire and challenge us.

Maintaining and Improving Our Relationships with the Florida Legislature, Florida Supreme Court and Florida Bar are Critical

We will have a presence in Tallahassee not only during session but throughout the year, serving as a resource to our legislative colleagues. Through the Conference's newly-established Subcommittee on Legislative Changes, led by Timothy Harley (Leon), our committee's proposals will now be streamlined directly to a bill sponsor in order to enact needed changes.

Our Conference Committees now have a staff contact from the Office of State Courts administrator that will work directly with each committee. We will continue to ensure that our judges serve on the many Supreme Court Committees so that county judges have a voice and serve as a source of information. Our judges will also have the opportunity to serve on more Florida Bar Committees. We were successful in securing the Bar's commitment to dedicate a permanent seat on five of their committees for each Chair of our Conference's Criminal, Traffic, Civil, Small Claims and Professional Relations committees. These seats will enable our committees to continue working with the Bar's parallel committee on a proactive basis on issues that directly impact the county court.

Thank you for the support and trust you have placed in me. Let's move the Conference forward—together. Be part of the effort. There's great work ahead to be done.

Conference and County Court Judges of Florida

OFFICERS

President _____	Beth Bloom
President Elect _____	C. Jeffery Arnold
Past President _____	Jeffrey J. Colbath
Secretary _____	Krista Marx
Treasurer _____	William R. Slaughter
Editor _____	Peggy Gehl

PRESIDENTS (DCA)

First _____	Buck Curtin
Second _____	K. Doug Henderson
Third _____	Mark King Leban
Fourth _____	Debra Moses Stephens
Fifth _____	A.B. Majeed

DIRECTORS

1 st Circuit _____	Kelvin Wells
2 nd Circuit _____	James Shelfer
3 rd Circuit _____	William R. Slaughter
4 th Circuit _____	Charles G. Cofer
5 th Circuit _____	Mark Yerman
6 th Circuit _____	Henry J. Andringa
7 th Circuit _____	Patti Christensen
8 th Circuit _____	James P. Nilon
9 th Circuit _____	James Glatt, Jr.
10 th Circuit _____	Mary Catherine Green
11 th Circuit _____	Carroll Kelly
12 th Circuit _____	Robert A. Farrance
13 th Circuit _____	James Dominguez
14 th Circuit _____	Robert E. Brown
15 th Circuit _____	Charles E. Burton
16 th Circuit _____	Ruth Becker-Painter
17 th Circuit _____	Joel Lazarus
18 th Circuit _____	David E. Silverman
19 th Circuit _____	Stewart R. Hershey
20 th Circuit _____	Edward Volz, Jr.

COMMITTEE CHAIRS

Admin. & Mgt. _____	James V. Dominguez
Awards & Merit _____	Mary Rudd-Robinson
Civil Rules _____	Ronald Legendre
Conference _____	Cory Ciklin
Criminal Rules _____	Olin Shinholser
Editorial _____	Peggy Gehl
Education _____	Mark King Leban
Judicial Assistants _____	Lawrence D. Martin
Legislative _____	Shelley J. Kravitz
Legislative Changes (Subcomm.) _____	Timothy Harley
Professional Relations _____	Sheldon Schwartz
Senior Judges _____	William Seaver
Sentencing _____	Buck Curtin
Small Claims _____	Phyllis Kotey
Traffic Rules _____	Peyton Hyslop

PRESIDENT'S COMMITTEES

Committee of 34 _____	Thomas D. Skidmore
Article V _____	Eugene Turner
Single Tier/Concurrent Jurisdiction _____	George Roark III
Court Technology _____	Anne Kaylor
PECT _____	Carroll J. Kelly
Family & Juvenile Law _____	Bonnie Rippingille
Community Service _____	Mary Catherine Green
DUI Adjudication Lab Faculty _____	Peter Evans

County Court Courier

Conference of County Court Judges of Florida
201 SE Sixth Street, No. 335
Ft. Lauderdale, FL 33301

Phone: (954) 831-7675

Fax: (954) 831-8546

A letter from the Editor

Election Results

By Peggy Gehl

To an incumbent, election time brings on a mixture of emotions ranging from dread to encouragement to exhilaration to relief! The same spectrum is often felt by our conference members in hearing about the victories and defeats of our colleagues. I urge you to drop a note or call your colleagues to congratulate them or console them. It is a gesture of caring and camaraderie that builds strength in our conference.



Of the ten sitting county judges who drew challengers this year, we have lost three to the elective process. **Judge Jimmy Hunt** of Columbia County in the 3rd Circuit, fell victim to a 25-year veteran assistant state attorney, Tom Coleman. Judge Hunt, like eight of the other challenged judges, was a 2000 gubernatorial appointment.

In the 7th Circuit, **Judge Patti Christensen** of St. Johns County in St. Augustine, enjoyed a victory of 53.8 percent in a heated race against St. Augustine City Commissioner Alex Christine, who resigned his post mid-term in order to run. His wife, Maureen Christine, serves the circuit as Assistant State Attorney Division Chief for St. Johns County.

Also in the 7th Circuit, **Judge Elizabeth (Libby) Morris**, a native of Putnam County, won a close one against assistant state attorney Gary Wood by receiving 50.7 percent of the vote. Attorney Wood, who was nominated along with Judge Morris for the judgeship in 2000, resigned his position as Putnam County's Deputy Division Chief to challenge the incumbent.

In Broward County, **Judge Steven De Luca** enjoyed a victorious margin of 56 percent against challenger Terri-Ann Miller. Some may remember that Terri-Ann resigned her Dade County judicial seat in 2000 to take on Broward County Judge Bob Zack but was removed from the ballot (erroniously as decided by the Florida Supreme Court) on a residency requirement.

