

County Court Courier

Conference of County Court Judges of Florida Volume 8, Number 2, Summer 2003

Judge Robert Earl Brown, Holmes County Legend

By Judge Peggy Gehl

The Conference of County Court Judges is proud to celebrate the 25th anniversary of service of Holmes County Judge Robert Earl Brown, a disappearing breed of Florida's non-attorney judges serving the citizens of the 14th Judicial Circuit.

Our Florida judicial history would be deficient of its richness and color without the inclusion of the original 34 non-attorney judges grandfathered in at the implementation of Article V in 1973. In 1972, an amendment to Article V of our Florida Constitution established our present two-tier trial court system, providing that all judges must be attorneys except county judges in counties with populations less than 40,000. This small-county exception to the requirement of law school graduation and bar admission was later removed totally by the Legislature. Some may not even know that these dedicated public servants filled a judicial void for decades in small counties where there were no lawyers who wanted to dedicate their careers in judicial service; or possibly, in some small counties, no lawyers resided at all.

The Great Depression was in full swing in 1932 in the land of cotton, peanuts, hogs and corn, when Robert Earl Brown was born in tiny Caryville, Florida, to Mr. and Mrs. Jessie Ross Brown. Both his parents were Florida natives but both sets of grandparents migrated to Florida from South Carolina via Alabama and Georgia in the late 1800's.

Less than 20 miles south of the Alabama border, Caryville, with a population less than 1,000, was a tiny log and sawmill town where steamboats carried cotton up the Choctawhatchee River to the cotton gin in Geneva, Alabama, only a few miles north of Florida's border. Barges floated logs to the sawmills. There were two doctors in the tiny town, along with a telephone/telegraph company, a hotel, a grocery, and one school, Holmes County High School, housing all twelve grades. Before serving as Sheriff of Holmes County, Jessie Brown was the engineer for the log train for 30 years. Upon retirement, Jessie moved his



(L-R) Non-Attorney Judges Robert Earl Brown, Woody Hatcher, Colie Nichols

family just 15 miles northeast to tiny Bonifay, where he helped his brother, Lon, then the Holmes County Sheriff, in law enforcement. After eight years, Jessie Brown ran for the office of Sheriff himself and was elected.

Eight years later, when little Bobby was in the third grade, his mother was diagnosed with cancer. The three small Brown children moved with their mother to Tampa where she could receive the most advanced treatment of the day in 1940. After a year, it became difficult for her to care for the children while undergoing this rigorous treatment. The decision was made to return the children to Bonifay where Sheriff Brown, assisted in the motherly chores by his 12-year-old daughter, raised the family in an apartment in the jail. Delightfully, two years later his mother returned home cured!

Early law enforcement experiences with his family—his father, his uncle, his grandfather, and his great grandfather, ignited Judge Brown's keen interest in running for Sheriff. When he was in his early 20's, he ran for Holmes County Sheriff but was defeated. The citizens felt he was too young to be their Sheriff. However, his love and support of law enforcement did not end there. Judge Brown completed the 320-hour

Florida Police Standards training course required by the state, and recently retired as a Lieutenant with 30 years and 6 months of faithful, dedicated service to the Florida Highway Patrol Auxiliary with honors.

After his political defeat for Sheriff, and for the next 20 years, (excepting four years in the Navy during the Korean War), Judge Brown worked in his family-owned business, Brown Packing House Meat, a meat processing company, and Brown Ice Company, while he and his wife raised their family. In the early 70's, a close friend, Cletus Andrews, talked him into running for judge. He was elected in 1972 by defeating the incumbent, Judge Louis K. Hutchinson.

"I ran and I won. That did it!! I knew I wanted to be a judge forever," Judge Brown exclaimed.

But Judge Hutchinson was not quite finished with his judicial career, and vied to regain his judicial seat. He successfully defeated Judge Brown in the 1975 election, only to die in office in 1981. Judge Brown had experienced the love and satisfaction that comes from public service, and took advantage of this unexpected vacancy. He ran against and defeated an attorney, Harvey Besler, in 1982, and has been re-elected every term ever since.

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Letter from the President

Problems Are Only Opportunities in Work Clothes

By Judge Beth Bloom



When I look back on this past year, I can't help but marvel at the many different challenges we faced as a Conference—the legislative threat to increase our jurisdiction (without any supporting statistics), our travels to Tallahassee tackling the many Article V issues, arguing before the Supreme Court on the merits of encouraging judges to perform pro bono work, and funding for our educational programs. We said goodbye to three wonderful judges whose lives were shortened too soon—Bob Moore, Tom McAnnally and Arthur McGinnis. Our education programs were stellar and inspired us, thanks to the dedication of Chair Mark King Leban and Vice-Chairs Jane Fishman and Mark Yerman. We publicly recognized a Key West lawyer, Calvin Allen, who spent years restoring the good name of County Judge James Dean. Our committees were active and engaging and our Board's commitment never wavered. Did our Conference face problems? Not at all. Our "problems" really were disguised as opportunities and, together, we found innovative solutions. Skeptical of that last statement? Consider this:

Problem: Our judges do great work both in and out of the courtroom. Why don't we hear more about these innovative programs and services?

Solution: Through the tenacity of Carroll Kelly and Patti Christensen, our Public Education of the Courts Teams (P.E.C.T.) got to work. Our "Trumpet Your Gavel" Campaign formed a beautiful partnership with The Florida Bar's "Dignity in Law" program. Our judges' community efforts—meeting a need, improving the system, changing a life—were featured in newspaper articles throughout the State, producing over 20 different feature articles. Together, we fostered confidence in our county courts and its judges by showing that are making a difference in people's lives each and every day.

"Do not follow where the path may lead. Go instead where there is no path and leave a trail."

—Ralph Waldo Emerson

Problem: Let's get more judges involved in Conference work.

Solution: Through leadership appointments and our committee chairs' direct recruitment of members, we were able to diversify our leadership and strengthen our committees. I am happy to report that 51 percent of the committee leadership this past year was women and other minorities. Moreover, 52 percent of our conference members serve on a committee or special project. In addition, each committee's leadership team balanced a judge from a large county with one from a small county in order to ensure that each county's needs were being addressed.

Problem: What about the needs of our single-judge counties? Do we have information about the pros and cons of a single tier or concurrent jurisdiction system? How can we better communicate our needs to the Trial Court Budget Commission and educate our judges about all the Article V implications?

Solution: Three new President's Committees were established this year: the Committee of 34, Single Tier/Concurrent Jurisdiction and Article V.

Under the leadership of Tom Skidmore and Jill Walker, the Committee of 34 was established to ensure that the judges' needs from smaller counties will never be overlooked. Comprised of each judge who serves in a single-judge county, this committee has focused on issues unique to those judges, such as sources, travel, educational needs and court technology. A survey of needs and resources has already been completed and an educational track this summer is devoted to issues confronting our smaller counties.

The Single Tier/Concurrent Jurisdiction Committee was lead by George Roark, III, and Jeffery Swartz and was, by far, one of the hardest working committees. This Committee produced a comprehensive report outlining the different models of concurrent jurisdiction proposed in recent years and the advantages/disadvantages of moving toward a single tier trial court system. This report has already been presented to the Board and will assist in our future legislative efforts.

The Article V Committee's work, under the leadership of past president Eugene Turner and Judith Hawkins, was crucial. Our needs were conveyed to

the TCBC, via a comprehensive survey, and Judge Turner met with each member in Tallahassee during the Article V debates. TCBC member Nancy Perez was diligent about keeping our Conference informed and we made certain that each circuit representative was appointed as a member of his/her chief judge's local Article, V Advisory Committee.

Problem: How can other judges find out about innovative county court programs in other parts of Florida?

Solution: At our Summer Education Conference, our judges will take part in our first: "Circuit Showcase," enabling each county judge to learn about the programs, projects and innovative ideas that work in each of the judicial circuits and be able to take those ideas home.

Problem: How can we improve our relationship with the legislature, Supreme Court and the Florida Bar?

Solution: This year, we made the need to establish personal relationships as a priority. Together with the President-elect Jeff Arnold and Legislative Chair Shelley Kravitz, our leadership met in Tallahassee with members of the Senate's Judiciary Committee and the House's Select Committee on Article V several times before and during the legislative sessions. This past winter, Senate President Jim King and House Speaker Johnnie Byrd attended our Conference and met with our leadership. Our list of "topical experts" proved to be invaluable as issues arose in Tallahassee and our judges were able to serve as a direct resource to our legislative colleagues. Thought the Conference's newly-established Subcommittee on Legislative Changes, led by Timothy Harley, our committee's legislative proposals are now streamlined directly to a bill sponsor.