In Miami-Dade, **Judge Orlando Prescott** received a healthy 57.1 percent of the Dade County vote over his challenger Attorney Frank Abrams. Judge Prescott enjoyed a bar poll rating of 91 while his challenger received only a 32 in the recent survey. According to a recent article in The Miami Herald, Attorney Abrams campaigned by handing out free cups of Country Time lemonade at traffic lights!

Judge Eric Hendon was not as fortunate with his race, suffering defeat at the hands of Jacqueline Schwartz, owner of a Coral Gables litigation center, who received 52.4 percent of the vote. Judge Hendon was appointed by the Governor in 1999, and enjoyed a high bar poll rating with the Dade County lawyers. We wish him the best.

Both judges drawing opposition in the 13th Circuit in Hillsborough County came away with convincing victories! **Judge Eric Myers** scored 66 percent of the vote in his defeat over Attorney Gary Dolgin, and **Judge Cheryl Thomas** enjoyed 59 percent of the vote in her victory over Attorney Anthony Arena.

Another 2000 Gubernatorial appointment, St. Lucie County **Judge Alberta Widman**, fell victim to challenger Phil Yacucci Jr., former Public Defender of the 19th Judicial Circuit.

Polk County **Judge Karla Foreman Wright** in the 10th Circuit enjoyed a 61 percent victory over challenger Steve Pincket, former assistant state attorney and former public defender, who was twice defeated for a Florida House seat. Some may remember that attorney Pincket once sued the Governor to have an appointed seat declared an elected one. He lost that too.

Our colleague, Sarasota County **Judge Preston De Vilbiss**, who resigned his seat to run for a new legislatively-created circuit seat in the 12th Circuit, drew the most votes in his four-challenger race receiving 37.8 percent, and will face, Ed Nicholas who received 26.1 percent of the vote in the November run off. Good luck, Preston!

And, we welcome and congratulate newly-elected **Judge Laura Johnson** of Palm Beach County, who soundly defeated her opponent, Carmen Leon, by a 76 percent margin. Judge Johnson has won the seat vacated by the election of our Conference immediate past president, Judge Jeff Colbath to a circuit seat.

To those judges who did not survive the process, we wish the best of good luck; to our newly elected judges, we send our hearty congratulations!

Summer Conference 2002



Judges Ron Swanson, Amy Wells, Judge Kelvin Wells, Anna Williams and Judge Joseph Williams



New Pinellas County Judge
Sonny Im



New Hillsborough County
Judge Nick Nazaretian.



State Senator Skip Campbell, Legislative Liaison Don La Monica,
State Representative Bruce Kyle, and Judge Jeff Colbath



Judges Amy Williams, Bob Brown, Woody Hatcher,
Krista Marx, and Legislative Liaison Don La Monica

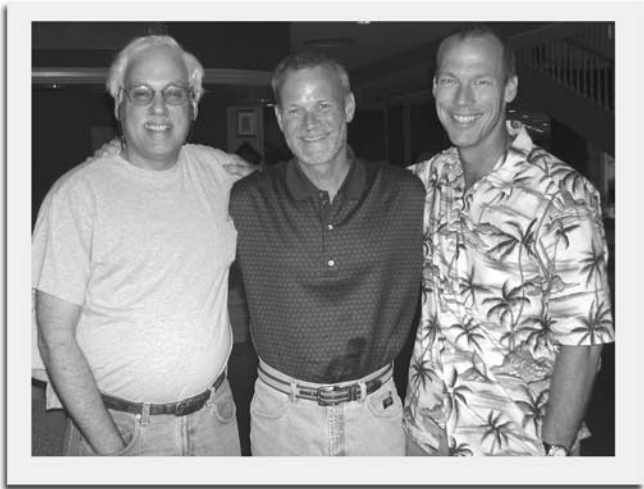


Judge Kathleen Ireland
offers an armrest to
feathery friend in



JAs Patti Alonso, Marilyn Cartwright and Victoria Tucker

Sanibel Harbor Resort & Spa



Palm Beach County Judges Barry Cohen, Paul Moyle, and Jeff Colbath



Judges Doug Henderson, Krista Marx, Peggy Gehl, Steve Leifman, and Amy Williams



Judge George Roark III, Frieda Nichols, Judges Colie Nichols, Ron Swanson, and David Ackerman and wife Abigail



President-elect Jeff Arnold, President Beth Bloom and Past-President Jeff Colbath



New Hillsborough County Judge Paul Huey and his wife, Kim



Jeanne Dishowitz and Judges Peggy Gehl, Marty Dishowitz, and Jane Fishman of Broward County

Conference Welcomes New Judges

Judge Healey

The Conference is honored to welcome new Duval County Judge Russell L. Healey, a former Assistant State Attorney for the 4th Judicial Circuit, and graduate of the University of Florida College of Law.

Judge Healey obtained his bachelor of arts degree in Finance with honors from the University of South Florida in 1977, then traveled to Gainesville to attend UF's College of Law. Upon graduation in 1980, Judge Healey spent three years as an ASA before beginning his private practice with the firm of Tassone & Healey, where he emphasized his interest in criminal law and domestic relations. He is board certified in Marital and Family Law, and was a charter member and Master of the Florida Family Law American Inns of Court. Four years later, he became a partner in the firm of Mahon, Mahon & Healey, P.A. where he practiced in his special areas for 14 years.

Judge Healey served the Bar as Chair of the Unauthorized Practice of Law Committee for the 4th Judicial Circuit, and served Jacksonville as a member of the Jacksonville Transportation Authority from 2001-02, and as a member of the Jacksonville Planning Commission from 1992-1999.

Judge Higbee

Ronald P. Higbee was appointed by Governor Bush to fill a new Duval County Court seat commencing January 2, 2002. Judge Higbee received a Bachelor of Science in Criminology cum laude in 1975 from Florida State University and a Juris Doctor with honors in 1978 from the University of Florida.