Each Conference Committee now has a staff contact from the Office of State Courts Administrator that works directly with that committee. Our State Courts Administrator, Rob Lubitz, addressed our leadership on the role of OSCA and its commitment to our county judges at our first-ever Committee Leadership Workshop. Moreover, through our Conference's efforts this past year, more of our county judges now serve on Supreme Court Committees—33 to be exact. More of our county judges serve on Florida Bar Committees than ever before. We were also 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.

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Letter from the Editor

Shame Sentences

By Judge Peggy Gehl



Earlier this year, a staff writer for the Fort Lauderdale Sun-Sentinel wrote a canned piece entitled "Tougher Penalties Urged for DUI." For those of us who spend the majority of our time judging DUI trials, the headline raises the question: Who is complaining about DUI sentencing now?

It's none other than the AAA Foundation for Traffic Safety. The article reports that the Foundation completed a comprehensive study (which must've taken four years!), analyzing data from 1993 to 1999, which showed that 20 percent of all fatal crashes involved at least one driver without a valid license. Florida's results fell below that average -- at just 12 percent. In the article, no distinction was made between a garden-variety DWLS and a DUI suspended license.

The spin of this "study" suggests that because DUI offenders continue to drive with suspended licenses, Florida's criminal and administrative sanctions for DUI offenders need to be harsher.

The "safety advocates," which include the director of traffic safety for the AAA Auto Club South, Yoli Buss, want legislation or sentencing to take away license plates at the scene of the crash, as well as adding special plates or stickers that would serve as automatic probable cause for a traffic stop.

"What we're seeing here is so much inconsistency in the law, which means that someone who has been driving and drinking and has their license taken away continues to drive," said Buss. "This happens two and three times before they're arrested."

This is either one of the worst misquotes in the history of the Sun-Sentinel, or Mr. Buss lives under a rock. In Broward County, a person driving on a

DUI suspension is arrested immediately. At least they're supposed to be.

This is not the first time such a sanction has been suggested and implemented. In 1986, the Second District Court of Appeal decided the case of *Goldschmitt v. State*, 490 So.2d 123, rev.den. 496 So.2d 142 (Fla. 1986).

Upon conviction for DUI, Sarasota County Judge Rick DeFuria placed Arthur Goldschmitt on probation and required him to affix a bumper sticker to his vehicle stating "CONVICTED D.U.I.-RESTRICTED LICENSE." In fact, in the mid-80's two of the three county judges in Sarasota County were ordering these stickers as a special condition of probation for convicted D.U.I. offenders permitted to drive for business purposes -- primarily first offenders. County Judge Becky Titus joined Judge DeFuria in this innovative sentencing.

Now a Circuit Court judge, Judge Titus reports that the use of the stickers was so well received

use was when a family member drove the stickered car. The judges designed Velcro cover-ups to resolve that hurdle.

In fact, crediting the use of the "shame sentences," the judges were beginning to see some decline in D.U.I.'s in Sarasota County but before a solid trend could be measured, Judge Titus was elected to the Circuit Bench (primarily as a result of the overwhelming positive publicity she received from Goldschmitt), and Judge DeFuria retired. There was no follow-up on the program.

The Second District's per curiam opinion affirmed the use of the D.U.I. sticker, ruling that it is not a violation of defendant's First Amendment right to freedom of speech; that it is not cruel and unusual punishment (i.e., a publicly suffered punishment akin to the "scarlet letter"); and, more importantly, that such a small strip of colorful adhesive demonstrates a sufficient rehabilitative purpose.



by the public (she received boxes upon boxes of favorable mail), that she and her husband, who was then the public defender assigned to defend Goldschmitt, appeared on *The Today Show*, *60 Minutes*, *Larry King Live*, and *Hour Magazine*.

"60 Minutes interviewed the guy who received the first bumper sticker, and they had him sitting in front of an entire wall containing his beer can collection!" Judge Titus remembers.

"My favorite letter was one which read 'Please keep up the good work even if you get a divorce from that bum you're married to!'" she laughed.

The idea for the bumper stickers sprang from a program in tiny Midwest, Oklahoma.