The Judge served in the Judge Advocate General's (JAG) Corps of the United States Navy, both on active duty and in the Reserves, attaining the rank of Lieutenant Commander before separation from the Reserves. He served as an Assistant State Attorney in Jacksonville for two years,

from 1984 until 1986, and as an Assistant Public Defender from 1988 until 2002 in the felony, special defense and homicide divisions. While at the Public Defender's Office he served as supervisor of the County Court Division for three years. In June 2002 he was appointed to the Criminal Procedure Rules Committee for the Florida Bar.

Judge Huey

The Conference welcomes new county Judge Paul L. Huey from Hillsborough County. Paul was the Valedictorian in his School of Accounting class (obtaining a 4.0 average on a 4.0 scale) at the University of Florida, where he earned his B.S. degree in Accounting in 1981. He worked for a short while as a CPA at Price Waterhouse before commencing his law school career at Duke University School of Law, where he graduated with distinction in 1985. While at Duke, he received

Book Awards in both Tax and Commercial Law as well as serving as the Law School Delegate to the Duke Board of Trustees and the Dean's Cup Moot Court Competition.

Judge Huey practiced tax and corporate law in AV-rated firms the past 15 years before commencing his service on the bench. He is certified by the Florida Bar as a Business Litigation Specialist

Judge Huey has written several articles on tax planning and related business topics, including "Planning for Health and Welfare under TRA 1986 and COBRA," and "IRAs, IRD and Qualified Plans--What ACPC Fellows Should Know About Employee Plan Payout Rules."

He was also the Class of '77 Valedictorian at Tampa's Thomas Jefferson High School.

Judge Gerber

Jonathan Gerber was sworn in as Palm Beach's newest county judge in May, replacing the seat left vacant when former County Judge Ken Stern was appointed to the Circuit bench. Prior to his appointment by Governor Bush, Judge Gerber practiced eight years as a civil litigator for Shutts & Bowen, becoming partner in January, 2001.

Judge Gerber obtained his law degree from the University of Florida College of Law in 1993, and earned his undergraduate degree in Politics from Princeton. At UF, he served as a member of the Editorial Board of the Law Review, and President of the Trial Team. He was fortunate to have the opportunity to intern for 8th Judicial Circuit Judge Frederick Smith, and also with the State Attorney's Office.

The Judge has been active with the Palm Beach County Bar Association, serving as President of the Young Lawyers' Section, and Chair of the Professionalism Committee. He has devoted hours of time to the Florida Bar, having served as Chair of the Florida Bar's Grievance Committee for the 15th Judicial Circuit. He served on the Board of Directors of the Palm Beach County Legal Aid Society, and coached the Lake Worth High School Mock Trial Team for three years.



JUDGE PAUL L. HUEY
Hillsborough County



JUDGE RONALD P. HIGBEE
Duval County



JUDGE JONATHAN GERBER
Palm Beach County

Judge Gerber's wife, Tracy, is a lawyer in Palm Beach County. They are parents of two daughters.

Judge McCune

Jim McCune began service as a Marion County judge on March 1, 2002, when he was appointed by Governor Bush. He is a graduate of Washington & Lee University in Virginia (B.A.), Valparaiso University of Law in Indiana (J.D.) and Emory University School of Law. Jim had been an Assistant State Attorney in Florida's Fifth Judicial Circuit for 13 years before his appointment. Prior to joining the State Attorney's Office, he worked for three years as a law clerk for a Justice of the Indiana Supreme Court and for two and a half years as a Florida Assistant Attorney General.

In June, Jim completed serving three years as president of Habitat for Humanity of Greater Ocala. He is married to Jessica, who is the Parish Nurse Coordinator at Ocala's Regional Medical Center and who is also a Licensed Mental Health Counselor.

Judge Nazaretian

The Conference welcomes new Hillsborough County Judge Peter Nicholas "Nick" Nazaretian, who was appointed by Governor Bush last November. A graduate of Nova Law School and the University of South Florida, Judge Nazaretian, whose name rhymes with "samaritan," has been assigned to the criminal division. Judge Nazaretian is a former prosecutor who has been honored for his charitable work as Santa "Laws," a volunteer Santa for schools and charities. He is also active in the Australian Shepherd Rescue Club.

Judge Spoto

Polk County is proud to welcome Judge Keith Spoto, who has been assigned a small claims division in the Polk County Courthouse in Bartow.

Keith graduated in 1983 from Wake Forest University with a bachelor of arts degree in history. He continued with his legal education at the University of Florida College

of Law, where he graduated in 1986 and received the Book Award in Constitutional Law. He was also a teaching fellow in torts and a member of the Phi Alpha Theta Historical Honor Society.

After graduation, Keith worked in private practice specializing in commercial litigation before finding his niche in the State Attorney's Office, first serving as an assistant state attorney in county court, then in felony, and finally as the Director of the County Courts Division, supervising 15 attorneys and support staff in both Lakeland and Winter Haven branch offices.



JUDGE KEITH SPOTO
Polk County

—Peggy Gehl

Unusual Punishment—Judge Drives Home Safety Messages to Teens

By Hannah Sampson

Reprinted from the Miami Herald

Broward County Judge **Louis H. Schiff** remembers the driver who never made it back.

He ordered the young man to take some pictures of roadside memorials as part of his sentence. The day the project was due, the teen's lawyer stood alone. His 18-year-old client had died in a motorcycle accident.

"That's the ultimate price you pay for driving without a license," Schiff said, relating the story recently to another teen in his courtroom at the North Regional Courthouse in Deerfield Beach. "The death penalty."

To drive that message home, Schiff, 47, created a program a few years ago that he hopes makes young drivers stop and think about what can happen when they get behind the wheel. Most have been caught driving without a license or on a suspended license.

He started what he calls "creative sentencing"—conditions added on to their fines or in lieu of fines to make the teens and young adults conscientious drivers.

Some he sentences to read newspapers every day for a month or longer, clip out stories about traffic accidents and put them in a scrapbook.

Others must bring up their grade-point average, get a B in math class, graduate, or bring proof that they passed a high-school equivalency test.

And others must go out and photograph

roadside memorials, spots where people died in crashes.

These conditions are part of the drivers' sentences. "I can't wrestle the keys from them," Schiff said. But he can try to make them think.

The program is a good idea, said Coral Springs police Sgt. Jim Hanrahan, the department's traffic supervisor.

"If anything, it'll help for these kids to realize what the consequences are," Hanrahan said. "That's the big problem—the kids don't realize there are consequences."

Last year in Florida, 168 drivers age 19 and younger were killed in traffic accidents, according to the state Department of Highway Safety and Motor vehicles. In the same age group, 18,567 drivers were injured in crashes. These figures include bicycle riders.

Schiff figures he has assigned 100 of these projects since 2000, and that doesn't include the many times he tells drivers in court to leaf through photos or scrapbooks that others have completed.

"The judge is saying: 'I'm going to force you to realize what you are doing,'" said Charles Zeldin, an associate professor of legal history at Nova Southeastern University. "That is commitment on the part of the judge, and he should be applauded for that."

Teen drivers make up a small percentage of Schiff's docket on a regular day. But in court—sometimes to the dismay of the other people waiting for their names to be called—he doesn't rush with the kids.



Broward County Judge Louis H. Schiff, also a musician, works with teens in a school jazz band.

He wants them to know that driving is important.

Schiff, who said he didn't drive until he was a senior in high school, doesn't know of any other judges who assign similar projects. He keeps the stacks of photos and scrapbooks full of newspaper clippings. "The back of my bench is just filled with them," Schiff said.

The teen who didn't return to court—the one whose story Schiff tells to other teens—was Michael Schuler of Plantation. He died in a motorcycle crash in September 2000 after doing a wheelie while speeding on Northwest Sixth Court, not far from his home.

Orlando Buch, the attorney, hopes teens who hear about Schuler from Schiff will learn from the story. "Mike didn't die in vain," he said.

Judge Slaughter Elected President of Family and Juvenile Court Institute

Conference Treasurer Judge **Bill Slaughter** of the 3rd Judicial Circuit recently returned from the Blue Ridge Mountains of North Carolina where he attended the Blue Ridge Institute for Family and Juvenile Court. Before returning home, he was elected President of the Institute for the 2002-03 term.

"I am honored to have been chosen by my colleagues. We will continue to provide relevant and important training for judges to carry on the traditions of this organization," Judge Slaughter announced.

The Blue Ridge Institute meets annually to update judges from across the country about successful judicial programs in family and juvenile court, and to study the latest research. The Institute was founded in 1954 to provide the judiciary with training, camaraderie and enlightenment. It is the oldest institution of its kind in the United States. Programs this year included termination of parental rights, juvenile court programs, assessment of minimal parenting competence, truancy prevention and parental alienation.

Judge Slaughter presented on Management Techniques for the Judge and Security in the Courthouse.

"This is an excellent opportunity to learn about successful programs in other parts of the country and to become familiar with new research information about issues we deal with on a daily basis. Learning from each other has been invaluable and helps to bring new information into our court system," Judge Slaughter commented.

Next year's annual meeting will be held in Black Mountain, North Carolina.

County Court Judges Create Tasteful Court TV in Jacksonville

County Court Judges in Duval County decided to take a positive step toward assisting and informing litigants in Small Claims Court. Together with the support of her colleagues and Court Administrator, Judge Pauline Drayton-Harris developed a project to produce a video entitled "Introduction to Small Claims Court."

The 27-minute video, produced by the City of Jacksonville's excellent video production team, begins with "Carolyn's Court," a fictional account of what most litigants believe they will encounter in court. The scenario smacks of current court TV programs where the "TV judges" make inappropriate remarks and receive "evidence."

Thereafter the video turns to real-life court scenarios in a series of brief vignettes featuring Duval County Judges and narrated by Judge Drayton-Harris. Courtroom protocol and etiquette are stressed in each scene. The film does not offer legal advice but does suggest practical approaches while advising litigants to seek legal advice from either private attorneys or Legal Aid.

Jacksonville Area Legal Aid has taken the video one step further by offering a

monthly Small Claims Clinic featuring the film as part of its free presentation. Legal Aid Attorney Mitchell Ritchie instructs the clinics by showing the film, then taking students on a step-by-step small claims process from filing to pretrial to discovery to final judgment. Students are taught how to subpoena witnesses, submit evidence, and collect judgments and settlements.



"We send people over to the courthouse and they usually end up at the clerk's desk asking for advice," Ritchie said.

"Rather than send them to the clerk to fend for themselves, we thought we'd help everyone out."

Duval County Judges are committed to expanding the usefulness of their product. Litigants are advised of the video and Small Claims Clinic as part of the Pre-Trial hearings on Beach Boulevard. The video is also available for check-out in the Law Library, and judges will permit litigants to view the video prior to hearings, time and space permitting.

All County Judges are invited to contact Judge Drayton-Harris for additional information or to view the video for their counties.

State Develops New Curricula for DUI Education Programs

By Bonnie Scott-Walls,
Manager, Bureau of Driver Education and DUI Programs,
Department of Highway Safety & Motor Vehicles

Because new concepts in treatment for substance abuse are evolving at a rapid pace, the Bureau of Driver Education and DUI Programs (the Bureau) has developed new curricula for both Levels I and II of the mandatory DUI educational programs.