"Their stickers were too wordy and difficult to read, so we designed and paid for our own stickers, she said. "We wanted them to be visible and clear so we made them only four words and glow-in-the-dark red. In our debates, my husband always referred to them as 'scarlet letters.'"

At that time, the biggest concern in the stickers'

The Florida Supreme Court denied cert.

"We really felt the best use of the sticker was the effect on other drivers -- 'this could be me!' or 'but for the grace of God...'", Judge Titus added. She also admitted there was never an issue raised about the possibility of an attack on the driver or car from road rage, which may be a more modern-day concern, especially in South Florida.

The case is still good law in our state. Any judges who want to implement this creative sentencing technique in their D.U.I. convictions may want to report back the success rate to AAA's Yoli Buss. Tell him Florida judges are working to reduce that 12 percent!

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County Court Courier

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Conference Welcomes New County Judge



Judge Mark F. Carpanini
Polk County

The Conference welcomes new Polk County Court Judge Mark F. Carpanini, who replaces Judge Ellen Sly Masters, recently appointed to the Circuit Court.

Judge Carpanini spent the past 12 years serving the citizens of Polk County as Polk County Attorney, after serving more than a decade as Assistant Polk County Attorney.

The Judge is a graduate of Fordham University, then received his Juris Doctor degree in 1978 from the University of Miami. He later received his Masters degree in public administration from the University of South Florida in 1998.

Judge Carpanini is married to Barbara and they have two children—Francesca, 17 and Anthony, 13.

Welcome, Judge Carpanini!



Judge Timothy R. Collins
Clay County

The Conference welcomes recently-appointed Clay County Judge Timothy R. Collins, appointed by Governor Bush to fill the vacancy left by the untimely death of Judge L. Thomas McAnnally.

Judge McAnnally perished last October in a tragic accident on his tractor. He had diligently served the citizens of Clay County the past 16 years.

Judge Collins received his undergraduate degree in Economics from Jacksonville University in 1979, then obtained his Juris Doctor from Florida State University in 1981. For the past 11 years he has served as Director for the Clay County Division of the State Attorney's Office (Fourth Judicial Circuit.) Prior to his employment at the S.A.O., Judge Collins was a shareholder in the firm of Watson & Collins, and an associate with Pajcic & Pajcic. His duties with the S.A.O. included grand jury investigations and prosecution of major cases, personally trying 30 homicide cases in the past 10 years.

The new judge is a lifelong resident of northeast Florida, and has been married to the former Amy Lynn Brooks since 1981. They have three children—Brooks, 17, Marshall, 13, and Natalie, 9. They are members of Pinewood Presbyterian Church (PCA) where Judge Collins has taught a variety of adult and high school Sunday school classes.

Judge Collins conceived and initiated a documentary entitled "Crime and Consequences," which has won numerous awards, including an Emmy Award, the Communicator Crystal Award, Cine Golden Eagle, the Aurora Award, the Axim Award, and the Aegis Award of Excellence. The film has been shown at various high schools throughout the country, including those in Clay County, where the judge spoke with the participants of the crime, both suspects and victims.

Welcome, Judge Collins!

Judge Peter F. Estrada
Highlands County

The Conference of County Court Judges welcomes another new member, Highlands County Judge Peter F. Estrada, appointed to the bench on January 6, 2003.

Born in Tampa, this 41-year-old Florida native received his undergraduate degree with honors in History from the University of South Florida. He then obtained his Juris Doctor from South Texas College of Law in 1988.

Judge Estrada has spent his entire legal career in the Office of the State Attorney for the 10th Judicial Circuit. His most recent assignment has been prosecutions of traffic homicides, juveniles, appellate and post-conviction relief, and attempts. Prior to this promotion, he served the S.A.O. for 8 years as the Division Chief in County Court.

The new judge has taught extensively in the criminal arena. Fourth Amendment lectures are a favorite as well as teaching Criminal Law I and II in the Criminal Justice Academy at South Florida Community College. Judge Estrada frequently serves as a moot court judge during law enforcement training with speed measuring devices and preparing and serving search warrants.

Judge Estrada is not a stranger to civic volunteer and community work. He has served on the Highlands County Domestic Violence Task Force, the Truancy Mediation Board of the Highlands County School Board, Chairman of the Explorers Section of the Boy Scouts of America, and as a baseball coach for Sebring youth league. Married to Linda Roman, the couple has one daughter, Mary-Elizabeth, 6.