Level I curricula has added a focus on internal sets of consequences for substance abuse. The students are required to prepare a personal plan for avoiding driving after drinking or taking drugs. Some of the introspection they must reflect are:

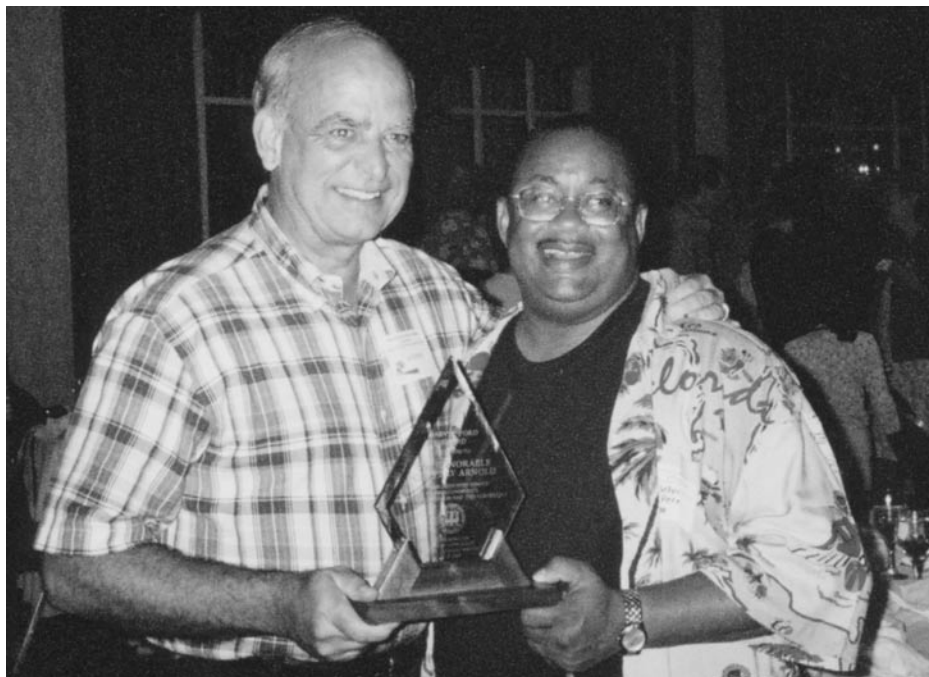
1. The changes they want to make in their behavior to prevent driving after drinking or using.
2. The most important reasons to make those changes.
- 3 The Plan: The steps they use to make those changes.
4. Ways others can help to ensure the plan is followed.
5. Things that may interfere with the plan.

Traditionally, the program focused on external consequences caused by drinking and substance abuse such as loss of employment, loss of family, loss of friends, loss of driving privileges, and legal consequences. To add discussions and exercises on the internal consequences, the student is forced to focus on distinct personality weaknesses and strengths to insure there will not be another DUI or drug arrest in his or her future.

The new Level II curriculum focuses on class participation by breaking the students into small groups similar to group therapy. They are asked to internalize the destructive patterns they have chosen, and to identify a process of change to avoid repeating those patterns. Dr. Marci Driscoll of Florida State University consulted with the Bureau to bring the programs current in content and presentation.

Both new curricula focus on the selection of choices. By encouraging the students to analyze their lives as a series of choices, the curricula weaves into the consciousness personal responsibility for actions. Since denial is one of the major dynamics of addiction, the Bureau's focus on choices challenges the denial system head-on.

If judges would like to better understand the new curricula, they are invited to attend one of the DUI classes or request a copy of the new curricula from the Bureau. Contact your local DUI program for class dates and times, or contact the Bureau at 850-487-1227 to request a copy of the curricula.



President-elect Jeff Arnold (L) received the Harvey Ford Award at the Summer Conference in Sanibel. Chief Judge Belvin Perry of the 9th Judicial circuit presented the honor.

Black Judge Reinstated 113 Years After Removal in Monroe County

Tallahassee – Associated Press – A black judge who was removed from the bench in 1889 for allowing an interracial marriage was reinstated in February by Governor Jeb Bush.

James Dean's election as a Monroe County Judge in November 1888 made history. He was the first black judge to take the bench in the South after Reconstruction.

But Governor Frances Fleming removed him nine months later and refused to reinstate him, even after Dean provided proof that the couple to whom he issued a marriage license was of the same race.

"This happened in a different space and time in our state's history, but irrespective of how long it's taken us to right this wrong, I think it's more than appropriate to do so," said Bush.

Dean's history resurfaced three years ago, when another Key West lawyer, Calvin Allen, read his name in the local newspaper's history column. Allen began researching the case, and what he learned inspired him to try to clear Dean's name.

Born in Ocala, Dean graduated at the top of his class from Howard University's law school in Washington, D.C., in 1883. He returned to Florida and began making a name for himself as a lawyer in Key West.

Dean beat out two white opponents to win his seat, but Fleming stripped him of his duties, alleging Dean had given a black woman, Annie Maloney, a license to marry a white man.

The groom, Antonio Gonzalez, swore in an affidavit that he was part black, but Dean's removal from the bench remained until he died in Jacksonville at the age of 52. The state auctioned his law books to pay his debts.

Florida Supreme Court Chief Justice Charles Wells praised the decision to restore Dean and said it's important that Florida's courts reflect the state's diverse population.



Judge James Dean

Editors Note: The Conference adopted the following resolution at its Board meeting on July 12, 2002.

Conference of County Court Judges of Florida Resolution Recognizing Calvin Allen, Esquire

WHEREAS, Calvin Allen graduated from one of the nation's bedrock of legal advocacy, Howard University, where he learned the skills necessary to champion the cause of the unheard; and

WHEREAS, in September 28, 1984, Calvin Allen was sworn in as a member of the Florida Bar where he took an oath to serve and protect the Constitution of the United States and of the State of Florida; and

WHEREAS, Calvin Allen researched the events and the legacy of Judge James Dean and learned of Judge Dean's extraordinary accomplishment of being elected the first African-American judge in the South after Reconstruction; and

WHEREAS, Calvin Allen labored over archived documents that revealed that although Judge James Dean won a landslide election he was unjustly removed from office; and

WHEREAS, the research documented Judge James Dean's unlawful removal from office predicated on prejudice and bigotry and without due process; and

WHEREAS, Calvin Allen spearheaded the efforts to restore Judge James Dean's judgeship and his rightful place in the legal community; and

WHEREAS, Calvin Allen undertook the Herculean task of righting a one-hundred-year injustice without any thought of financial or political gain; and

WHEREAS, Calvin Allen exemplifies the principles of Justice and honor embodied in the oath he pledged upon becoming a lawyer;

BE IT RESOLVED that the Conference of County Court Judges of Florida honors Calvin Allen for his dedication to the principles of justice, and for his moral compass in redirecting us all in the path of what it truly means to be an advocate for those without a voice.

April 24, 2002
Jeffrey J. Colbath, President

Editors Note: The Conference adopted the following resolution at its Board meeting on July 12, 2002.

Resolution of the Board of Directors of The Florida Conference of County Court Judges

WHEREAS, a proposal promulgated by the Task Force on Pro Bono Activities by Judges and Judicial Staff and the Florida Bar Standing Committee on Pro Bono Legal Services has been filed with the Florida Supreme Court concerning pro bono services by all levels of judges in the Florida Judiciary; and

WHEREAS, such proposal sets forth an aspirational goal of 20 hours of pro bono services or alternatively, an annual contribution of \$350 to a legal aid organization, and further provides for mandatory reporting of such pro bono services; and

WHEREAS, such pro bono service is inconsistent with the Florida Code of Judicial Conduct and infringes upon and compromises the independence of the courts; and

WHEREAS, the Florida Supreme Court Judicial Ethics Advisory Committee, as an alternative to the proposal of the Task Force and Committee, filed a petition to amend the Florida Code of Judicial Conduct recommending that the Code reflect that judges should:

1. be encouraged to engage in activities to improve the law, the legal system and the administration of justice;
2. encourage attorneys to perform pro bono services; and
3. be encouraged to speak, write, lecture, teach and participate in other extra judicial activities concerning non-legal matters, subject to the requirements of the Code; and

WHEREAS, the proposal of the Florida Supreme Court Judicial Ethics Advisory Committee advances the public interest as well as protects the independence of the courts;

THEREFORE BE IT RESOLVED that the Board of Directors of the Florida Conference of County Court Judges UNANIMOUSLY:

1. Supports the proposal of the Florida Supreme Court Judicial Ethics Advisory Committee to amend the Florida Code of Judicial Conduct generally encouraging judges to support pro bono legal services and encouraging judges to participate in extra judicial activities; and
2. Opposes the proposal of the Task Force and Committee requiring annual reporting by judges of delivery of pro bono legal services or, in the alternative, payment of \$350 annual assessment to a legal aid organization; and
3. Directs the President of the Florida Conference of County Court Judges to communicate the position of the Conference to the Florida Supreme Court by the filing of this resolution.

Dated this twelfth day of July 2002.

Beth Bloom, President
Florida Conference of County Court Judges

Krista Marx, Secretary
Florida Conference of County Court Judges

Conference Creates Task Force on Community Service

By Mary Catherine Green

Editor's Note: Polk County Judge Mary Catherine Green presented on the Community Task Force at last year's summer education conference in Naples. As a result of that presentation, then Conference President Jeff Colbath, with the support and encouragement of Conference President Beth Bloom, created the President's Task Force on Community Service, appointing Judge Green as chair and Judge Pauline Drayton-Harris as vice-chair. The following is a report on the work of the newly-created committee as well as the history of Judge Green's Task Force in Polk County.

Three years ago, the Community Service Task Force was created in Polk County to study community service issues and to measure the value of community service to defendants and local communities. Besides a general overview of the program, there were sub-issues concerning community service availability to the disabled and to those whose first language is not English. The Task Force also studied the jail's weekend work release program, which included weekend jail sentences organized for county trash pickup.

The Polk County Community Service Task Force consisted of a broad membership of interested citizens, representatives from nonprofits, law enforcement, and county probation. Public meetings were held around the county where local communities were informed of the available resources, and those sentenced to community service were provided a venue for questions and comments. Task Force members helped spread the word about court-ordered service. Members took it upon themselves to expand available worksites. They raised local awareness of defendants taking responsibility for their misdemeanors by serving and improving the community while at the same time maintaining jobs and caring for families. Those on the receiving end of community service now say "thank you" to those serving.

The magnitude of court-ordered service in Polk County is astounding. In an average month, Polk County realized performance from 160 individuals working more than 7,000 hours of community service for a variety of nonprofit and governmental associations. The benefit to taxpayers for one month of service computes to more than \$37,000 (number of hours multiplied by \$5.15 per hour). In the first quarter of 2002, 133 weekend inmates cleaned 832 miles of roadways in Polk County, collecting nearly 3,000 tires and almost 15,500 bags of trash. These inmates worked a total of 18,793 hours, saving the County nearly \$97,000 annually.

Polk County Judge Anne Kaylor, also the Conference Webmaster, places a monthly update of community service statistics on the 10th Judicial Circuit's website at www.jud10.org under "County Probation."

The President's Task Force on Community Service requests all Circuit Representatives to gather statistics in their Circuits regarding community service, and to report at the next meeting in October at the Fall Committee Meetings or in January at the Winter Education Conference. For more information or questions, please email Judge Green at judgetmcg@msn.com.