Welcome, Judge Estrada!



Judge Frederick L. Koberlein
Dixie County

The Conference welcomes newly-appointed Dixie County Judge Frederick L. Koberlein of Cross City.

A graduate of the United States Naval Academy in 1965, Judge Koberlein has more than 3,500 flight hours as a Navy carrier pilot. His U.S. Navy duties included serving 13 commands at seven naval air stations and aboard four aircraft carriers. He also performed administrative duties for the Navy, establishing procedures for the joint use of limited airspace by the U.S. Air Force, Navy, private, and commercial aviation interests.

He graduated with a Masters in Business Administration from the University of West Florida in

1974 where he was honored with membership in Phi Kappa Phi Honor Society.

Thereafter, Judge Koberlein began his legal studies at Florida State University, where he graduated with honors in 1978.

The past twenty years he has practiced general litigation in private practice, while also serving as General Counsel for the Columbia County School Board, while also donating his time as the coach of the Columbia High School Mock Trial Team. He has received the Florida Bar Pro Bono Service Award, and is certified to mediate in Circuit Court, Family Law, and Florida Bar Grievance cases.

Welcome, Judge Koberlein!



Judge Joseph Marx
Palm Beach County

The Conference is delighted to welcome new County Court Judge Joseph Marx, husband of Palm Beach County Judge Krista Marx, who was appointed by Governor Jeb Bush on June 18th.

Judge Marx joins the Conference from private practice with the law firm of Burman, Critton, Luttier & Coleman, where he was an active partner in the family law division. Prior to this, he served as an Assistant State Attorney for Palm Beach County 11½ years, completing his service as the Chief of Vice Unit and Drug Trafficking. He also served the S.A.O. as Chief of Official Corruption/Organized Crime Unit, was a homicide prosecutor and member of the Death Penalty Review Committee, and he led a six-month intensive grand jury probe of prison corruption.

A graduate of the University of Florida, both undergrad and law school, Judge Marx was a Dean's List student and a member of Phi Kappa Phi Honor Society.

The Judges Marx have three children. This is the first husband-wife county judge team in our Conference.

Florida Conference of County Court Judges

Upcoming 2003 Events

SUMMER CONFERENCE

July 23-25, 2003
Marco Island Marriott
400 South Collier Boulevard
Marco Island, Florida 34145

FALL MEETINGS

October 22-24, 2003
The Ritz-Carlton, Naples
280 Vanderbilt Beach Road
Naples, Florida 34108

DUI ADJUDICATION LAB 2003

November 30 - December 4, 2003
Diamondhead Beach Resort
200 Estero Boulevard
Fort Myers, FL 33931

WINTER 2004

January 13-15, 2004
The Ritz-Carlton Amelia Island
4750 Amelia Island Parkway
Amelia Island, FL 32034

SUMMER 2004

July 14-16, 2004
The Registry Resort
475 Seagate Drive
Naples, Florida 34103

ARTICLE DEADLINE FOR NEXT COURIER

The Next deadline for the County Court Courier is ????????, 2003

The Last Laugh

"Sure I've gotten old. I've had two by-pass surgeries, a hip replacement and new knees. I've fought prostate cancer and diabetes. I'm half blind and can't hear a thing quieter than a jet engine. I take 40 different medications that make me dizzy, winded, and subject to blackouts. I have bouts with dementia, poor circulation, I can hardly feel my hands or feet anymore, and can't remember if I'm 85 or 92 but thank God.... I still have my Florida driver's license."

—comedian Red Buttons



Roland Sanchez Medina of the Cuban American Bar Association, Carlos Rippes of the Hialeah-Miami Lakes Bar Association, Veronica Harell-James of the Black Lawyers association of Dade County and Judge Bonnie L. Rippingille (first on right) of the 11th Judicial Circuit's Domestic Violence Division celebrate Law Day at the Caleb Center with a Charles Drew Middle School student, one of the winners of the poster competition.

Law Day Celebration at the Caleb Center

More than 325 students from surrounding schools accepted County Court Judges Bonnie Rippingille and Fred Seraphin's invitation to celebrate Law Month on Tuesday, May 6 at the Joseph Caleb Center in Miami.