Civil Rules Committee

By Jerry Pollock

The committee meeting held on July 9, 2002 was well attended. A motion to oppose the repeal or amendment to Fla.R.Civ.P. 1.420(e) Failure to Prosecute passed and was presented to the Board for approval.

The committee also discussed Judge Bill Herring's letter regarding interest on prejudgment interest.

Judge Karl Grube reported on The Florida Bar Civil Rules Committee:

1. There will be many changes in the membership of the committee because of term limits.
2. The following changes have passed The Florida Bar's Civil Rules Committee:
 - a. To create a form for Satisfaction of Judgment.
 - b. To limit the number of Requests for Admissions, Fla.R.Civ.P. 1.370.
 - c. To amend a pleading, movant must attach a copy of the amended pleading to the motion, Fla.R.Civ.P. 1.190.
 - d. To amend form 1.988 regarding interest on prejudgment interest.
 - e. To create a new Fact Information Sheet form for non-individuals, Form 1.977(b).
 - f. To add more specific language to Proposal for Settlement, Fla.R.Civ.P. 1.442.
 - g. To change the summons to delete the "above-named defendant" to insert the actual name. This is needed where there are multiple defendants.
 - h. To amend Fla.R.Civ.P. 1.070(j) to re-start the 120-day period to obtain service, effective when the order is signed.

Criminal Law Committee

By Olin Shinholser

The Criminal Law Committee discussed a number of proposed rule changes that either are pending or have been addressed by the Florida Bar Criminal Rules Committee, including the following:

1. Proposed revision of Florida Rule of Criminal Procedure 3.131(d)(2) to delete the word felony. The impact of this proposed rule change is to make clear that all motions for a bond hearing must be heard in a court in person at a hearing.
2. Proposed rule dealing with orders of no imprisonment.
3. Proposed rule change dealing with Florida Rules of Criminal Procedure 3.131 regarding pretrial release conditions and forms.

For further details concerning the specifics of the proposed revisions, contact Judge Shinholser at (863)402-6614.

The committee recommended the Conference Education Committee schedule a lecture on substantive criminal law at one of our future educational conferences.

Education Committee

By Mark King Leban

The Education Committee met at the Sanibel Summer Conference on July 9, 2002. Thirty-nine members were in attendance, which represents 14% of the entire Conference membership. This year's committee consists of dedicated members devoted to producing excellent education programs for our Conferences.

The Summer program was finalized at the July meeting and we feel it was well received by all in attendance over the three days of the Conference.

Plans were made for the Winter 2003 Conference to be held once again at The Ritz Carlton in Amelia Island from January 14 to 16, 2003. The committee refined the agenda from the April meeting and speakers were lined up along with Steering Committee members for all programs. We will be featuring an innovative program on Judicial Non-Verbal Communication presented by a renowned professor in the Department of Communication Studies at St. Cloud State University. We will also be presenting an ethics program so all judges who need to fulfill their ethics CJE credits should be sure to attend the Winter Conference. Anyone interested in being a presenter at our Conferences is encouraged to do so by notifying me or co-vice chairs, Jane Fishman or Mark Yerman.

Sentencing Committee

By A.L. "Buck" Curtin and Luise Krieger-Martin

Among the issues discussed at the July 9, 2002 meeting were the Raulerson decision and its effect on suspended license sentencing and habitualization, interlock devices, civil restitution liens for incarceration costs, and waiver of impoundment. There were no recommendations forwarded to the Board for action.

The imposition of costs and fines at the time of sentencing and waiver by the court was also discussed. It was suggested to the Education Committee that this be a topic for presentation in the future.

We encourage members with an interest in sentencing to become members of the committee. Contact either Judges Bloom, Krieger-Martin or Curtin to join. Also please contact the committee with any suggestions for subjects that need discussion.

Single Tier Committee

By G.J. Roark, III

The Single Tier/Concurrent Jurisdiction Committee met during the Summer Conference in Sanibel. Judges Roark, Aikens and Fullerton attended.

The members decided to first collect additional data on single tier systems, focusing on the systems already in effect in other jurisdictions. Each member is asked to contact local law school media centers, Lexis-Nexis, or other possible sources to obtain this information. Chair Roark will contact the NJC and OSCA.

Secondly, the members will analyze the advantages and disadvantages of each system and the role that concurrent jurisdiction may play.

Next, the Committee will review past proposals, including the elimination of the "one county judge per county" provision, and the "temporary" and "six-month" limitations on county judges performing circuit work.

Other potential problems and solutions may be addressed, time permitting, such as limited immunity and the role of non-lawyer judges.

By the Summer Conference, 2003, the Committee intends to present a report on the above for the use and edification of all members.

Committee members are urged and encouraged to attend the next meeting during the Fall Board and Committee Meetings in October in Sarasota. The meeting time will not conflict with other conference business.

Dade County

Miami-Dade Creates Jail Based DUI Treatment Program

Miami-Dade County has established an in-jail substance abuse treatment for DUI offenders. Prior to this new program, offenders were held in jail without treatment until release. The new DUI Jail Based Treatment Program provides individual and group counseling daily, and both NA and AA meetings four times per week. The cost for the program is determined by assessments each judge determines in DUI and reckless driving sentences.

■ Under the leadership of Miami-Dade Administrative County Judge **Amy Karan** and Lauren Lazarus of AOC, the Miami-Dade County Fatality Review Team received the 2002 Governor's Peace at Home Award in the category of research.

■ In February, County Judges **Bonnie Rip-pingille** and **Fred Seraphin**, along with the Sisters of the Heart, a mentoring and cultural enrichment program for at-risk girls, hosted a special celebration in honor of Black History Month. The event featured presentations by Troy Academy, Alternatives to Incarceration, and Pace students. Founder of the Black Archives and History Foundation, Dr. Dorothy Jenkins Fields, along with Marlene Bastien, Executive Director of the Haitian Women of Miami, were featured speakers. Students viewed a "real life" domestic violence courtroom proceeding after the presentation.