The event commemorated the nation's celebration of Law Month. Entries in the poster and essay competition were on display depicting this year's theme: "Celebrate Your Freedom: Independent Courts Protect Our Liberties."

The students enjoyed refreshments and a special presentation of Boxes by actors from the Coconut Grove Playhouse Education Department. Staged in the auditorium with the assistance and sponsorship of the Honorable Barbara Carey-Shuler, Chair of the Miami-Dade County Com-

mission the play was planned and sponsored by committee members Veronica Harrell-James of the Black Lawyers Association, Roland Sanchez Medina of the Cuban American Lawyers Association, Carlos Rippes, representing the Hialeah-Miami Lakes Lawyers Association and Gepsie Metellus of the Haitian neighborhood Center Sant La and the Sisters of the Heart.

Boxes, a thought-provoking play that focuses on four teens struggling to escape the cycle of gang violence, earned a standing ovation from students from Charles Drew, Brownsville, Henry H. Filer Middle Schools, Troy Academy, PACE Center for Girls, and The Alternatives to Incarceration Program.

Judges Promote Understanding with 'People to People'

Leon County Judge Judith Hawkins (pictured here on the right), and Broward County Judge Mary Rudd Robinson (left), attended the Judicial Law Delegation to South Africa with the People to People Ambassador Program in March. Their role as members of the delegation was to represent their profession while advancing the ideals of People to People International.

People to People International is a nonpolitical, private-sector organization, dedicated to promoting international understanding. Founded by President Eisenhower in 1956, People to People has developed high level professional exchanges to encourage dialogue with counterparts in other nations.



Judge Ronald V. Swanson Elevated

The Conference is proud to announce the appointment of Santa Rosa County Judge Ronald V. Swanson to a Circuit court position, replacing the recently-appointed Florida Supreme Court Justice Ken Bell.

Judge Swanson was only a member of our conference for three years, but during that time was active as a circuit representative for the First Judicial Circuit. He came to our conference in 2000 from the State Attorney's Office for Santa Rosa County. He had served the S.A.O. as a Special Prosecutor for the First Judicial Circuit in cases of major significance, including the first-degree murder trials of Michael Corn and Teddy Shawn Stokes, both of whom are now serving life sentences. He also prosecuted Santa Rosa County's first designated sexual predator, Asa Dwight Bostic, who died in prison.

The newly appointed circuit judge is a retired Navy Captain, having served 20 years on active duty in the United States Navy. He participated in a 1988 investigation in the Persian Gulf; served in Guantanamo Bay, Cuba; served with ships of the Atlantic Fleet in the North Atlantic; and served on the staff of the Chief of Naval Operations in the Pentagon, Washington, D.C.

A graduate of Florida State University, both undergraduate and law, Judge Swanson also earned a Master of Laws with highest honors from the National Law Center, George Washington University in Washington, D.C.

A native Floridian who makes his home in Gulf Breeze, Judge Swanson has been married for 33 years to Diane, a former elementary and special education teacher. The couple has one daughter, Erika, who resides with her husband and son in Jakarta, Indonesia.

Report of the Civil Committee

Judge Ron Legendre, Chair

Winter 2003

The committee discussed its opposition to repeal or R.Civ.Pr.1.420(e). The committee also discussed *Caufield v. Cantele*, 27 F.L.W. S1047, which held that specific statutory or contractual basis for claim for attorney's fees need not be specifically pled. Failure to plead the basis of claim will not be a waiver.

In addition it was reported that:

- Effective October 1, 2002, Social Security numbers must be on a separate page attached to the final judgment as a privacy issue.
- There are very few pending bills that might affect civil procedure.
- The Florida Bar Committee is seeking our input on proposed standing jury instructions for County Court cases, including PIP. Contact Judge Wendall Graham.
- The 2003 interest rate on judgments is 6 percent.

There was discussion on handling pro se litigants who are in prison and it was noted that the statutes do not require the sheriff to give twenty four hours notice between positing the writ of possession and eviction.

Karl Grube reported that the following changes had passed on The Florida Bar Civil Rules Committee:

- A form for Satisfaction of Judgment
- A motion to amend to seek punitive damages must state with particularity the facts in the record to support punitive damages and must be served within 20 days prior to hearing.
- A final judgment form that will include interest on interest.