■ Judge **Mark King Leban**, Chair of the Education Committee, invites all judges to volunteer to be presenters at the Winter and Summer Conferences. Judge Leban emphasizes that judges need not be a member of the Education Committee to present. All that is required is completion of the faculty-training class offered by OSCA. Those interested may contact Judge Leban at 305-349-5756, or Vice-Chair Judge **Carolyn Freeman** at 407-836-2093, or Judge **Joel Lazarus** at 954-831-5842.

Highlands County

Judge Shinholser Honored

The Second Annual Law Day celebration in Highlands County drew an overflow crowd in the Clifton M. Kelly Courtroom of the Highlands County Courthouse. The theme was "Equal Justice for All" and the highest honor of the day was awarded to

Judge **Olin W. Shinholser** for his service in making the theme of Equal Justice For All a reality in Highlands County.

Considered one of the toughest sentencing judges in the circuit, Judge Shinholser was hailed for his impartiality, his studious and meticulous respect for legal precedent, and his "bending over backwards", as one observer put it, to make sure each defendant's rights are preserved.

As the only county judge in Highlands County, Judge Shinholser sees more defendants than any of the other judges in the circuit. As the first appearance, or magistrate judge, Judge Shinholser insures that defendants are advised of their charges, their rights, and the availability of legal representation.

Editor's Note: Congratulations to Judge Shinholser who was appointed to the Circuit Bench on September 5. His hard work and dedication to our conference will be missed.

Broward County

Device Meant To Foil Drug Testing

For judges who order drug testing as a condition of probation, Judge **Joel Lazarus** would like to direct you to the website "Whizzinator.com." This is NO JOKE! The Whizzinator is a device which is pre-filled with clean urine and when in use it appears that the urine sample is coming from the defendant when in fact it is coming from the defendant's "Whizzinator!" The web site sells the device and the clean urine.

■ A thorough, 60-page review of the new "second refusal" statute, F.S. 316.1939 and F.S. 327.359, compiled by Lee Cohen, 17th Judicial Circuit's Assistant State Attorney in charge of county courts, is available by emailing LCohen@sao17.state.fl.us. This generic review of the new statute and parallel statutes in sister states is not in response to any particular defendant or case.

■ Judge **Ginger Lerner-Wren**, who presides over Broward's model mental health court, has been named to the new President's Commission on Mental Health. President Bush announced the formation of the 15-member commission during a speech in April. Judge Lerner-Wren was the only Floridian named and the only judge in the group. The commission has one year to devise a plan to streamline bureaucratic and governmental processes to make mental health treatment more accessible and affordable to the average American.

■ Judge **Jane Fishman**, director of the 17th Judicial Circuit's PECT team, made up of a group of community leaders, lawyers, judges, educators and administrators, reports that the courthouse tour has been updated. The new and improved tour, led by lawyer and judge volunteers, a staff docent, and a guided curriculum, has been available since April. School and community groups can schedule a tour with the Court Administrator's office. PECT is now working on a virtual courthouse tour which can be accessed from anywhere by computer to permit schools without resources for a field trip to explore the judicial branch on the web.

■ Judge **Sharon Zeller** has been appointed the 2002-03 President of the Stephen Booher Inns of Court. Judge Zeller also serves as Chair of the Florida Bar Small Claims Rules Committee, and Vice-Chair of the Broward County Bar's Professionalism Committee. Judge Zeller was proud to represent the 17th Judicial Circuit at the Circuit Professionalism Conclave held in June at the Bar's Annual Meeting.

Upcoming Events

FALL CONFERENCE

October 8-9, 2002

Ritz-Carlton

Sarasota

DUI ADJUDICATION LAB

December 2-6, 2002

Casa Monica Hotel

St. Augustine

WINTER CONFERENCE

January 14-16, 2003

Ritz-Carlton

Amelia Island

SUMMER CONFERENCE

July 23-26, 2003

Marco Island Marriott

Marco Island

ARTICLE DEADLINE FOR NEXT COURIER

The Next deadline for the County Court Courier is December 15, 2002

Florida Bar Supports the Judiciary in Its “Dignity In Law” Program

The Florida Bar has launched an education and awareness program entitled “Dignity in Law.” The new initiative, the first of its kind in the nation, seeks to communicate the positive work of attorneys across Florida. The Bar is asking every member to contribute \$45 on the annual bar fee statement to support the communications program and allow the Bar to maximize its efforts to illustrate the positive work of attorneys and judges to reporters, editors and the public.

Florida Bar President Todd Aronovitz, who spoke to the county judges at their Summer Education Conference in July, described the landmark program this way:

For a small business owner, a corporate leader, or any member of the community, reputation is absolutely vital to success, and for attorneys, it can be

no less important. It’s time for lawyers across Florida to make the case for our profession, and to combat the dangerous, negative stereotypes that damage public confidence in the legal framework that supports our democracy.”

Results from The Florida Bar’s 2001 member survey underscore this sentiment. Regardless of a lawyer’s age, reputation is the number one issue overall. More than 56 percent of respondents reported that improving the public’s perception of lawyers and the legal profession is one of the most important issues for the Bar to address.

Aronovitz stressed the awareness program will employ new communications techniques to explain the mission and success of attorneys through the eyes of the people served, and will support the judiciary.



Florida Bar President Todd Aronovitz and Conference President Beth Bloom



County Court Courier

201 SE 6th Street, Room #335
Ft. Lauderdale, FL 33301

www.countyjudges.com
www.flabar.org

First Class
U.S. Postage
PAID
Tallahassee, FL
Permit # 706