Spring 2003

The Committee voted unanimously to oppose any amendment or repeal of Fla. R. Civ. Pr. 1.420 (e).

The Committee discussed problems encountered in eviction lawsuits including suits filed by the landlord's agent and determining the amount of reasonable attorney's fees for plaintiffs. The Committee also recommended several topics to the Education Committee for future courses. Three of these subjects were adopted by that committee and will be presented in January, 2004.

Revision V Committee Report**Spring Meeting, 2003**

CCCJ President Beth Bloom chaired the meeting, focusing on the latest developments in the Legislature's efforts to fund the judiciary. She gave special thanks to Tim Harley for attending the final meeting with the House Article V Committee to voice CCCJ's opposition to increasing county court's jurisdiction.

President Beth Bloom and President-Elect Jeff Arnold have met with the Legislature four times since the January 3, 2003 meeting. President Bloom reported that the House filed its Final Report on April 8 and the report does not include increased jurisdiction.

Distributed were copies of Nancy Perez's Trial Court Budget Commission and Article V Report. Most of the issues identified in her report were discussed as follows:

- Where does the Conference with to go with the idea of increasing jurisdiction to \$30,000 and third degree felonies or creating a single tier system? The discussion indicated that while an increase to third degree felonies might work, increasing civil jurisdiction to \$30,000 would change the character of county courts' quick resolution versus circuit's delay litigation expectations.
- A main unresolved issue deals with case management that involves whether case managers, hearing officers and general masters will be funded. The discussion is that both Houses are still considering whether to include these positions.
- Will the counties finance drug programs?
- While the Legislature did not discuss cuts in county court funding this time around, the only place to cut county court is funding for judges and judicial assistants.

The Trial Court Budget Committee (or Commission?) supports increasing circuit filing fees to fund Article V. The House's response indicated a desire to increase county court jurisdiction.

The Judicial Assistants Committee met with Article V and reported that the indications are of no changes with JAS (??) at the trial court level, but less JAS at the appellate levels.

Committee of 34 Report

By Judge Tom Skidmore, Chair

The Committee of 34 discussed and suggested various topics they thought would be beneficial to include in the Small County track to be presented at the Summer Conference.

Judge Mark Yerman of the Education Committee will be preparing the agenda for the presentation with the assistance of Committee Chair Judge Tom Skidmore. Several of the Committee members have volunteered to participate on the panel.

A major topic of discussion was the Single Tier system. The Committee was advised by the Chair that there has been discussion in the Legislature of Single Tier. A number of members of the Committee of 34 had attended the Conference's "Single Tier/Concurrent Jurisdiction" Committee meeting the day before, and voiced their concerns about Single Tier and the adverse impact that it could have on rural County Judges.

The Committee of 34 agreed that this was a matter of serious concern and critical importance to the members of the Committee and deemed it necessary to inform all members and solicit their input.

Judge Skidmore expressed his intent to contact each member of the Committee and discuss the matter further in an effort to inform and organize the membership. The members expressed the importance of tracking the issue in the months ahead.

President's Letter From page 2

Through the selfless devotion of our editor, Peggy Gehl, our *County Court Courier* continues to inform the judiciary, legislature and the general public about our Conference's work. In addition, our Conference website, www.countyjudges.com continues to maintain its distinction as an "Outstanding Site" by Microsoft Justice and Public Safety. Anne Kaylor has done a tremendous job and is too commended for her dedication. Not only does the site now include presenters' outlines, but Anne has compiled links to our "judges in the news," a listing of each judge by county, archived Couriers and related websites. Due to the hard work of David Silverman, the site now includes the County Court Criminal Bench Book as a ready resource of our judges.

Problem: How do we preserve the history of our Conference?

Solution: By looking to the people that made our history. Thanks to the leadership of past president Karl Grube, our judges will hear firsthand about the beginnings of our Conference and changes seen in our county courts. This summer, in honor of our Conference's 30th anniversary, we will be hosting a "Conference Founders" Luncheon, honoring those judges that were part of the formation and leadership of our Conference 30 years ago. The Florida Bar has agreed to videotape each of our "Conference Founders" in order to preserve their thoughts and perspectives for The Florida Bar's Historical Video Series.

We solved our "problems" because, quite simply, we learned to work together for the betterment of our judges. I will always be proud of the wonderful efforts of our judges statewide and of our Conference's 30-year history of promoting excellence within our county courts. Thank you for the support and trust you have placed in me this past year. Our Conference is now in the extremely capable hands of Jeff Arnold and I wish him much success as we continue to move the Conference forward-together.

RESOLUTION

WHEREAS, The Office of the State Courts Administrator has issued the results of the 2002 Judicial Assistants Salary Survey, and

WHEREAS, The Conference of County Court Judges of Florida recognizes that compensation for Judicial Assistants has continued to fall behind that of State Courts System competing employers as reflected in the attached survey,

BE IT THEREFORE RESOLVED,

That The Conference of County Court Judges of Florida hereby accepts and lends its support to the recommendation of the Office of State Courts Administrator to bring the salaries of the Judicial Assistants to a level competitive with their counterparts in the private sector.

Dated: April 15, 2003

Beth Bloom, President

Krista Marx, Secretary

Judge Robert Earl Brown, Holmes County Legend From page 1

"I've spent a lifetime working and raising a family right here in Holmes County. I love Holmes County and I want to continue working for the people here," he said in his campaign literature.

Pursuant to mandate by the Florida Supreme Court, all non-attorney judges were required to complete judicial training at the University of Florida College of Law. The three-year course contained the same curriculum as a law degree. Until completed, judges were required to attend classes in Gainesville all summer plus one week per month, in addition to preparing and studying at home between each class session. Judge Brown completed his legal training at the University of Florida and followed it with a National College State Judiciary course at the University of Nevada in 1977.

Complimenting the non-attorney judges as students, UF College of Law Professor Walter Weyrauch wrote then Florida Chief Judge Ben Overton in 1977: "Teaching the non-lawyer county judges was an extraordinary and refreshing experience," he wrote. "They were colorful persons who demand and deserve respect. The class discussions were intense and in many respects different and perhaps superior to what I am used to from law students. They also had a vivid interest in the matters under discussion, and did not display any of the signs of boredom familiar to any law teacher in the U.S. who teaches second and third-year students."

The Professor added: "[T]he experience was stimulating and forced me to reexamine some of the preconceptions I had about the participation of non-lawyer judges in legal processes. Perhaps it should be remembered in this context that our founding fathers, in so far as they were lawyers, had only "read the law" according to Blackstone or, as Thomas Jefferson and Chief Justice John Marshall of the United States Supreme Court, had taken for a few months classes of law under George Wythe at William and Mary, the only college in the country at that time where any law was taught. There were no bar examinations. Yet the opinions of Mr. Chief Justice Marshall, in depth of legal analysis and lasting significance, easily outdistance much of contemporary legal writing. Nobody could seriously contend that the early American lawyers were less qualified than contemporary lawyers, or even our county judges after their special training, because they had no law degrees and bar examinations."

Judge Brown will shortly retire from the bench he has served so well the past two-plus decades. He and his wife, Ada Clara, an accomplished instructor of Marketing and Business Management at Washington-Holmes Technical College in Chipley, share a wonderful marriage, eight children, 17 grandchildren, and 5 great grandchildren. They enjoy their time together fishing, swimming, walking, dancing and vacations at their cabin in North Carolina.

"In the 29 years I have taught, my main goal has been to help at least one person to become a better person and to gain employment in a profession they enjoy," Mrs. Brown recently said. The recipient of the Teacher of the Year Award, the Washington County Teacher of the Year, and the Florida Marketing Educator of the Year, finds her true blessings in the names of her children, grandchildren and great-grandchildren.

The Browns are active in their church, the First Baptist Church in Bonifay, and as Judge Brown declares: "I enjoy spending time with my wonderful wife. We both love the Lord and try to spread this love through this huge family of ours."

There are only four remaining non-attorney judges serving Florida constituents today, and two of them serve in the 14th Judicial Circuit. Judge Brown along with Judge Woody Hatcher of Jackson County are the lone survivors in this large circuit made up of six counties. Judge Wetzel Blair in the Third Judicial Circuit represents Madison County, and Judge Colie Nichols in the First Judicial Circuit represents Santa Rosa County.

The Conference of County Court Judges has enjoyed the service of Judge Brown as the Circuit Representative of the 14th Judicial Circuit on the Board of Directors the past 13 years.



County Court Courier

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